

## Committee of the Whole (2) Report

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**DATE:** Tuesday, December 10, 2024

**WARD(S):** 1

**TITLE:** 3300 RUTHERFORD DEVELOPMENTS INC.  
OFFICIAL PLAN AMENDMENT FILE OP.23.001  
ZONING BY-LAW AMENDMENT FILE Z.23.002  
3300 RUTHERFORD ROAD  
VICINITY OF RUTHERFORD ROAD AND HIGHWAY 400

**FROM:**

Haiqing Xu, Deputy City Manager, Planning, Growth Management and Housing Delivery

**ACTION:** DECISION

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**Purpose**

To seek endorsement from the Committee of the Whole on the Recommendations contained in this report to REFUSE Official Plan and Zoning By-law Amendment Files OP.23.001 and Z.23.002 (the 'Applications') (3300 Rutherford Developments Inc.) which have been appealed to the Ontario Land Tribunal ('OLT') respecting the subject lands as shown on Attachment 1.

**Report Highlights**

- 3300 Rutherford Developments Inc. (the 'Owner') submitted the Applications to redesignate and rezone the subject lands to permit a high-rise mixed-use development ranging in height from 6 to 29-storeys with approximately 2,009 units, including 10% rental units (201 units), 7,162 m<sup>2</sup> of retail and 806 m<sup>2</sup> of community space having a floor space index of 4.56 times the area of the lot (the 'Development')
- On July 5, 2024, the Owner appealed the Applications to the Ontario Land Tribunal ('OLT') citing Council's failure to make a decision on the Applications within the timeframe prescribed by the *Planning Act*.

## **Report Highlights Continued**

- An OLT Case Management Conference ('CMC') was held on October 7, 2024. A second CMC is scheduled for January 16, 2025.
- Staff seeks endorsement from the Committee of the Whole to refuse the Applications.

## **Recommendations**

THAT the OLT be advised that Vaughan Council ENDORSES the following recommendations:

1. THAT Official Plan Amendment File OP.23.001 (3300 Rutherford Developments Inc.) BE REFUSED, to amend Vaughan Official Plan 2010, Volume 1, as identified on Attachment 5 of this report for the subject lands, as shown on Attachment 1;
2. THAT Zoning By-law Amendment File Z.23.002 (3300 Rutherford Developments Inc.) BE REFUSED, to amend Zoning By-law 001-2021, to rezone the Subject Lands shown on Attachment 1, from "GMU General Mixed-Use Zone," subject to site-specific Exception 700 to "HMU High-Rise Mixed-Use Zone", together with the site-specific zoning exceptions identified in Table 1 of this report (Attachment 6);
3. THAT City of Vaughan Staff and Legal Counsel be directed to attend the OLT to oppose the Applications based on the recommendations contained in this report with regard to Official Plan ('OPA') and Zoning By-law Amendment ('ZBA') Files OP.23.001 and Z.23.002;
4. THAT should the OLT approve the Applications, either in whole or in part, that the OLT withhold its final Decision and Order until the Conditions of Approval listed in Attachment 8 to this report are addressed to the satisfaction of the City; and
5. THAT if the OLT approves the Applications in whole or in part, Council authorize the Deputy City Manager, Planning, Growth Management, and Housing Delivery to finalize the draft OPA and ZBA instruments for approval by the OLT.

## **Background**

Location: 3300 Rutherford Road (the 'Subject Lands').

The Subject Lands and the surrounding land uses are shown on Attachment 1. The Subject Lands are currently occupied by a commercial plaza including an eating establishment (The Keg), retail stores (strip plaza, Dollarama and Decathlon).

**Official Plan and Zoning By-law Amendment Applications have been submitted to permit the proposed development.**

The Owner submitted an Official Plan and Zoning By-law Amendment Files OP.23.001 and Z.23.002 (the ‘Applications’) for the Subject Lands to redesignate and rezone the Subject Lands to permit a high-rise mixed-use development ranging in height from six (6) to twenty-nine (29) storeys with approximately 2,009 units, including 10% rental units (201 units), 7,968 m<sup>2</sup> of non-residential uses, 7,162 m<sup>2</sup> of retail, 4,215 m<sup>2</sup> parkland dedication, 1,015 m<sup>2</sup> privately-owned publicly accessible space (‘POPS’) and 806 m<sup>2</sup> of community space having a floor space index of 4.56 times the area of the lot (the ‘Development’), as shown on Attachments 2 and 4.

**The Committee of the Whole (Public Meeting) considered the Applications on May 2, 2023 and May 7, 2024.**

The Committee of the Whole, on May 2, 2023, received a Public Meeting (‘PM’) report on the Applications for a mixed-use development with 3,047 residential units, 8,546 m<sup>2</sup> of non-residential area with buildings ranging in height from six (6) to 35 storeys with an FSI of 5.67 as shown on Attachment 5.

On April 16, 2024, the Owner revised the Development proposal, as shown on Attachments 2 to 4, as follows:

	<b>First Submission May 2, 2023 PM Attachment 5</b>	<b>Second Submission May 7, 2024 PM Attachment 2</b>	<b>Reduction</b>
<b>Height:</b>			
<b>Building 1 – Tower 1A</b>	26-storeys	25-storeys	1-storey
<b>Building 1 – Tower 1B</b>	35-storeys	29-storeys	6-storeys
<b>Building 2</b>	21-storeys	12-storeys	9-storeys
<b>Building 3 – Tower 3A</b>	17-storeys	Removed	Replaced with 1 building
<b>Building 3 – Tower 3B</b>	21-storeys	12-storeys	9-storeys
<b>Building 4 – Tower 4A</b>	34-storeys	17-storeys	17-storeys
<b>Building 4 – Tower 4B</b>	30 -storeys	27-storeys	3-storeys
<b>Number of Residential Units</b>	3,047	2,009	1,038-unit reduction (34%)
<b>Residential GFA</b>	209,531 m <sup>2</sup>	164,013 m <sup>2</sup>	45,518 m <sup>2</sup> (21.7%)
<b>Community GFA</b>	720 m <sup>2</sup>	806 m <sup>2</sup>	Increase 86 m <sup>2</sup> (need has not been determined)
<b>Proposed Total GFA</b>	218,076 m <sup>2</sup>	171,981 m <sup>2</sup>	46,095 m <sup>2</sup>
<b>Net FSI</b>	5.67	4.56	Based on above, FSI may change. Shown as 1.11 FSI (reduction 19.6%)

Policy 10.1.4.1 of the Vaughan Official Plan (VOP 2010) requires a new Public Meeting if an application(s) is significantly amended beyond what was proposed and considered by Council at a previous Public Meeting. With the revised development proposal, the Development has changed, an additional Public Meeting was required for these Applications.

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

- Date of Notice (Circulated 150 m from Subject Lands and to the expanded polling area as shown on Attachment 1): April 12, 2024
- Location of Notice Signs: Rutherford Road, Sweet River Boulevard and Komura Road
- Date of Public Meetings: May 7, 2024 and May 2, 2023, date ratified by Council May 22, 2024 and May 16, 2023
- Date of Committee of the Whole Courtesy Notice sent to those requested to be notified: December 2, 2024

***Public Comments were received.***

The following is a summary of the comments provided and received to date. The comments are organized by theme as follows:

**Privacy, Shadow and View**

- the building height will cause shadow and privacy impacts

**Access, Traffic and Parking**

- the Development will increase traffic congestion in the area and impact vehicle and pedestrian safety

**Lack of Infrastructure and Amenities**

- the Development will put on a strain on roads, schools, hospitals and parkland

**Environmental Impacts**

- the Development will cause increase in population density and will be a strain on the local environment, including air and water quality and an increase in noise pollution

**Construction**

- concerns about impacts on the existing community from construction dust and noise

**Density, Built Form and Building Design**

- the Development will be the tallest building in the area and is not compatible with the surrounding context

***The Owner appealed the Applications to the OLT for non-decision on July 5, 2024.***

On July 5, 2024, the Owner appealed the Applications to the OLT pursuant to Subsections 22(7) and 34(11) of the *Planning Act*, citing Council’s failure to make a decision on the Applications within the prescribed timelines of the *Planning Act* (OLT Case Nos. OLT-24-000811 and OLT-24-000812) (the “Appeals”).

The first OLT CMC regarding the Appeals was held on October 7, 2024. The OLT scheduled a second CMC for January 16, 2025 and directed the City to seek instructions on the Applications in order to finalize the City’s issues list.

***Draft Plan of Subdivision, Site Development and Draft Plan of Condominium Applications will be required if the Applications are approved by the OLT.***

If the Applications are approved by the OLT, the Owner will be required to submit a Draft Plan of Subdivision, Site Development and Draft Plan of Condominium Applications to implement the Development and establish the standard condominium tenure for the Development.

**Previous Reports/Authority**

Previous reports related to the Applications can be found at the following links:

[May 22, 2024, Council Extract \(Committee of the Whole \(Public Meeting\) Item 6, Report No. 18\)](#)

[May 16, 2023, Council Extract \(Committee of the Whole \(Public Meeting\) Item 2, Report No. 21\)](#)

**Analysis and Options**

***The Development is not consistent with the Provincial Planning Statement 2024 and does not conform to Vaughan Official Plan 2010.***

**Provincial Planning Statement 2024 (‘PPS’)**

The PPS 2024 is a policy statement issued pursuant to section 3 of the *Planning Act* and came into effect on October 20, 2024. All decisions made in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS 2024.

The PPS 2024 provides direction on matters of Provincial interest related to land use planning and development province-wide, helping achieve the Provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

Chapter 1 of the PPS states that municipal official plans are the most important vehicle for implementation of the PPS and for achieving comprehensive, integrated and long-term planning. In accordance with Policy 2.4.1.3 b), Planning authorities should identify the appropriate type and scale of development in strategic growth areas and the transition of built form to adjacent areas. This policy speaks to the importance of having an appropriate scale and transition to adjacent areas. This policy recognizes that

intensification and redevelopment is appropriate in certain locations based on local context and that there are areas within the municipality that are intended for redevelopment ensuring that it is appropriate adjacent to a stable community.

The surrounding area to the north and east are not identified in VOP 2010 for the level of intensification that is being proposed through these Applications. VOP 2010 already allows for a degree of intensification through the “Mid-Rise Mixed-Use” designation with a height of up to 8-storeys and a density of 1.5 times the area of the lot. Intensification is supported, but VOP 2010 includes a hierarchy of intensification across the City and the degree of intensification permitted here, is not and should not mimic the kind of intensification that is seen within a Primary Centre like the Vaughan Mills Centre Secondary Plan (‘VMSP’).

The Development does not provide for an appropriate transition to the established and stable low-rise area in the north. The proposed intensification of the Subject Lands through this Development was not identified nor is appropriate.

Currently, the Development far exceeds the planned growth and in combination with the other development potential within the VMSP, will exceed the transportation infrastructure capacity within the VMSP area.

Based on the above, the Development does not conform to the PPS.

#### Vaughan Official Plan 2010 (‘VOP 2010’)

VOP 2010 sets out the municipality’s general planning goals and policies that guide future land use. The Subject Lands are identified in VOP 2010 as follows:

- “Community Area” abutting a “Primary Intensification Corridor” being Rutherford Road on Schedule 1 – Urban Structure by Vaughan Official Plan 2010 (‘VOP 2010’)
- Rutherford Road is identified as a major arterial (Regional) and Sweetriver Blvd is identified as a minor collector on Schedule 9 – Future Transportation Network
- Regional Transit Priority Network on Schedule 10 – Major Transit Network
- “Mid-Rise Mixed-Use” with a maximum height of 8-storeys and a Floor Space Index (‘FSI’) of 2.5 on Schedule 13 – Land Use by VOP 2010
- This designation permits community facilities, cultural uses, retail uses, office uses, hotel, public and private institutional buildings, residential units in mid-rise buildings at a maximum building height of 8-storeys

The City has established tiers of intensification within VOP 2010 where an hierarchy of intensification are identified within what is called Intensification Areas. The highest levels of intensification focus on Regional Centres (i.e. Vaughan Metropolitan Centre) and Primary Centres, and along Regional Intensification Corridors and Primary Intensification Corridors. The Subject Lands are not located within a Regional or Primary Centre identified by VOP 2010 to accommodate the significant amount of height and density being proposed by the Applications. The Subject Lands are located

adjacent to an existing Community Area that is also considered a Stable Area and abut a Primary Intensification Corridor being Rutherford Road that permits limited high-rise development. The Subject Lands by virtue of being within a “Community Area” abutting a Primary Intensification Corridor, could be considered a gateway location in that its defining characteristic is a transition site between the low-density community to the north to primary centre to the south. Being a gateway between the two demands a middle ground proposal that respects the scale of the low density along the north with a gradual density limited to 8-storeys along Rutherford, being a transition to the south.

Primary Intensification Corridors link together the various centres on transit supportive corridors and will be places to accommodate intensification in the form of mid-rise, and limited high-rise and low-rise buildings with a mix of uses (VOP 2010 Policy 2.2.1.1). The level of intensification proposed is far larger than what was envisioned for the area.

The Development is currently not served by higher-order transit such as subway stations or bus rapid transit (‘BRT’) corridors. The densities proposed by the Development represents the type of high level of intensity that should be directed to areas where higher order transit is available and/or will be available in the near future.

The lands adjacent to the Subject Lands on the south side of Rutherford Road are within the VMSP and have two different land use designations. The lands closest to Highway 400 are designated “Community Commercial Mixed-Use” with a height of 6-storeys and a density of 1.5 times the area of the lot, east abutting Sweetriver Boulevard, the lands are designated “High-Rise Mixed-Use” with a height of 16-storey and a density of 2 times the area of the lot.

This height and density is reflective of the context and Policy 2.1.2 in VMSP where it states that, “abutting the Study Area are residential neighbourhoods to the north and west, and employment lands to the south and east. It will be important for all new development to be sensitive to abutting land use types, and built form context to ensure an appropriate transition across the Study Area boundary.” Thereby providing an acknowledgement of the existing low density residential community to the north and the need for an appropriate transition starting from 16-storeys on the south side within the VMSP and reducing it to 8-storeys on the north side as designated through VOP 2010 for the Subject Lands, outside of the VMSP.

The Development includes towers ranging in height from 12 to 29-storeys with an FSI of 4.56 times the area of the lot, which represents a significant level of intensification that was not considered by VOP 2010 on the Subject Lands. The Owner has submitted an amendment to VOP 2010 to redesignate the Subject lands to “High-Rise Mixed-Use”, and to permit a high-rise and mid-rise building type, specifically the height, density and site-specific development criteria as set out in their Draft Official Plan Amendment as shown on Attachment 6.

The Development does not conform to the Urban Structure policies and is not mindful of the surrounding land uses. In consideration of the existing stable low-rise residential

community to the north of the Subject Lands, the planned low-rise and mid-rise built form, and the primary centre on the south side of Rutherford Road, the lack of transportation improvements, do not make the Subject Lands or surrounding area suitable for this level of intensification as envisioned by the Development. In short, the Development is considered incompatible with the surrounding land uses, would represent ad hoc intensification, and represents poor planning.

On this basis, the Development does not conform to or meet the general intent of VOP 2010, and the Development Planning Department recommends refusal of the Official Plan Amendment Application File OP.23.001.

***Amendments to Zoning By-law 001-2021 are required to permit the Development.***

**Zoning:**

- “GMU General Mixed-Use Zone”, subject to site-specific Exception 700
- This Zone does not permit the Development.
- The Owner proposes to rezone the Subject Lands to “HMU High-Rise Mixed-Use Zone”, together with site-specific exceptions identified in Attachment 7.

A zoning by-law implements the land use planning framework of a municipality’s Official Plan. A zoning by-law amendment is evaluated against conformity with the Official Plan and compatibility with adjacent land uses and must be consistent with the PPS.

For the reasons and comments provided in this report, the proposed rezoning and site-specific exceptions would facilitate a development that is not consistent with the PPS, and does not conform to the policies or objectives of VOP 2010 for the Subject Lands. Therefore, the Zoning Amendment application cannot be supported.

***The Development has been reviewed in consideration of the City of Vaughan’s Urban Design Policies and Guidelines by the Development and Parks Planning Department.***

Section 2 of the Planning Act, the PPS, VOP 2010 and City-Wide Urban Design Guidelines all contain policies that support the urban design objectives for creating well-designed, high quality and attractive built form and communities that will support the achievement of vibrant and complete communities.

The Development represents a high-rise and mid-rise building typology that needs additional refinements. Comments with regards to the following have not been addressed:

- tower setbacks;
- setbacks above ground and below ground for increased landscaping potential;
- setbacks similar to the existing neighbourhood;
- setbacks to building elements to allow for smoother transition for the existing established community; and
- wind study improvements.



***Should the OLT approve the Applications, either in whole or in part, a Holding Symbol “(H)” is recommended for the Subject Lands to satisfy the conditions of the City and York Region.***

Should the OLT approve the Applications, a Holding Symbol “(H)” is recommended to be placed on the proposed zoning for the Subject Lands to address the outstanding issues discussed throughout this report. The Holding Symbol “(H)” shall not be removed from the Subject Lands, or any portion thereof, until the Conditions of Approval identified on Attachment 8 are addressed to the satisfaction of the City. A condition to this effect is included in the Recommendations of this report.

### **Financial Impact**

There are no requirements for new funding associated with this report.

### **Operational Impact**

***The Policy Planning and Special Programs (‘PPSP’) Department has no objections to the Development.***

PPSP, Environmental Planning do not have an interest in these Applications as there are no natural heritage features on the Subject Lands.

***The Development Engineering (‘DE’) Department supports the Development, subject to the conditions in this report.***

The DE Department has provided the following comments, should the OLT approve the Applications, in whole or in part, a number of holding conditions related to the approval have been included below and consolidated in Attachment 8:

#### **Water Servicing**

The Subject Lands are situated within Pressure District 6 (‘PD6’) of the York Water Supply System. There exists one local watermain within Komura Road and one local watermain within Sweetriver Boulevard connected to the PD6 system. The Subject Lands are proposed to be serviced via a municipal watermain within the proposed Public Road complete with individual domestic and fire service connections for Buildings 1, 2, 3 and 4 that meet Ontario Building Code height requirements for high-rise developments and two (2) proposed municipal connections to the existing municipal watermains within Komura Road and Sweetriver Boulevard.

#### **Sanitary Servicing**

The Subject Lands are tributary to an existing sanitary sewer within Sweetriver Boulevard, ultimately conveying flows towards the existing Regional trunk sanitary sewer adjacent to Penderwick Crescent and the existing Stormwater Management Pond just north-east from the Penderwick/ Deepsprings intersection. The Subject Lands are proposed to be serviced via a municipal sanitary sewer within the proposed Public Road complete with individual sanitary service connections for Buildings 1, 2, 3 and 4, ultimately connected to the existing sanitary sewer within Sweetriver Boulevard.

The Functional Servicing and Stormwater Management Report (‘FS&SWMR’) identified capacity constraints in the local downstream system in post-development conditions

with surcharging segments as result of the additional flows from the Subject Lands. Surcharging is not permitted per City criteria and a financial contribution from the Owner for infrastructure improvements as identified in the FS&SWMR will be required as a condition of approval should the OLT approve the Applications as identified in Attachment 8. The infrastructure improvements will be based on the conclusions and recommendations of the completed FS&SWMR.

#### Storm Servicing

The Owner's identifies that the Subject Lands will facilitate stormwater management via private underground stormwater treatment devices and storage tanks for Buildings 1, 2, 3 and 4 as well as a public underground stormwater storage tank within the proposed public park block and oversized municipal storm sewers (super-pipes) to retain and convey the stormwater flows to the existing pond.

The DE Department has reviewed the preliminary stormwater report and drawings and requires the Owner to provide more detailed studies to assess and justify the feasibility of the overall stormwater management strategy, including but not limited to, the underground stormwater facility storage tank(s) and super-pipe(s), the manufactured treatment device(s), and/or any other stormwater control measures that may be proposed. Should the OLT approve the Applications, the reports shall ensure the functionality, operation & maintenance, and the applicable financial offset fees are to the satisfaction of the City and in accordance with the City's Non-Conventional Stormwater Management Facility Policy and Procedures.

#### Lot Grading

The grading, erosion and sediment control design drawings were submitted in support of the Subject Lands. Should the OLT approve the Applications, the drawings should reflect upon all the special structures and property required necessary to service the Subject Lands. The Owner shall inform the City of any operation and maintenance obligations for future municipal or private infrastructure including retaining walls, soil stability requirements or other proposed structures necessary to facilitate the development of the Subject Lands. A detailed evaluation of the grading design and erosion and sediment control measures will be conducted when the detailed drawings are submitted for the City's review.

#### Noise Impact Study

The Owner submitted a Noise & Vibration Feasibility Study to investigate the potential environmental noise impact on the Subject Lands from road traffic and surrounding land uses. The Study recommended upgraded building exterior components, central air conditioning, and noise warning clauses to be included in all Offers of Purchase and Sale or Lease and registered on title to make future occupants aware of potential noise situations. No further assessment is required at this time; however, with respect to the mitigation of traffic noise, it was noted that should the OLT approve the Applications, "Additional noise screening measures for seating areas can be explored during detailed design." An updated report incorporating these designs will be required as part of any future Site Plan Applications for this property. The final Noise & Vibration Feasibility

Study must be approved to the satisfaction of the DE. A condition to this effect has been included in Attachment 8.

#### Environmental Engineering

The Owner has submitted Phase One and Two Environmental Site Assessment ('ESA') Reports together with a reliance letter and documentation of a successful Record of Site Condition ('RSC') filing on the Environmental Site Registry, which have been reviewed by DE's Environmental Engineering Division. Following review, DE is satisfied with the ESA reports provided. As a condition of approval, A & A Environmental Consultants Inc. must provide a Certificate of Insurance ('COI') supplemental to the reliance letter for their ESA reports, in accordance with the City's reliance letter template. Should the OLT approve the Development, a condition to remove the Holding Symbol "(H)" to this effect is included on Attachment 8.

#### Servicing Allocation

Vaughan Council must adopt a resolution allocating sewage and water supply capacity in accordance with the City's approved Servicing Capacity Distribution Policy assigning capacity to the subject lands. Should the OLT approve the Development, a condition to remove the Holding Symbol "(H)" to this effect is included on Attachment 8.

#### Transportation Engineering

Transportation Engineering within DE has reviewed the Transportation Impact Study ('TIS') and at this time it has not been demonstrated that the Development will have an acceptable impact onto the surrounding transportation network. Staff anticipate that improvements will be required by the Owner. The improvements required have not been confirmed or demonstrated by the Owner, and Staff will require a revised TIS which includes the necessary improvements prior to determining if the traffic impacts are acceptable. Staff also understand that York Region and the Ministry of Transportation ('MTO') have concerns with the Development.

As part of the Development, a proposed L-shaped public road is proposed. The City will review the appropriate classification and ownership of the road with subsequent submissions. At the time of the submissions, updated drawings to ensure compliance or alignment with the City's engineering standards are required. With respect to parking and alternative transportation methods, the Development proposes a resident parking supply that will encourage reduced auto ownership complete with a robust Transportation Demand Management ('TDM') to support the proposed parking supply. Adequate visitor parking and loading will be provided. Should the OLT approve the Development, a condition to remove the Holding Symbol "(H)" to this effect is included on Attachment 8.

#### ***The Parks Division of the Development Parks and Planning Department has no objection to the Applications.***

A centrally located public park is proposed as part of the Application with an approximate size of 0.42 ha. Should the OLT approve the Applications, PIPD

recommends that the public park be zoned “OS1 Public Open Space Zone” under Zoning By-law 001-2021, with a reduced setback of 4.5 m for the front and rear yard. Parks staff recommend parkland credit be allocated to the 0.42 ha public park, and payment-in-lieu of parkland be applicable for the Development.

The current design, size, and configuration of the three (3) proposed POPS spaces are not intended to function as public parks, and the POPS designs do not comply with current guidance including Policies 7.3.2.4, 7.3.2.5, 7.3.2.6, and 7.3.2.8 of VOP 2010. Based on the current configuration of POPS, Parks do not recommend the POPS be considered to receive parkland credit. A condition to this effect is included the Conditions of Approval found in Attachment 8.

***Cash-in-Lieu of the dedication of parkland is required.***

The Owner shall convey land at the rate of 1 ha per 600 net residential units and/or pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland at the rate of 1 ha per 1000 net residential units, or at a fixed unit rate, at Vaughan’s discretion, in accordance with the *Planning Act* and the City of Vaughan Parkland Dedication By-law.

***Community Benefits Charge (‘CBC’) is applicable and will be collected at Building Permit Stage.***

The development meets the criteria for CBC being 5 or more storeys and 10 or more units. The City passed the CBC By-law on September 14, 2022, which is therefore the applicable mechanism used to collect community benefits.

***City Departments, external agencies and various utilities provided comments or have no objection to the Development.***

The Development Finance, Waste Management, Fire & Rescue Services, Cultural Heritage, Forestry division, Alectra, Enbridge, Bell Canada, Canada Post and NAV Canada have no objections to the Development, subject to comments being address through a future Site Development Application.

The By-law & Compliance, Licensing & Permit Services Department, Emergency Services, Rogers and York Catholic District School Board have no objections to the Development.

**Broader Regional Impacts/Considerations**

***Regional Municipality of York’s (York Region) interest and comments.***

York Region became an upper-tier municipality without planning responsibilities on July 1, 2024. York Region’s official plan in effect on that date is deemed to constitute an official plan of the City of Vaughan, in respect of the portions that apply to Vaughan. Analysis and discussion of the York Region official plan policies as they apply to the Development, are above.

Comments from York Region Transportation Planning, Traffic Signal Operations, York Region Transit, Transportation Sustainable Mobility and Water and Wastewater Servicing comments have not been addressed.

Should the Applications be approved by the OLT, York Region will review the required Draft Plan of Subdivision and Site Development Applications with respect to matters of Regional interest.

***York Region District School Board (YRDSB) identified concerns with student accommodation.***

The Subject Lands are adjacent to the VMSP area and the Application proposes a significant number of residential units which were not included in the population/units build-out target for the VMSP which YRDSB based their student accommodation needs analysis on.

YRDSB is concerned that this Application and the ultimate build-out of the VMSP area may cause a potential deficiency for community services and school representation in the area.

***The Toronto and Region Conservation Authority (TRCA) has no objections to the Applications.***

The Subject Lands are not located with TRCA's Regulated Area. As such, a permit from TRCA pursuant to Ontario Regulation 166/06 is not required.

The Subject Lands are within the WHPA-Q2 Area of the CTC Source Water Protection Plan and is in an area that is "down-gradient" of municipal wells. As such, the Applications are exempt from REC-1 part 2 (a) and (b). However, the Development is subject to REC-1 part 1 policy which requires new development and site alteration under the *Planning Act* to implement best management practices such as Low Impact Development (LID) with the goal to maintain predevelopment recharge.

TRCA staff are satisfied with the methodology and conclusions of the hydrogeological report related to the REC-1 policies of the CTC Source Protection Plan.

***MTO approval is required and cannot support the Development at this time.***

The Subject Lands are within the MTO Controlled Areas. The MTO TIS Guidelines state: "The need for geometric improvements shall be reviewed at all locations in the study area and for each proposed development stage. The TIS shall clearly identify transportation impacts by movement, the transportation system improvements that are needed to mitigate these impacts, and the timing of any recommended improvements." The submitted TIS does identify transportation impacts and does not propose any operational improvements needed as a result of the Development. MTO is not able to support the Development at this time.

## **Conclusion**

The Development Planning Department is not satisfied that the Applications are consistent with the PPS 2024, conforms to VOP 2010, and is not appropriate for the development of the Subject Lands. The proposed density and height does not conform to VOP 2010 and is above the heights and densities found in the Primary Centre within the VMSP. The Development is not considered appropriate and compatible with existing and planned surrounding land uses. Accordingly, the Development Planning Department recommends refusal of the Applications.

Should the OLT approve the Applications, either in whole or in part, it is recommended that Council endorse the inclusion of the Holding conditions shown on Attachment 8 to the Zoning By-law.

**For more information**, please contact Margaret Holyday, Senior Planner, at extension 8216.

## **Attachments**

1. Context and Location Map
2. Site Plan and Proposed Zoning
3. Landscape Plan
4. Rendering
5. Previous Site Plan (May 2, 2023 Public Meeting)
6. Draft Official Plan Amendment (provided by Owner)
7. Draft Zoning By-law 001-2021 (provided by Owner)
8. Conditions of Approval

## **Prepared by**

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