

Committee of the Whole (Public Hearing) Report

DATE: Tuesday, June 04, 2019

WARD: 4

**TITLE: RUTHERFORD CONTWO INVESTMENTS LIMITED
ZONING BY-LAW AMENDMENT FILE Z.15.031
SITE DEVELOPMENT FILE DA.15.074
VINCITY OF DUFFERIN STREET AND RUTHERFORD ROAD**

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To receive comments from the public and the Committee of the Whole on Zoning-By-law Amendment File Z.15.031 (Rutherford Contwo Investments Limited) for the subject lands shown on Attachment 1 to permit 219 (2-bedroom) condominium stacked townhouse dwelling units within 9 blocks, with a total of 230 resident parking spaces, and 55 visitor parking spaces as shown on Attachments 2 to 5.

Report Highlights

- To receive input from the public and the Committee of the Whole regarding a proposed development consisting of 219 (2-bedroom) condominium stacked townhouse dwelling units within 9 blocks, with a total of 285 parking spaces.
- An amendment to Zoning By-law 1-88 is required to permit the Development.
- A technical report will be prepared by the Development Planning Department to be considered at a future Committee of the Whole meeting.

Recommendations

1. THAT the Public Hearing report for Zoning By-law Amendment File Z.15.031 (Rutherford Contwo Investments Limited) BE RECEIVED; and, that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Background

The Subject Lands (the ‘Subject Lands’) are located on the south-east corner of Rutherford Road and Dufferin Street and are municipally known as 1170 Rutherford Road, as identified on Attachment 1. The Subject Lands are currently vacant.

A Zoning By-law Amendment Application submitted to permit the Development

The Owner (Rutherford Contwo Investments Limited) has submitted Zoning By-law Amendment Application Z.15.031 (‘the Application’) to rezone the Subject Lands from “A Agricultural Zone”, to “RM2 Multiple Residential Zone” and “OS5 Open Space Environmental Protection Zone” in the manner shown on Attachment 2, together with the site-specific zone exceptions identified in Table 1 of this report. The proposal includes 219, 2-bedroom, condominium stacked townhouse dwelling units within 9 blocks (the ‘Development’)

Public Hearing for the Application was held on April 5, 2016. The Application has not been considered by Council within two years of that date and requires an additional Public Hearing in accordance with the Vaughan Official Plan.

A Committee of the Whole (Public Hearing) for the Application was held on April 5, 2016. The Application has not been considered by Council within two years. Section 10 Implementation of the Vaughan Official Plan 2010 states that “at least one public meeting shall be held prior to the adoption of an Official Plan or Zoning By-law amendment at which the public may make representations in respect of the matter being considered. A new public meeting for a planning application(s) shall automatically be required when any of the following circumstances occur:

- a. any application(s) that has not been considered by Council within two years after the date it was considered at a previous statutory public meeting; and/or
- b. an application(s) has been significantly amended, such as an increase to the proposed density and/or building height, beyond what was proposed and considered by Council at a previous public meeting.

Since the last Public Hearing was held on April 5, 2016, an additional Public Hearing is required for this Application.

At the Public Hearing on April 5, 2016, the Owner presented a proposal consisting of 220 stacked townhouse dwellings, as shown on Attachment 7. Since the Public Hearing, the Owner has been working with the City, York Region, TRCA and MNR to address comments received from the circulation of the Application. On March 25, 2019, the Owner provided the Development Planning Department with a resubmission of the proposed Development, for 219 stacked townhouse dwellings, shown on Attachments 2 to 6, revised to address comments from the previous circulation.

Public Notice was provided in accordance with the Planning Act and Council's Notification Protocol

- a) Date the Notice of Public Hearing was circulated: May 10, 2019

The Notice of Public Hearing was also posted on the City's web-site at www.vaughan.ca and a Notice Sign was installed on the property in accordance with the City's Notice Signs Procedures and Protocols.

- b) Circulation Area: 150 m and the area shown on Attachment 1, and to the Preserve Thornhill Woods and the Carrville Mills Ratepayers Associations.

Any comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication. All written comments that are received will be reviewed by the Development Planning Department as input in the application review process and will be addressed in a technical report to be considered at a future Committee of the Whole meeting.

Previous Reports/Authority

[Item 4, Report 19 of the Committee of the Whole \(Public Hearing\), adopted as amended by the Council of the City of Vaughan on April 19, 2016](#)

Analysis and Options

The proposed Development conforms to Vaughan Official Plan ('VOP 2010')

The Subject Lands are designated "High-Rise Residential" by the Carrville Centre Secondary Plan, which forms part of Volume 2 (Area Specific Policy 11.2) of Vaughan Official Plan 2010 ('VOP 2010'). The Carrville Centre is intended to become the centre of commercial and residential activities within the Carrville Community. Development in this area will be transit supportive and pedestrian friendly and designed to utilize existing and future transit services within the surrounding community. The "High-Rise Residential" designation on the Subject Lands permits residential uses within high-rise residential building types which include townhouse, stacked townhouses, low-rise

building, mid-rise buildings and high-rise buildings. The proposed stacked townhouses are a permitted building type. A maximum building height of between 2 to 22-storeys, and a maximum Floor Space Index (FSI) of 3 to 3.5 is permitted on the Subject Lands. The Development proposes a maximum building height of 4 storeys and an FSI of 1.52.

The Subject Lands are also identified as a “Local Centre” in VOP 2010, with Rutherford Road identified as a “Primary Intensification Corridor” on Schedule 1, Urban Structure of VOP 2010.

The Subject Lands are located within the Oak Ridges Moraine Conservation Plan (‘ORMCP’) Area, specifically a Settlement Area (as shown on Schedule 4 in VOP 2010), which states that *Planning Act* applications filed after November 16, 2001, are subject to the “Settlement Area” policies of the ORMCP. The Owner has submitted an Oak Ridges Moraine Conformality Report in accordance with the requirements of the ORMCP.

The Subject Lands are also located within the “High Vulnerability Aquifer” Area as shown on Schedule 6 of VOP 2010.

Rutherford Road is identified as a Major Arterial (Regional) Road on Schedule 9 in VOP 2010 and is currently subject to an Environmental Assessment prior to future improvements being undertaken by York Region. Rutherford Road is also identified as part of the Regional Transit Priority Network.

Dufferin Street is identified as a Major Arterial (Regional) Road and is further identified on Schedule 1- of VOP 2010 as a Special Study Corridor.

Amendments to Zoning By-law 1-88 are required to permit the Development

The Subject Lands are zoned “A Agricultural Zone” by Zoning By-law 1-88, as shown on Attachment 2. The Subject Lands are proposed to be rezoned to “RM2 Multiple Residential Zone” and “OS5 Open Space Environmental Protection Zone” to facilitate the Development in the manner shown on Attachment 2.

The following site-specific zoning exceptions are required to the “RM2 Multiple Residential Zone” to permit the Development shown on Attachments 3 and 4:

Table 1

	Zoning By-law 1-88 Standards	RM2 Multiple Residential Zone Requirements	Proposed Exceptions to RM2 Multiple Residential Zone Requirements
a.	Minimum Parking Space Requirement	<p>1.5 parking spaces per dwelling unit</p> <p>219 units @ 1.5 parking spaces per unit = 329 parking spaces</p> <p>219 units @ 0.25 visitor parking spaces per unit = 55 parking spaces</p> <p>Total = 384</p>	<p>1.05 parking spaces per dwelling unit</p> <p>(219 units @ 1.05 parking spaces per unit = 230 parking spaces</p> <p>219 units @ 0.25 visitor parking spaces per units = 55 parking spaces.</p> <p>Total = 285</p>
b.	Minimum Landscaped Area Abutting Dufferin Street and Rutherford Road	6 m	1.1 m
c.	Encroachments for Covered Porches and Stairs	1.8 m Encroachment to Covered Porch and Stairs if these are less than ½ storey	4.25 m shall be permitted regardless of height of covered porch and stairs
d.	Rooms Below Grade	No dwelling unit is permitted below grade, except a secondary suite.	Permit dwelling units to be located below or partially below grade.
e.	Minimum Screening and Landscape Strip Around Outdoor Parking Areas for Multiple Family Dwellings	3 m landscape strip with 1.2 m high screening from street	1.4 m landscaped strip and no requirement for a parking area to be screened

	Zoning By-law 1-88 Standards	RM2 Multiple Residential Zone Requirements	Proposed Exceptions to RM2 Multiple Residential Zone Requirements
f.	Minimum Amenity Area	55m ² /two-bedroom unit @ 219 units = 12,045m ²	45m ² /two bedroom unit @ 219 units = 9855 m ²
g.	Minimum Landscaped Strip Width to Dufferin Street and to Rutherford Road	6 m	1.1 m to Dufferin Street 1.1 m to Rutherford Road
h	Minimum Exterior Side Yard Setback to Buildings "C" and "D" (Dufferin Street)	4.5 m	3.5 m
i.	Minimum Setback to a Sight-Triangle (Building "B, C")	4.5 m	1.4 m (Building "B") 4.0 m (Building "C")
j	Minimum Building Wall Setback to a Sight-Triangle (Building)	4.5 m	1.47 m
k.	Minimum Lot Area	219 units @ 230 m ² /unit = 50,3700 m ²	14,000 m ² regardless of number of units
l.	Minimum Lot Frontage Per Block	30 m	Shall not apply
m.	Maximum Building Height	11 m	14.1 m

Additional zoning exceptions may be identified through the detailed review of the Applications and will be considered in a technical report to a future Committee of the Whole meeting.

Following a preliminary review of the Applications, the Development Planning Department has identified the following matters to be reviewed in greater detail

	MATTERS TO BE REVIEWED	COMMENTS
a.	Consistency and Conformity with Provincial Policies, York Region and City Official Plan Policies	<ul style="list-style-type: none"> ▪ The Applications will be reviewed for consistency and conformity with the <i>Provincial Policy Statement, 2014</i> (the 'PPS') and the <i>Growth Plan for the Greater Golden Horseshoe 2019</i> (the 'Growth Plan') and the policies of the York Region Official Plan ('YROP') and the City of Vaughan Official Plan policies of VOP 2010 and Chapter 11.2 Carrville Secondary Plan ('CSP')
b.	Appropriateness of the Proposed Zoning Amendment and Site-Specific Zoning Exceptions	<ul style="list-style-type: none"> ▪ The appropriateness of the proposed amendments to Zoning By-law 1-88 to permit the proposed Development, will be reviewed in consideration of the existing and planned uses to implement the "High-Rise Residential" designation of the VOP 2010 and the CSP; compatibility with surrounding land uses; appropriateness of the site design; and the appropriateness of the site-specific zone standards
c.	Studies and Reports	<ul style="list-style-type: none"> ▪ The Owner has submitted the following studies and reports in support of the Applications which must be approved to the satisfaction of the City and/or respective public approval authority: <ul style="list-style-type: none"> - Functional Servicing and Stormwater Management Report (including a Water Balance Analysis) - Soils Investigation Report - Slope Stability Report - Oak Ridges Moraine Conservation Plan Natural Heritage Conformity Report - Site Plan Accessibility Check List - Tree Inventory and Preservation Study - Urban Design and Sustainability Brief - Environmental Noise Analysis - Soil Investigation Report - Phase One Environmental Site Assessment

	MATTERS TO BE REVIEWED	COMMENTS
		<ul style="list-style-type: none"> - Traffic Impact Study ▪ Additional reports or studies may be required as part of the development application review process.
d.	Related Site Development Application DA.15.074	<ul style="list-style-type: none"> ▪ The related Site Development File DA.15.074 will be reviewed in consideration of, but not limited to the following matters: <ul style="list-style-type: none"> - appropriate site design massing, building materials; - pedestrian connectivity within the Subject Lands, to the existing municipal sidewalks and access to existing and proposed transit service stops along Rutherford Road and Dufferin Street; - barrier free accessibility; - appropriate driveway access and vehicular turning movements to Dufferin Street and Rutherford Road, including for large service vehicles (fire, garbage and delivery trucks); - appropriate access to below grade parking and adequate visitor and resident parking spaces; - appropriate landscaping, amenity area, snow storage areas, - proper stormwater management and retention measures to ensure any runoff/drainage is properly maintained on site - environmental sustainability features; - proper servicing and grading; - appropriate provisions for waste management collection and storage; - protection and preservation of vegetation and natural heritage features within the “OS5 Open Space Environmental Protection Zone” and any necessary dedication of required lands to the Toronto and Region Conservation Authority (‘TRCA’) for public lands. ▪ The issues identified through the review of the Site Development File DA.15.074 will be addressed together with the subject Zoning By-law Amendment application in a comprehensive

	MATTERS TO BE REVIEWED	COMMENTS
		technical report to a future Committee of the Whole Meeting.
e.	Sustainable Development	<ul style="list-style-type: none"> ▪ Opportunities for sustainable design, including CPTED (Crime Prevention Through Environmental Design), LEED (Leadership in Energy and Environmental Design), permeable pavers, bio-swales, bicycle racks to promote alternative modes of transportation, drought tolerant landscaping, energy efficient lighting, reduction in pavement, and roof-top treatment to address the “heat island” effect, green roofs, etc., will be reviewed and implemented through the site plan approval process, if the application is approved. ▪ In accordance with the City of Vaughan Sustainability Metrics Program, the Development must achieve a minimum Bronze Threshold Overall Application Score.
f.	Rutherford Road Environmental Assessment ('EA')	<ul style="list-style-type: none"> ▪ York Region is undertaking the Rutherford Carrville EA, which includes the entire Rutherford Road frontage on the Subject Lands. The Owner will be required to address any requirements of the EA process.
g.	Toronto and Region Conservation Authority ('TRCA')	<ul style="list-style-type: none"> ▪ The Subject Lands abut lands zoned “OS5 Open Space Environmental Protection Zone” to the east but are not within the TRCA Regulated Area. TRCA has re-staked the limits of the natural features and delineated the limits of the features along the east limit of the Subject Lands. The Slope Stability Analysis and Environmental Impact Study submitted in support of the Application, must satisfy all requirements of the TRCA.

	MATTERS TO BE REVIEWED	COMMENTS
		<ul style="list-style-type: none"> ▪ The Subject Lands are within the Oak Ridges Moraine Settlement Area as indicated in the Oak Ridges Moraine Conservation Plan (ORMCP). Development within the ORMCP area must conform to the policies of the ORMCP. The ORMCP conformity report submitted in support of this application must be to the satisfaction of TRCA and the City of Vaughan. ▪ The Owner must satisfy all requirements of the TRCA.
h.	Source Water Protection Plan	<ul style="list-style-type: none"> ▪ The Subject Lands are located within the WHPA-Q Recharge Management Area, Significant Ground Water Recharge Area and Highly Vulnerable Aquifer as identified in the approved Source Protection Plan, which provides policies for protecting the drinking water sources/supply. All land development activities within the WHPA-Q area are to maintain predevelopment recharge levels to the satisfaction of the TRCA and the City. The Owner is required to satisfy all water balance requirements of the TRCA and the City prior to finalization of the Site Development Application.
i.	Environmental Site Assessment Reports	<ul style="list-style-type: none"> ▪ The Phase 1 Environmental Site Assessment Report must be approved to the satisfaction of the Development Engineering Department.
j	Functional Servicing and Stormwater Management Report / Allocation	<ul style="list-style-type: none"> ▪ The Development Engineering Department must review and approve of the Functional Servicing Report submitted in support of the Application. The availability of water and sanitary servicing capacity for the Development must be identified and formally allocated by Vaughan Council, if the Application is approved. Should allocation not be available, the use of the Holding Symbol "(H)" will be considered for the Subject Lands. The

	MATTERS TO BE REVIEWED	COMMENTS
		Development will be reviewed in consideration of York Region's Sustainable Development through LEED high-rise incentive program and the Servicing Incentive Program ("SIP")
k.	Parkland Dedication Requirements	<ul style="list-style-type: none"> The Parks Department and the Office of the City Solicitor, Real Estate Division will confirm satisfactory parkland and/or cash-in-lieu of the dedication of parkland to the City of Vaughan in accordance with the City's Parkland Dedication and Cash-in-lieu Policy, should the applications be approved.
l.	Block 10 Plan	<ul style="list-style-type: none"> The Development will be reviewed in consideration of the Block 10 Plan, the surrounding and existing planned land uses and any Block Pan conditions respecting Regional infrastructure including wastewater and water system improvements; any requirements for reconstruction of Dufferin Street and/or Rutherford Road and road widenings, City infrastructure, including sanitary, water and stormwater management, to the satisfaction of the City.
m.	Block 10 Developers Group Agreement	<ul style="list-style-type: none"> The Owner is required to meet all obligations financial or otherwise of the Block 11 Developers Group Agreement to the satisfaction of the Block 10 Trustee and the City of Vaughan, should the Applications be approved.
n.	Urban Design and Architectural Guideline	<ul style="list-style-type: none"> The Development must conform to the approved Carrville District Centre Urban Design Streetscape Master Plan Study.

Financial Impact

Not Applicable.

Broader Regional Impacts/Considerations

The Application has been circulated to the York Region Community Planning and Development Services Department for review and comment. Any issues identified will be addressed when the technical report is considered.

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of this Application will be considered in the technical review of the Application. Comments from the public and Vaughan Council expressed at the Public Hearing or in writing will be addressed in a comprehensive report to a future Committee of the Whole meeting.

For more information, please contact: Laura Janotta, Planner at extension 8634.

Attachments

1. Location Map
2. Site Plan and Proposed Zoning
3. Typical Landscape Plan
4. Typical Elevations - Dufferin Street
5. Typical Elevations - Rutherford Road
6. Perspectives
7. April 2016 Site Plan and Proposed Zoning

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