

## Committee of the Whole (1) Report

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**DATE:** Tuesday, September 17, 2019

**WARD:** 4

**TITLE: ZONING BY-LAW AMENDMENT FILE Z.15.023  
SITE DEVELOPMENT FILE DA.15.022  
NORSTAR GROUP OF COMPANIES  
VICINITY OF RUTHERFORD ROAD AND DUFFERIN STREET**

**FROM:**

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

**ACTION:** DECISION

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**Purpose**

To seek approval from the Committee of the Whole for Zoning By-law Amendment File Z.15.023 and Site Development File DA.15.022 (Norstar Group of Companies) to rezone the subject lands from “A Agricultural Zone” and “OS5 Open Space Environmental Protection Zone” to “RA3(H) Apartment Residential Zone” and “RM2(H) Multiple Residential Zone” each with the Holding Symbol “(H)”, and “OS5 Open Space Environmental Protection Zone” in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Tables 1 and 2 of this report. The proposed development includes one (1), 24-storey residential apartment building with 255 units, and six (6) blocks of three-storey stacked and back-to-back townhouse dwellings consisting of 172 units, for a combined total of 427 units.

**Report Highlights**

- The Owner proposes a residential development consisting of one (1), 24-storey residential apartment building, and six (6) blocks of three-storey stacked and back-to-back townhouse dwellings for a total of 427 units.
- An amendment to Zoning By-law 1-88 to rezone the subject lands to the “RA3(H) Apartment Residential Zone”, “RM2(H) Multiple Residential Zone”, each with the Holding Symbol “(H)” and “OS5 Open Space Environmental Protection Zone” and a Site Development Application is required to permit the development.
- The Development Planning Department supports the approval of the Zoning By-law Amendment and Site Development Applications as the proposed development is consistent with the *Provincial Policy Statement 2014*, and conforms to the Growth Plan 2019, York Region Official Plan and Vaughan Official Plan 2010.

## **Recommendations**

1. THAT Zoning By-law Amendment File Z.15.023 (Norstar Group of Companies) BE APPROVED to amend Zoning By-law 1-88, to rezone the subject lands from “A Agricultural Zone” and “OS5 Open Space Environmental Protection Zone” to “RA3(H) Apartment Residential Zone” and “RM2(H) Multiple Residential Zone” each with the Holding Symbol “(H)”, and “OS5 Open Space Environmental Protection Zone” in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Tables 1 and 2 of this report.
  
2. THAT the Holding Symbol “(H)” shall not be removed from the subject lands, or any portion thereof, until the following conditions are satisfied:
  - a) The Owner shall enter into a Development Agreement to satisfy all conditions, financial or otherwise, of the City with regard to such matters the City may consider necessary including payment of the development levies, the provision of the roads and municipal services, including construction of a sanitary sewer connected to the sanitary sewer on Crimson Forest Drive and Rutherford Road, installation of new services, landscaping and fencing, all to the satisfaction of the City. The said agreement shall be registered against the subject lands to the satisfaction of the City. The Owner must also resolve the following matters:
    - i) The Owner shall undertake further assessment of the City’s existing downstream sanitary sewer system based on actual measured sewage flow data to verify the findings of the theoretical analysis to the satisfaction of the City. In the event the findings of this supplementary analysis identify the need to undertake improvements to the existing downstream sanitary sewer system in order to accommodate the additional sewage flows from the development of the subject lands, the Owner shall design and construct these system improvements; and
  - b) The Owner shall enter into a Block 11 Developer’s Group Agreement with the other participating landowners within Block 11 to the satisfaction of the City. The Agreement shall be regarding but not limited to all cost sharing of the provision of parks, cash-in-lieu of parkland, roads and municipal services; and
  - c) The Owner shall submit a letter to the City from the Block 11 Developer’s Group (Block 11 Properties Inc. - Trustee) indicating that the Owner has fulfilled all cost sharing and other obligations of the Block 11 Developer’s Group Cost Sharing Agreement.
  
3. THAT the Owner be permitted to apply for a Zoning By-law Amendment and/or Minor Variance application(s) to permit minor adjustments to the in-effect Zoning By-law to the Vaughan Committee of Adjustment, if required, before the second

anniversary of the day on which the implementing Zoning By-law for the subject lands comes into full force and effect.

4. THAT the Owner be permitted to apply for a Zoning By-law Amendment and/or Minor Variance application(s) to permit minor adjustments to the in-effect Zoning By-law to the Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law for the subject lands comes into full force and effect.
5. THAT Vaughan Council adopt the following resolution for the location of water and sewage capacity:

“THAT Site Development Application File DA.15.022 be allocated servicing capacity from the York Sewage Servicing/Water Supply System for a total of 427 residential units (1,090 persons equivalent). The allocation of said capacity maybe revoked by Council resolution and/or in accordance with the City’s current Servicing Capacity Distribution Protocol in the event that (at the discretion of the City) the development does not proceed with a building construction program within a reasonable timeframe”.

6. THAT Site Development File DA.15.022, BE DRAFT APPROVED SUBJECT TO THE FOLLOWING CONDITIONS, to the satisfaction of the City, to permit the development of one (1) 24-storey apartment building, and six (6) blocks of three-storey back-to-back and stacked townhouses, as shown on Attachments 2 to 7:

a) THAT prior to the execution of a Site Plan Agreement:

- i) The Owner shall dedicate all lands zoned “OS5 Open Space Environmental Protection Zone” free and clear of all charges and encumbrances to the satisfaction of the appropriate public authority;
- ii) The Development Planning Department shall approve the final site plan, building elevations showing bird-safe window treatments, landscape and edge management and restoration planting plan, landscape cost estimate, lighting plan, updated Arborist Report, and addendum to the Pedestrian Wind Assessment Study;
- iii) The Owner shall update the Block 11 Community Plan and shall cause it to be displayed on the interior wall of the sales office;
- iv) The City shall approve the final site servicing plan, site grading plan, erosion sediment control plan, functional servicing and stormwater management reports and drawings, hydrogeological and geotechnical reports, Phase 1 and 2 Environmental Site Assessments, Transportation Demand Management Plans (TDM Plans), and Traffic Impact Study;

- v) The Owner shall pay the Site Plan Complex fee pursuant to the Fees and Charges By-law as amended. The fee amount is \$218,280.00. Should the fee not be paid in the calendar year in which it is calculated, the fee will be subject to increase in the next calendar year;
- vi) The Owner shall work with the City and York Region to design and construct a sidewalk link including grading and street lighting along the frontage of the north side of Rutherford Road in its ultimate location or construct an interim sidewalk if the permanent sidewalk cannot be constructed;
- vii) The Owner shall satisfy all requirements of the Toronto and Region Conservation Authority including the final geotechnical report, stormwater management report, erosion sediment control, and revised landscape drawings (including edge management and restoration plan);
- viii) The Owner shall pay to the City the woodlot charge at the rate of \$1,000.00 per residential low-rise dwelling unit, and \$600.00 per residential high-rise dwelling unit, in accordance with the City's Woodlot Acquisition Front-end Agreement;
- ix) The Owner shall enter into a Tree Protection Agreement, which includes a security for trees to be preserved and protected in accordance the approved Arborist Report. The security amount associated with the Tree Protection Agreement is to be determined through the following:
  - Tree compensation formula provided in the Arborist Report based on the City Tree Replacement Requirement
  - The costs associated with tree protection measures (i.e. tree protection fencing, silt barriers etc.)
  - The costs associated with actual tree removals
- x) The Owner is required to pay to the City cash-in-lieu of 15 extra replacement trees at a value of \$550.00 for each tree for a total of \$8,250.00, to the satisfaction of the City;
- xi) The Owner shall satisfy all requirements of the Parks Planning Department;
- xii) The Owner shall satisfy all requirements of the Public Works, Solid Waste Management Department;

- xiii) The Owner shall satisfy all requirements of Canada Post; and
  - xiv) The Owner shall satisfy all requirements of York Region.
- b) THAT the implementing Site Plan Agreement shall include the following clauses:
- i) “Should archaeological resources be found on the property during construction activities, the Owner must immediately cease all construction activities and notify the Ontario Ministry of Tourism, Culture and Sport and the Development Planning Department, Urban Design and Cultural Heritage Division.”;
  - ii) “In the event that human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Regional Police Department, Regional Coroner, the Registrar of Cemeteries and Crematoriums Regulation Unit of the Ministry of Government and Consumer Services, and the City of Vaughan Development Planning Department, Urban Design and Cultural Heritage Division;
  - iii) “For residential high-density development, the Owner shall pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% of the value of the subject lands, prior to the issuance of a Building Permit, or a fixed rate per unit, whichever is higher in accordance with the *Planning Act* and the City’s cash-in-lieu policy.”
- c) THAT the implementing Site Plan Agreement shall include the following warning clauses:
- i) in all Offers of Purchase and Sale or Lease for the units on Blocks 1 to 6 and the Apartment Building on the site plan:

“Purchasers and/or tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound level limits of the Ministry of Environment, Conservation and Parks.”
  - ii) in all Offers of Purchase and Sale or Lease for the units on Block 1, Block 6, and Apartment Building on the site plan:

“Purchasers and/or tenants are advised that, despite the inclusion of noise control features in this development area and within the dwelling unit, the noise levels from increasing traffic may continue to be of concern, occasionally interfering with some activities of the occupants. This dwelling has,

therefore, been equipped with forced air heating and ducting etc., and central air conditioning which will allow windows to be kept closed, thereby achieving indoor sound levels within the limits recommended by the Ministry of Environment, Conservation and Parks and in compliance with the City's noise requirements. The location of the air conditioning unit for each dwelling unit in the block shall be in compliance with the provisions of the City of Vaughan Zoning By-law 1-88."

- iii) in all Offers of Purchase and Sale or Lease for the dwelling units on Blocks 2 to 5 on the site plan:

"Purchasers and/or tenants are advised that, despite the inclusion of noise control features within the development area, road noise will continue to increase occasionally interfering with some activities of the dwelling occupants. This dwelling has, therefore, been equipped with forced air heating and ducting, etc. sized to accommodate the future installation of air conditioning by the purchaser and/or tenant. The location of the air conditioning unit on the lot shall be in compliance with the provisions of the City of Vaughan Zoning By-law 1-88."

## **Background**

The subject lands (the 'Subject Lands') are located on the north-east corner of Rutherford Road and Dufferin Street and are municipally known as 1176 Rutherford Road. An existing residential dwelling located on the Subject Lands is proposed to be demolished. The surrounding land uses are shown on Attachment 1.

### ***A Zoning By-law Amendment and Site Development Applications have been submitted to permit the Development***

The Owner has submitted the following applications (the 'Applications') for the Subject Lands shown on Attachment 1 to permit a 24-storey residential apartment building consisting of 255 units, six blocks of three-storey, back-to-back and stacked townhouse dwelling units, consisting of 172 units and a Floor Space Index of 2.78 times the area of the lot (the 'Development'):

1. Zoning By-law Amendment File Z.15.023 (Norstar Group of Companies Inc.) to rezone the Subject Lands from "A Agricultural Zone" and "OS5 Open Space Environmental Protection Zone" to the "RA3(H) Residential Apartment Zone", "RM2(H) Multiple Residential Zone", each with the Holding Symbol "(H)" and "OS5 Open Space Environmental Protection Zone".
2. Site Development Application File DA.15.022 (Norstar Group of Companies Inc.) to facilitate the development.

***A Committee of the Whole (Public Hearing) for the Zoning By-law Amendment Application was held on June 16, 2015. The Zoning By-law Amendment Application was not considered by Council within two years and required an additional Public Hearing in accordance with Vaughan Official Plan 2010***

The Committee of the Whole (Public Hearing) considered Zoning By-law Amendment File Z.15.023 on June 16, 2015, which was ratified by Vaughan Council on June 23, 2015. In accordance with Section 10.1.4.1 (in part) of Vaughan Official Plan 2010 ('VOP 2010'), a new Public Hearing for planning application(s) shall automatically be required when "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." Since the original Public Hearing was held on June 16, 2015, an additional Public Hearing was held on April 2, 2019.

At the Public Hearing of June 16, 2015, the Owner proposed a development consisting of two (2) residential apartment buildings (13 and 24-storeys), connected by a two-storey podium with a total of 438 residential apartment units and 601 m<sup>2</sup> of ground floor commercial area with an FSI of 2.84 times the area of the lot. The current Development is comprised of one apartment building and introduces townhouses to provide a variety in housing typology on the Subject Lands.

***Public Notice was provided in accordance with the requirements of the Planning Act and Council's Notification Protocol. A Community Meeting was held on June 16, 2019 to discuss the Development***

On March 8, 2019, a Notice of Public Hearing was circulated to all property owners within 150 m of the Subject Lands, including the expanded polling area shown on Attachment 1 and to the Carrville Mills and Preserve Thornhill Woods Ratepayers Associations. A copy of the Notice of Public Hearing was posted on the City's website at [www.vaughan.ca](http://www.vaughan.ca). Two Notice Signs (one each along Dufferin Street and Rutherford Road) were installed on the Subject Lands in accordance with the City's Notice Signs Procedures and Protocols.

The Committee of the Whole on April 2, 2019, recommended that the Public Hearing report BE RECEIVED and to forward a comprehensive technical report to a future Committee of the Whole meeting. Vaughan Council ratified the recommendation of the Committee of the Whole on May 1, 2019.

The following individuals made a deputation at the Public Hearings on June 16, 2015, and April 2, 2019, or submitted written correspondence/communications on the Development:

- Tyler Bousfields Inc., representing the Owner
- A. Muscat, Ohr Menachem Way, Vaughan
- M. Maximov, Novella Road, Vaughan
- The Gheshmy Family, Vaughan

- M. Guitrang, Belvia Drive, Concord
- Y. Zhang, Borjana Boulevard, Vaughan
- L. Polsinelli, Belvia Drive, Concord
- A. Goldschmit, Foxwood Road, Vaughan
- H. Patel, Thornhill Woods Drive, Vaughan
- M.Gutraind, Belvia Drive, Concord
- X.Yang, 18 Heriot Place, Vaughan
- P.Bojkov, Belvia Drive, Concord
- L.Chicella, Belvia Drive, Concord
- V.Juric, Benjamin Hood Crescent, Vaughan
- R.Mattucci, Maison Parc Court, Vaughan
- S. Mortfield, Resident of Vaughan (street name not provided)
- D. Zaharov, Resident of Vaughan (street name not provided)
- D.Yeung, Wolf Creek Crescent; Carrville
- V. Turezsky, V.Turezsky, C.Turezsky, Novella Road, Carville

The following comments were provided through written submissions received by the Development Planning Department and by deputations at the Public Hearings on June 16, 2015, and April 2, 2019. The Development Planning Department provides the following responses to the comments made below and in relevant sections throughout this report:

a) The Appropriateness of the Proposed Building Height and Density and Compatibility with the Existing Low-Rise built form

The correspondence included comments regarding the appropriateness of the proposed 24-storey apartment building in the context of the existing low-rise community.

Staff Response

The Subject Lands are designated “High-Rise Mixed Use” by the Carrville Centre Secondary Plan (‘CCSP’), which permits a maximum building height of 24-storeys, an FSI of 2.84 times the area of the lot. The CCSP was approved by the former Ontario Municipal Board (now the Local Planning Appeal Tribunal) on December 24, 2013.

Vaughan Council, on June 25, 2013, approved a similar mixed-use development consisting of 10 blocks for high rise residential and/or stand-alone commercial buildings and townhouse units (Files OP.13.015, Z.13.043, and 19T-12V009, Nine-Ten West Limited) with a maximum building height of 25-storeys with stand alone commercial buildings on the northwest corner of Dufferin Street and Rutherford Road, as identified on Attachment 1. The property on Rutherford Road east of the Open Space Lands is zoned “RA3(H) Apartment Residential Zone” which permits a maximum building height of 22-storeys and Floor Space Index (‘FSI’) of 3.5 times the lot area. The properties to the northeast beyond the Carrville Woods



Circle are designated “Low-Rise Mixed-Use”, which will offer an appropriate transition to the existing low-rise built forms. Accordingly, the proposed building heights and densities are permitted by the CCSP and are appropriate in this neighbourhood context.

b) Traffic Impacts and congestion resulting from the Development on Dufferin Street and Rutherford Road

Comments were provided regarding the existing and potential future traffic impacts on the surrounding road network, should the Applications be approved, particularly related to the additional congestion to the surrounding road network, and that Rutherford Road and Dufferin Street do not have the capacity to accommodate the additional volume as a result of the Development. Comments regarding existing congestion on Rutherford Road and Dufferin Street were also received. Comments were also provided regarding impaired sightlines to the municipal sidewalk and Rutherford Road, resulting from the design of the underground ramp leading to the building.

Staff Response

The Development includes right-in/right-out accesses onto Rutherford Road and Dufferin Street that will be controlled by centre medians where U-Turns will be permitted. The City, Owner and York Region met to discuss the possibility of incorporating a full-movements access onto either Dufferin Street or Rutherford Road. York Region staff advised that only right-in/right-out accesses will be permitted to support the Development.

York Region has identified road capacity deficiencies along Rutherford Road and therefore, completed the Rutherford/Carrville Road Environmental Assessment (‘EA’) between Yonge Street and Jane Street to identify alternative solutions to address issues, including the widening of Rutherford Road to introduce High Occupancy Vehicle (‘HOV’)/Transit lanes and the widening of Dufferin Street. York Region advises that roadway and intersection improvements will be required on Rutherford Road and Dufferin Street, with the reconstruction of both of these roads within the EA area being scheduled for 2022.

The Owner has submitted a Traffic Impact Study (‘TIS’) entitled “Updated Traffic Impact Study” dated December 2018, and July 2018, and an Access Sightline Assessment (the ‘Assessment’), dated June 3, 2019, prepared by GHD Consulting Engineers in support of the Applications. The TIS concludes that traffic volumes generated will represent a small component of total traffic passing through the intersection at peak hours. The TIS also concludes that the proposed accesses are expected to operate with excellent level of service, allowing the site to operate safely and efficiently for motorist, pedestrian and bicycle connectivity.

York Region has reviewed and is satisfied with the TIS and the Assessment. The sightline from the Rutherford Road underground access ramp to the municipal sidewalk will be improved as the end units abutting the ramp are proposed to be recessed to allow for improved visibility. Comments respecting traffic and road network are further discussed in the Development Engineering section of this report.

c) Impact on the Natural Heritage Network

Comments were received regarding the removal of trees and the protection of the natural heritage network and greenspace surrounding, and located on, the Subject Lands.

Staff Response

The Subject Lands are located adjacent to a woodlot/natural heritage feature that is currently owned by the City and regulated by the Toronto and Region Conservation Authority (“TRCA”). The Subject Lands are located within the Settlement Area of the Oak Ridges Moraine Conservation Plan Area (‘ORMCP’) and are subject to the ORMCP policies and corresponding policies of VOP 2010.

The TRCA completed a site staking of the Subject Lands on April 28, 2017, to confirm the staked limits and establish the long-term stable top of bank of the property, and to delineate the extent of the natural heritage features. The Owner submitted an ORMCP Conformity Report in addition to the Natural Heritage Evaluation (‘NHE’) to confirm the natural features of the Subject Lands and identify opportunities for protection. The NHE recommends a minimum vegetative protection zone (‘VPZ’) of 10 m from the long-term stable top of bank, in accordance with the CCSP.

In consultation with the City and the TRCA, the Owner has agreed to dedicate the portion of the Subject Lands to be zoned “OS5 Open Space Environmental Protection Zone” (Attachment 2) that contains the 10 m VPZ, to the City/TRCA. The Owner is required to dedicate these lands free and clear of all encumbrances prior to execution of the Site Plan Agreement, should the Applications be approved.

A total of 78 trees were inventoried and 73 trees are proposed to be removed, with 41 replacement tree plantings required on the Subject Lands. The Owner proposes to plant 26 replacement trees and additional tree plantings as part of the edge management treatment abutting the valleylands. The remaining 15 replacement trees will be compensated with cash-in-lieu. In accordance with the Tree Protection By-law and City’s Tree Protection Protocol, the Owner is also required to enter into a Tree Protection Agreement with the City prior to execution of the Site Plan Agreement, and provide a security for tree removals, should the Applications be approved.

- d) The Development will add more pressure on community services, parks, libraries, and retail services, are already overused

The residents provided comments on the potential impact of the Development respecting noise pollution, and the deterioration of community facilities, such as parks and schools, shopping centres, as a result of overcrowding from the increased population.

#### Staff Response

The City's Active Transportation Master Plan Review and Update 2018 and the CCSP do not identify the need for additional community facilities on the Subject Lands and the School Boards have advised they do not require any additional schools as a result of this Development. The Block 11 Community Plan includes a proposed future Carrville Community Centre which will service residents within a 2 kilometre radius. The Development includes a 4,835 m<sup>2</sup> of outdoor amenity areas to serve the future residents.

The Owner has submitted a Noise Study, prepared by GHD Consulting Engineers, dated March 29, 2019, which identifies that there is environmental noise impact from road traffic and recommends upgrading building exterior components, central air conditioning to mitigate the noise and noise warning clauses to ensure that future occupants are aware of potential noise situations from the road. The Subject Lands are also bounded by the north and east by undeveloped by open space and undeveloped agricultural lands that will not create any noise impacts.

Vaughan Council on May 1, 2019, endorsed the recommendation of the Committee of the Whole to receive the Public Hearing and directed that a Community Meeting be held with York Region and City staff to discuss the community concerns raised at the Public Hearing.

A Community Meeting was held on June 16, 2019, to discuss the Development with City and York Region staff in attendance. The comments received at the Community meeting were similar to those discussed above.

On September 10, 2019, the Development Planning Department mailed a non-statutory courtesy notice of this Committee of the Whole meeting to all individuals that either made a deputation at the Public Hearings and Community Meeting, submitted correspondence respecting the files, or requested notification of future meetings.

#### **Previous Reports/Authority**

[Council Extract Committee of the Whole Public Hearing June 15, 2016 \(Norstar Group of Companies Inc\) Report No. 27 Item 2](#)

## **Analysis and Options**

### ***The Applications are consistent with the Provincial Policy Statement***

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario “shall be consistent with” the *Provincial Policy Statement, 2014* (the “PPS”). The PPS provides policy direction on matters of provincial interest related to land use planning and development. The PPS is applied province-wide and provides for appropriate development while ensuring that public health and safety, and the quality of the natural and built environment are protected.

The *Planning Act* requires that Vaughan Council’s planning decisions be consistent with the PPS. The Development Planning Department has reviewed the Applications in consideration of the policies of the PPS and is of the opinion that the Applications are consistent with provincial policy, specifically the following sections (in part) under Part V - “Policies” of the PPS:

- Section 1.1.1 (b) - accommodating for an appropriate range of residential, employment, institutional, recreation, park and open space uses
- Section 1.1.1 (d) - avoiding development and land use patterns that prevent the efficient expansion of settlement areas or areas adjacent to settlement areas
- Section 1.1.1 (e) - promoting cost-efficient development patterns and minimizing land consumption
- Section 1.1.3.1 - settlement areas as the focus of growth and development
- Section 1.1.3.2 (a) and (b) - land use patterns based on densities and a mix of uses, and promoting opportunities for intensification where appropriate
- Section 1.4.1 - providing for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents
- Section 1.6.6 - promoting efficient use and organization of existing municipal sewage and water services
- Section 2.1.1 - protecting natural features and areas for the long-term

The Development is located within a “Settlement Area” as identified by the PPS and the ORMCP. The Development is consistent with the Settlement Areas, Housing and Natural Heritage policies of the PPS, as the Development would implement growth within a settlement area, utilize land more efficiently by minimizing land consumption, permit intensification on a regional intensification corridor, and introduce various housing typologies (apartment and townhouses) to meet projected housing needs. The Development is proposed to be serviced by existing municipal waste and water services.

The Development is located on Rutherford Road which is identified as a “Regional Transit Priority Network” and is planned to provide accessibility to existing public transit. The Development will ensure the long-term protection of the environment by conveying the proposed “OS5 Open Space Environmental Protection Zone” (shown on Attachment

2) into public ownership, to which the Owner has agreed to dedicate to the appropriate public authority. The Development is consistent with the PPS.

***The Applications conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019***

*A Place to Grow - Growth Plan for the Greater Golden Horseshoe, 2019* (“Growth Plan”) is intended to guide decision making on the development of land by encouraging compact built form, transit supportive communities, diverse land uses, and a range and mix of housing types. The Growth Plan encourages the concentration of population and employment growth within settlement areas and promotes the development of complete communities that offer a mix of housing types, access to local amenities, and connections to municipal water and wastewater systems.

The *Planning Act* requires that Vaughan Council’s planning decisions conform to the Growth Plan. The Development Planning Department has reviewed the Applications in consideration of the policy framework of the Growth Plan, and is of the opinion that the Applications conform to the Growth Plan objectives, specifically the following sections (in part):

- Section 1.2.1 - regarding how land is developed, resources are managed, protected, and public dollars are invested based on guiding principles
- Section 2.2.1 - directing growth to settlement areas and locations with municipal water and wastewater systems
- Section 2.2.2 - contributing to meeting residential development growth targets within the delineated built-up area
- Section 2.2.6 - providing a diverse mix of housing densities to meet the needs of current and future residents
- Section 4.2.2 - protecting and enhancing key natural heritage features

The Development is located within a delineated built-up area and settlement area where existing and new water and wastewater services are available. The Development would contribute to meeting residential growth development targets within the delineated built-up area and offer diversity with respect to available housing options (i.e. apartment and townhouse units).

The Development is located along a planned transit corridor (a “Regional Transit Priority Network”) that achieves the objective of providing density to support public transit through a compact development that optimizes the existing land supply. The surrounding natural features will be also dedicated to the City or TRCA to ensure their long-term protection. The Development conforms to the Growth Plan.

***The Applications conform to the York Region Official Plan 2010***

The York Region Official Plan 2010 (the “YROP 2010”) guides economic, environmental and community building decision making across York Region, and describes how York Region will accommodate future growth and development while meeting the needs of existing residents and businesses. YROP 2010 encourages a broad range of housing types within efficient and mixed-use compact communities at an

overall transit-supportive density. The range of housing includes different forms, types and tenures to satisfy the needs of the Region's residents. YROP 2010 identifies that the housing stock in the Region is primarily comprised of detached units and recognizes that the housing market is faced with demands for a broader variety of housing forms to meet the needs of different households. YROP 2010 also encourages pedestrian scale, safety, comfort and mobility, and the enrichment of the existing area with attractive buildings, landscaping and public streetscapes.

The Subject Lands are designated "Urban Area" by the YROP 2010, which permits a range of residential, commercial, employment and institutional uses, subject to additional policy criteria. The Subject Lands abut Dufferin Street, which identifies a portion of Dufferin Street as a "Special Study Area", and Rutherford Road, which is identified as a "Regional Transit Priority Network" (Map 11 - Transit Network).

The Development Planning Department has reviewed the Applications and is of the opinion that the Applications conform to YROP 2010 objectives, specifically in reference to the following policies (in part):

- Section 3.1.3 respecting high-quality urban design and pedestrian-friendly communities to encourage safety, comfort, mobility and walkability
- Section 3.5.4 respecting mix and range of housing types, unit sizes and levels of affordability, and that the mix and range of housing is consistent with Regional forecasts, and intensification and density requirements
- Section 5.2.3 - Building Cities and Complete Communities, respecting walkability through interconnected and accessible mobility systems

The Development includes a variety of unit sizes for the proposed townhouses and apartment units, that will diversify housing options within the community. The Subject Lands are located within the CCSP and has available municipal services (water and sewer). The Development includes access on Dufferin Street and Rutherford Road, which are Regional corridors that have pedestrian connections and accessibility to existing and planned services for York Region Transit. The Development has a high-quality urban built form that is compact, pedestrian and cyclist friendly, and will be transit-supportive. The Development conforms to YROP 2010.

***The Applications conform to the "Carrville Centre Secondary Plan" and Vaughan Official Plan 2010***

The Subject Lands are designated "High-Rise Mixed-Use" by VOP 2010, Volume 2, Section 11.2 (the CCSP) with a permitted maximum building height of 24-storeys and an FSI of 2.84 times the area of the lot. The Subject Lands are identified as being located within a "Local Centre", with Rutherford Road is identified as a "Primary Intensification Corridor" (Schedule 1 - Urban Structure), and "Regional Transit Priority Network" (Schedule 10 - Major Transit Network) and Dufferin Street identified as an arterial road.

The "High-Rise Mixed-Use" designation represents the primary retail development area within the Carrville District Centre and is intended to be developed as an active, mixed-

use area characterized by high-quality design standards. This designation permits residential units in low, mid and high-rise building formats, with a broad variety of retail and commercial activities, offices, and cultural, entertainment and social facilities.

The CCSP encourages a mixed-use nature of the Centre by establishing mixed-uses within individual buildings however, the Development does not include any retail uses at-grade.

Section 11.2.5.3 of VOP 2010 states (in part) “Where it is determined that a mix of uses is not feasible in an individual building, urban design strategies will be required to achieve the goal of an animated, pedestrian friendly street frontage”. The Owner has responded to this policy and submitted a “Revised Planning Opinion” dated March 10, 2016, and an “Addendum to Planning and Urban Design Rationale”, dated December 23, 2016, prepared by Bousfields Inc. The rationale concludes that retail uses would not be feasible on this particular site due to physical and environmental constraints and would be unlikely to experience the level of pedestrian activity from neighbouring properties required from a retailer’s perspective. The rationale and addendum recommend that a high-quality architectural design will be proposed through the use of varied building materials, massing and enhanced landscaping. The Development achieves this goal by including active uses such as private amenity areas and common activity rooms on the ground floor, which will be visible along the front facades to strengthen the pedestrian streetscape and interface. Further, a majority of the Development along the Dufferin Street and Rutherford Road frontages are occupied by the townhouse units. The Development conforms to VOP 2010.

***The Policy Planning and Environmental Sustainability (‘PPES’) Department has no objection to the Development***

The Subject Lands contain “Core Features”, specifically valley and stream corridors located at the north east section of the Subject Lands and are located within the Settlement Area of the ORMCP. Section 11.2.11.9 of the CCSP requires a 10 m ecological buffer adjacent to valley and stream corridors. The Owner submitted an Oak Ridges Moraine Conformity Report and Natural Heritage Evaluation dated April 9, 2015, and November 2018, prepared by Palmer Environmental Consulting Group Inc., which conforms to the 10 m ecological policies in the CCSP. The Owner has agreed to convey all natural features and their respective VPZ into public ownership.

The PPES Department have reviewed the submitted reports and are satisfied that the policies respecting Part III of the Oak Ridges Moraine Conservation Plan 2017 (‘ORMCP 2017’) respecting land within Settlement Areas have been satisfactorily addressed.

PPES Department staff has identified the following items to be reviewed by the Owner prior to execution of the Site Plan Agreement:

- Species at Risk, as protected by the *Endangered Species Act, 2007*
- *Migratory Birds Convention Act (1994)*, as regulated by the Environment and Climate Change Canada

- Architectural designs shall include bird safe design treatments

The Owner will be required to respond to the requirements of the Acts, and architectural designs shall include bird safe design treatments, identified above through the finalization of the Site Development Application, should the Applications be approved. The PPES Department has no objection to the Development. A condition this effect is included in the Recommendations of this report.

***The Applications conform to the Block 11 Plan***

The Subject Lands are identified within the Council approved Block 11 Community Plan, which was last updated on September 27, 2016, as “Lands for Future Phases of Development”. The Block 11 Plan contemplates future residential developments on these lands, which is consistent with the “High-Rise Mixed-Use” designation of the CCSP, and the proposed Development. The Owner will be required to enter into a Developer’s Group Agreement and identify any needs for cost sharing, which is to be confirmed via written correspondence from the Block 11 Trustee, should the Applications be approved.

The Owner shall update the Block 11 Community Plan and shall cause the following to be displayed on the interior wall of the sales office, with information to be approved by the City of Vaughan, prior to offering any units for sale, to be monitored periodically by the City:

- The Block Plan for the broader area, showing surrounding land uses, arterial roads etc.
- The location of street utilities, community mailboxes, entrance features, fencing, sidewalks,
- Location of parks, open space, stormwater management, facilities, trails
- Location of commercial sites
- Colour coded residential for singles, semis, multiples and apartment units
- The following notes in BOLD CAPITAL TYPE on the map:

“For further information, on proposed and existing land uses, please call or visit the City of Vaughan Development Planning Department, at 2141 Major Mackenzie Drive, 905-832-8585”

“For detailed grading and berming information, please call the developer’s engineering consultant Schaeffers at 905-738-6100.”

“This map is based on information available as of (date of map) and may be revised or updated without notification to purchasers.”

A condition to this effect is included in the Recommendations of this report, should the Applications be approved.



**The Development Planning Department supports the Zoning By-law Amendment Application together with site-specific zoning exceptions identified in Tables 1 and 2 of this report**

The Subject Lands are zoned “A Agricultural Zone” and “OS5 Open Space Environmental Protection Zone”, as shown on Attachment 1, by Zoning By-law 1-88, which does not permit the Development. The Subject Lands are proposed to be zoned “RA3(H) Residential Apartment Zone” and “RM2(H) Multiple Residential Zone” each with the Holding Symbol “(H)”, and “OS5 Open Space Environmental Protection Zone”, in the manner shown on Attachment 2, and subject to the following site-specific zoning exceptions identified in Tables 1 and 2 below:

**Table 1: Exceptions to the RA3 Apartment Residential Zone**

	<b>Zoning By-law 1-88 Standard</b>	<b>RA3 Apartment Residential Zone Requirement</b>	<b>Proposed Exceptions to the RA3 Apartment Residential Zone</b>
a.	Minimum Lot Area	255 units @ 67 m <sup>2</sup> /unit = 17,085 m <sup>2</sup>	255 units @ 53.21 m <sup>2</sup> /unit = 13,569 m <sup>2</sup>
b.	Minimum Amenity Area	96 units (1-bedroom) @ 20 m <sup>2</sup> = 1,920 m <sup>2</sup>  146 units (2-bedroom) @ 55 m <sup>2</sup> = 8,030 m <sup>2</sup>  13 units (3-bedroom) @ 90 m <sup>2</sup> = 1,170 m <sup>2</sup>  Total: 11,120 m <sup>2</sup>	Indoor Amenity: 687 m <sup>2</sup>  Outdoor Amenity: 1,539 m <sup>2</sup>  Total: 2,226 m <sup>2</sup> (8.7 m <sup>2</sup> /unit)
c.	Minimum Parking Requirement (Residential Parking)	<u>Residential Apartment and Townhouses:</u> 427 units @ 1.5 spaces/unit = 641 residential parking spaces  <u>Visitor Parking Spaces:</u> 427 units @ 0.25 spaces/unit = 107 visitor parking spaces  Total = 748 spaces	<u>Residential Apartment and Townhouses:</u> 427 units @ 1.037 spaces/unit = 443 residential parking spaces  <u>Visitor Parking Spaces:</u> 427 units @ 0.21 spaces/unit = 90 visitor parking spaces  Total = 533 spaces

	<b>Zoning By-law 1-88 Standard</b>	<b>RA3 Apartment Residential Zone Requirement</b>	<b>Proposed Exceptions to the RA3 Apartment Residential Zone</b>
d.	Maximum Building Height	44 m	85 m
e.	Minimum Setback for Portion of Buildings Below Grade	1.8 m	0.5 m from Rutherford Road, Dufferin Street and the sight-triangle
f.	Minimum Front and Exterior Side Yard Setbacks (Abutting the Exterior Walls of the Apartment Building)	Front Yard: 7.5 m  Exterior Side Yard: 7.5 m	2.8 m (Rutherford Road)  2.8 m (Dufferin Street)
g.	Minimum Front Yard Setback to an Exterior Stairway (Apartment Building)	7.5 m	4 m from Rutherford Road
h.	Minimum Setback to a Sight-triangle (Abutting the Apartment Building)	4.5 m	3 m
i.	Minimum Landscape Strip Width Abutting Dufferin Street, Rutherford Road and the Sight-triangle	6 m	3 m
j.	Minimum Setback to Canopies (2 <sup>nd</sup> Floor Canopy to Sight Triangle)	0.5 m	0 m

The following site-specific exceptions are also required for the “RM2 Multiple Residential Zone” to permit the Development.

**Table 2: Exceptions to the RM2 Multiple Residential Zone**

	<b>Zoning By-law 1-88 Standard</b>	<b>RM2 Multiple Residential Zone Requirement</b>	<b>Proposed Exceptions to the RM2 Multiple Residential Zone</b>
a.	Minimum Lot Area	172 units @ 230 m <sup>2</sup> /unit = 39,560 m <sup>2</sup>	172 units @ 78.9 m <sup>2</sup> /unit = 13,570 m <sup>2</sup>
b.	Minimum Amenity Area	142 units (3-bedroom) @ 55 m <sup>2</sup> = 7,810 m <sup>2</sup>  30 units (2-bedroom) @ 90 m <sup>2</sup> = 2,700 m <sup>2</sup>  Total: 10,510 m <sup>2</sup>	Total Outdoor Amenity: 2,609 m <sup>2</sup> (15.2 m <sup>2</sup> /unit)
c.	Maximum Building Height (Townhouse Blocks 1 to 6)	11 m	14.5 m (3-storeys)
d.	Minimum Setback Requirements	Front Yard: 4.5 m  Exterior Side Yard: 4.5 m  Rear Yard: 4.5 m	3 m (Block 6) Rutherford Road  3 m (Block 1) Dufferin Street  2 m (Block 2)
e.	Minimum Setback to Covered Porches and Exterior Stairways (Townhouse Blocks 1 to 6)	4.5 m	1.5 m

	<b>Zoning By-law 1-88 Standard</b>	<b>RM2 Multiple Residential Zone Requirement</b>	<b>Proposed Exceptions to the RM2 Multiple Residential Zone</b>
f.	Minimum Driveway Width (Rutherford Road)	7.5 m	6.32 m
g.	Minimum Landscape Strip Width and Height Abutting the Periphery of an Outdoor Parking Area	3 m (width) 1.2 m (height)	0 m No minimum landscape screening is required
i.	Rooms Below Grade	No cellar of any building shall be used as a dwelling unit.	To permit the basement (first floor) level of the townhouse units within Blocks 1 to 6 to be partially located below grade.
j.	Minimum Interior Sideyard Setback to Exterior Stairways and Elevator Shaft (Between Blocks 3 and 4)	1.5 m	0 m

The Development Planning Department has reviewed the proposed site-specific exceptions to Zoning By-law 1-88 and can support the exceptions. The proposed minimum lot areas and building setbacks for the townhouses and apartment building will permit a compact built-form consistent with the permitted uses and density identified in the CCSP. All the townhouse blocks will have the basement (first floor) levels that are partially below grade, with no units having any direct access to the underground parking garage. The proposed exterior stairway and elevator shaft located between Blocks 3 and 4 are abutting the 10 m VPZ and will not result in any negative impact.

The Development includes approximately 4,835 m<sup>2</sup> of outdoor amenity areas including a centralized outdoor amenity area (578.6 m<sup>2</sup>) that will be accessible to all residents and visitors and will be integrated with all pedestrian connections and walkways to the proposed townhouses, with access to the existing municipal walkway along Dufferin Street. The Development is within a 17-minute walk to Pheasant Hollow Park and within

10-minute walking distance to an existing park south-east of Marc Santi Boulevard and Crimson Forest Drive. The proposed three-storey townhouse dwellings will also contain private roof-top amenity areas.

The proposed building height implements the permitted maximum building height by the CCSP. The apartment building consists of a four-storey podium that will include indoor amenity programable space at-grade. The proposed building height for the townhouse dwellings are suitable for a compact-built form and is consistent with previously approved maximum building heights in the immediate neighbourhood area.

The Owner has submitted a Transportation Parking Study (the “Traffic Impact Study”) dated July 2018 by GHD Consulting Engineers, which concludes that the proposed number of parking spaces is sufficient to serve the Development. The Transportation Division of the Development Engineering Department has reviewed the Study and concurs with its recommendations.

***A Holding Symbol “(H)” is recommended for the Subject Lands to satisfy the conditions of the City***

A Holding Symbol “(H)”, as shown on Attachment 2, is recommended to be applied to the Subject Lands and shall not be removed from the Subject Lands, or any portion thereof, until the following conditions are met to the satisfaction of the City of Vaughan:

- a) The Owner shall enter into a Development Agreement to satisfy all conditions, financial or otherwise, of the City with regard to such matters the City may consider necessary including payment of the development levies, the provision of roads and municipal services, including construction of sanitary sewer on Rutherford Road, installation of new services, landscaping and fencing. The said agreement shall be registered against the Subject Lands and to the satisfaction of the City. The Owner must also address the following:
  - i) The Owner shall undertake further assessment of the City’s existing downstream sanitary sewer system based on actual measured sewage flow data to verify the findings of the theoretical analysis to the satisfaction of the City. In the event the findings of this supplementary analysis identify the need to undertake improvements to the existing downstream sanitary sewer system in order to accommodate the additional sewage flows from the development of the subject lands, the Owner shall design and construct these system improvements; and
  - i) The Owner shall obtain all required easements for the proposed sanitary sewer on Rutherford Road and any other municipal infrastructure required to service the subject lands to the satisfaction of the City.
- b) The Owner shall enter into a Block 11 Developer’s Group Agreement with the other participating landowners within Block 11 to the satisfaction of the City. The Agreement shall be regarding but not limited to all cost sharing of the provision of parks, cash-in-lieu of parkland, roads and municipal services; and,

- c) The Owner shall submit a letter from the Block 11 Developer's Group (Block 11 Properties Inc. - Trustee) indicating that the Owner has fulfilled all cost sharing and other obligations of the Block 11 Developer's Group Cost Sharing Agreement, to the satisfaction of the Development Engineering Department.

A Condition to this effect is included in the Recommendations of this report.

***The Planning Act enables a municipality to pass a resolution to permit an Owner to apply for future Zoning By-law Amendment or Minor Variance application(s), if required, within 2 years of a Zoning By-law coming into full force and effect***

Section 45(1.3) of the *Planning Act* restricts an Owner from applying for a Zoning By-law Amendment or a Minor Variance application(s) to the City and/or the Vaughan Committee of Adjustment before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands came into effect. However, the *Planning Act* also enables Council to pass a resolution to allow an Owner to apply for a Zoning By-law Amendment or Minor Variance Application(s) to permit minor adjustments to the implementing Zoning By-law, prior to the two-year moratorium.

Should Council approve Zoning By-law Amendment File Z.15.023, the Development Planning Department, in recognition of the complexity of this Development, has included a Recommendation to permit the Owner to apply for a Zoning By-law Amendment or a Minor Variance application(s) to address refinements to the Development that may arise through the final design and construction process. A condition to this effect is included in the Recommendations of this report.

***The Applications were considered by the Vaughan Design Review Panel***

The Design Review Panel (the 'DRP') considered the Applications on April 24, 2014, June 25, 2015, February 26, 2016, and September 29, 2016.

The Owner has satisfactorily addressed the comments from the DRP through the current Site Development Application submission. The Development includes a maximum floor plate size of 773 m<sup>2</sup> beyond the 12<sup>th</sup> storey, along with a four-storey podium which will contain active uses at the ground floor level. The podium will provide access to the main lobby and amenity areas, which will be visible as solar vision glass windows are proposed. The elevator has been relocated within the building, and stairs are proposed between the building and the Block 6 townhouses.

The tower portion of the apartment building is 24-storeys in height and will include rooftop terraces, and podiums to articulate the massing above the 13<sup>th</sup> storey. The Owner, in consultation with the Urban Design Division, has submitted updated Sun/Shadow and Pedestrian Wind Impact Studies and is currently working to address the outstanding comments regarding the microclimate conditions at the corners of the apartment building. The building materiality has been reviewed by the Urban Design Division staff and the incorporation of additional composite wood paneling, brick and additional glazing is recommended.

The Development includes the centralized amenity area along with outdoor amenity areas throughout the site. The Owner has agreed to work with Urban Design staff to address the ultimate design of the centralized amenity area to ensure that the proposed programming is sufficient. The Development also includes 1.2 m landscape strip width between the front of the townhouses and the proposed walkway to accommodate trees and additional landscaping. The Development Planning Department shall approve the final site plan, building elevations and landscape plans. A condition to this effect is included in the Recommendations of this report.

***The Development Planning Department supports the proposed site plan, subject to the Recommendations of this report***

### Site Plan

The Development includes a 24-storey residential apartment building with six blocks of back-to-back and stacked townhouses, with access onto Dufferin Street and Rutherford Road, as shown on Attachment 2. Two levels of underground parking consisting of 533 visitor and residential parking spaces, along with a total of 258 bicycle parking spaces located within the underground garage as well as at-grade are proposed. A centralized 578.6 m<sup>2</sup> private outdoor amenity area is proposed, as shown on Attachments 2 and 3.

### Building Elevations

The proposed building elevations shown on Attachments 4 and 5 for the residential apartment building are comprised of precast, composite and metal paneling in light browns, dark greys, and grey, which provides architectural elements to the elevations. Balconies consist of glazing with windows made with glass. The Owner has agreed to further enhance the building materiality by incorporating more brick and adding a wood composite pattern. The Development Planning Department shall approve the final building elevations.

The loading area is located within the center of the site, adjacent to the ramp of the underground parking garage which is partially screened by the townhouse blocks from the public streets. The Owner has agreed to provide ample landscape screening along the centralized amenity area and along the rear yard of townhouse Block 5.

### Landscape Plan

The landscape plan shown on Attachment 3 illustrates multiple outdoor amenity areas comprised of hard and soft landscaping and the installation of new trees internal to the site and along Dufferin Street and Rutherford Road. The Development includes 1.5 m walkways along the perimeter of the private common element road which connects to the existing municipal sidewalk on Dufferin Street. Pedestrian crossings such as pavement markings are proposed throughout the site for safety and access purposes. Sloped curbed depressions are also included for accessibility. Landscape beds and planters are proposed within the front yards of the townhouse blocks and consist of shrubs, perennial plantings.

The existing natural features in the proposed “OS5 Open Space Environmental Protection Zone” will continue to be protected and maintained. The OS5 Zone includes

a 10 m VPZ from the stable top of bank established with the TRCA. The Owner has provided edge management restoration plantings within the VPZ and will be working with the TRCA to finalize all restoration plantings as a condition of site development approval, should the Applications be approved. The TRCA recommends the inclusion of a fence to protect the naturalized area and feature edge. The TRCA and Development Planning Department must approve the final site plan and landscape plans, including the edge management restoration and planting plans.

The Owner has submitted a Pedestrian Wind Assessment which states uncomfortable conditions may occur at the south-west entrance of the building, the pathway between the tower and the townhouses, and the local transit stop on Rutherford Road. The Owner has submitted a revised Landscape Plan which provides a sheltered bus stop, added a canopy to the south-east corner of the apartment building, and included a trellis in the amenity area to address these microclimate conditions. The Urban Design and Cultural Heritage Division is generally satisfied with the proposed changes and will require an addendum Pedestrian Wind Assessment to be submitted prior to execution of the Site Plan Agreement.

The final site plan, building elevations, landscape plan (including the edge management restoration and planting plan) landscape cost estimate, renderings, revised Pedestrian Wind Assessment must be approved to the satisfaction of the Development Planning Department.

***Cash-in-lieu of trees to be removed is required in accordance with the Tree Protection Protocol***

Vaughan Council on March 20, 2018, enacted Tree By-law 052-2018 and Tree Protection Protocol 2018, which requires the City and the Owner to enter into a Tree Protection Agreement for the preservation and protection of private and public, prior to the execution of the Site Plan Agreement. The following condition is included as a Recommendation of Site Plan approval:

“The Owner is required to enter into a Tree Protection Agreement, prior to the execution of the Site Plan Agreement which includes a security for trees to be preserved and protected in accordance the approved Arborist Report. The value of the security associated with the Tree Protection Agreement is determined through the following:

- Tree compensation formula provided in the Arborist Report based on the City Tree Replacement Requirement
- The costs associated with tree protection measures (i.e. tree protection fencing, silt barriers etc.)
- The costs associated with actual tree removals”

A total of 78 trees were inventoried and it is proposed that 73 trees be removed, with 41 replacement trees required on the Subject Lands in accordance with the Arborist Report and Tree Preservation Plan, prepared by SLR Consulting (Canada) Inc., dated August 14, 2018. The Owner proposes to plant only 26 replacement trees on the Subject Lands



and additional tree plantings as part of the edge management treatment abutting the valleylands as shown on Attachment 3. The remaining 15 replacement trees shall be compensated with cash-in-lieu at the following value in accordance with the City's Tree Protection Protocol as follows:

15 replacement trees x \$550.00 per tree = \$8,250.00

The Owner shall provide a cash-in-lieu payment in accordance with the City's Tree Protection Protocol, should the Applications be approved. A condition to this effect is included in the Recommendations of this report.

***The Subject Lands are free of any archaeological concerns***

The Owner has submitted Stage 1 and 2 Archaeological Assessment Reports which have been reviewed to the satisfaction of the City. The reports conclude that the Subject Lands are cleared of archaeological concerns. In areas where archeological concerns have been cleared, the following standard clauses apply and will be included in the implementing Site Plan Agreement:

- a) *“Should archaeological resources be found on the property during construction activities, the Owner must immediately cease all construction activities and notify the Ontario Ministry of Tourism, Cultural and Sport and the Development Planning Department, Urban Design and Cultural Heritage Division.*
- b) *In the event that human remains are encountered during construction activities, the Owner must cease all construction activities. The Owner shall contact the York Regional Police Department, the Regional Coroner, the Registrar of Cemeteries and Crematoriums Regulation Unit of the Ministry of Government and Consumer Services, and the City of Vaughan Development Planning Department, Urban Design and Cultural Heritage Division.”*

A condition to this effect is included in the Recommendations of this report.

***The Development Engineering (“DE”) Department has no objection to the Development subject to the conditions in this report***

The DE Department has reviewed the Applications and have no objection to the Development, subject to the inclusion of a Holding Symbol “(H)” on the Subject Lands to ensure the following:

- a) The Owner shall enter into a Development Agreement to satisfy all conditions, financial or otherwise, of the City with regard to such matters the City may consider necessary including payment of the development levies, the provision of roads and municipal services, including construction of a sanitary sewer connected to the sanitary sewer on Crimson Forest Drive and Rutherford Road, installation of new services, landscaping and fencing, all to the satisfaction of

the City. The said agreement shall be registered against the subject lands to the satisfaction of the City. The Owner must also resolve the following matters:

- i) The Owner shall undertake further assessment of the City's existing downstream sanitary sewer system based on actual measured sewage flow data to verify the findings of the theoretical analysis to the satisfaction of the City. In the event the findings of this supplementary analysis identify the need to undertake improvements to the existing downstream sanitary sewer system in order to accommodate the additional sewage flows from the development of the subject lands, the Owner shall design and construct these system improvements; and
- b) The Owner shall enter into a Block 11 Developer's Group Agreement with the other participating landowners within Block 11 to the satisfaction of the City. The Agreement shall be regarding but not limited to all cost sharing of the provision of parks, cash-in-lieu of parkland, roads and municipal services; and
- c) The Owner shall submit a letter from the Block 11 Developer's Group (Block 11 Properties Inc. - Trustee) indicating that the Owner has fulfilled all cost sharing and other obligations of the Block 11 Developer's Group Cost Sharing Agreement, to the satisfaction of the Development Engineering Department.

The DE Department advises that further details respecting the proposed location of the sanitary sewer along Rutherford Road is required. The final grading plan, servicing plan, erosion sediment control plan, Functional Servicing Report and Stormwater Management Report, submission of a Geotechnical Investigation Report, and Traffic Impact Study must be approved to the satisfaction of the DE Department, prior to final approval of the related Site Development File DA.15.022. The following comments are provided:

- a) Road Network/Access  
Access to the Subject Lands is proposed onto Rutherford Road via a right-in/right-out driveway into a parking garage approximately 115 m east of Dufferin Street, and a right-in/right-out driveway onto Dufferin Street approximately 120 m north of Rutherford Road. Dufferin Street and Rutherford Road are Regional roads. The Owner has submitted a Transportation Study ('TIS') entitled "Updated Traffic Impact Study", dated December 2016 and July 2018, and the "Access Sightline Assessment" dated June 3, 2019, prepared by GHD Consulting Engineers, in support of the Applications. The Development includes internal pedestrian network and connections to the existing external municipal sidewalk network and direct connection to the neighbourhood park to the east. A total of 535 parking spaces are proposed, including 86 visitor parking spaces, which are sufficient to serve the Development.

York Region has identified capacity deficiencies on Rutherford Road and has completed the Rutherford/Carrville Road Environmental Assessment ('EA') to introduce High-Occupancy Vehicle ('HOV')/Transit lands and the widening of

Dufferin Street to improve modal splits and reduce single occupancy passenger trips. The TIS concludes that the proposed accesses from the regional roads are expected to operate with an excellent level of service and the site will operate safely and efficiently for motorists, pedestrians and bicycle connectivity.

The DE Department requires pedestrian connectivity (sidewalk) to the north side of Rutherford Road along the frontage of the Development to adequately service growth in the surrounding area. The Owner will be required to work with the City and York Region to design and construct an interim sidewalk, until the ultimate Rutherford Road right-of-way is constructed in accordance with the Rutherford Road EA, which will include the permanent sidewalk.

b) Lot Grading

The Owner is required to revise the Grading Plan to confirm the grading of the site meets the current Site Plan Criteria Guide, to the satisfaction of the DE Department.

c) Water Supply

The Development is proposed to be serviced via a connection to a City watermain on Rutherford Road. The proposed service connection is sufficient to provide adequate pressures and flows to bring the water to the mechanical room where a booster pump will be located to service the Development.

d) Sanitary Servicing

There is no local sanitary sewer adjacent to the Development. The Owner proposes a sanitary sewer north of the Rutherford Road right-of-way, along the City's open space and TRCA regulated lands connecting to the existing sanitary sewer on Crimson Forest Drive. The Owner shall obtain all required easements for the proposed sanitary sewer on Rutherford Road and any other municipal infrastructure required to service the Subject Lands. The location of the proposed sanitary sewer must be approved to the satisfaction of the DE Department prior to execution of the Site Plan Agreement. A condition to this effect is in the Recommendation of this report.

Although the Functional Servicing Report indicates that sufficient capacity is available, there are critical sanitary sewer segments that the Owner will be required to undertake further assessment of the City's existing downstream sanitary system. In the event the need for further improvements are identified, the Owner will be required to design and construct these system improvements to the satisfaction of the DE Department. A condition to this effect is included in the Recommendations of this report.

e) Stormwater Management

The existing drainage for the Subject Lands drains to the eastern valleylands, which are City-owned lands. A portion of the Subject Lands drains towards an existing ditch located within the boulevard of Rutherford Road. A smaller area also drains westward towards the existing Dufferin Street storm sewer. There is

existing storm infrastructure south of the Subject Lands that consist of roadside ditches, which drain eastward along Rutherford Road. A regional storm sewer is to be constructed in the future along Rutherford Road. It is proposed that the controlled portion of the Subject Lands will discharge to the proposed regional storm sewer in the ultimate condition.

f) Noise Attenuation

The Owner submitted a Noise Study, prepared by GHD Consulting Engineers, dated March 29, 2019, to investigate the potential environmental noise impact on the Development from road traffic. 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. The final Noise Study must be approved to the satisfaction of the DE Department.

g) Environmental Assessment

The Owner has submitted Phase One and Two Environmental Site Assessment ('ESA') Reports which have been reviewed to the satisfaction of the Environmental Engineering Division. The ESA reports indicate that the Development meets the applicable Ministry of Environment, Conservation and Parks Standards and is suitable for residential uses.

h) Servicing Allocation

On February 21, 2018, the City's latest annual servicing capacity allocation strategy report was endorsed by Vaughan Council. Further, it is expected that York Region will be assigning short-term growth capacity (2019-2026) to the City of Vaughan in Q3 of 2019. Therefore, the following resolution to allocate capacity to the subject Development may be recommended for Council approval:

"THAT Site Development Application File DA.15.022 be allocated servicing capacity from the York Sewage Servicing/Water Supply System for a total of 427 residential units (1,090 persons equivalent). The allocation of said capacity may be revoked by Council resolution and/or in accordance with the City's current Servicing Capacity Distribution Protocol in the event that (at the discretion of the City) the development does not proceed with a building construction program within a reasonable timeframe".

A condition to this effect is included in the Recommendations of this report.

The DE Department has no objection to the Applications subject to the conditions stated in the Recommendations of this report. The DE Department advises that the following conditions must be satisfied prior to execution of the Site Plan Agreement:

- a) The Owner shall pay Development Engineering's Site Plan Complex fee pursuant to the Fees and Charges By-law, as amended. The fee amount is \$218,280.00 and shall be included with the next submission prior to Development

Engineering clearance. If the fee is not paid in the calendar year in which it is calculated, the fee will be subject to increase in the next calendar year;

- b) The Owner shall address all DE Department's comments prior to final site plan approval;
- c) The Owner shall work with the City, Region of York to design and construct a sidewalk link including grading and street lighting along the frontage of the north side of Rutherford Road in its ultimate location or construct an interim pedestrian connection if the permanent sidewalk cannot be constructed;
- d) The location of the proposed sanitary sewer shall be established and approved by the appropriate authorities;
- e) The Owner shall submit a Geotechnical Investigation Report confirming the proposed location of the sanitary sewer being suitable for municipal infrastructure to the satisfaction of the City;
- f) The Owner is required to contact the Environmental Services Department to purchase the required water meter (for 150mm diameter service) in chamber, as identified on the Servicing Plan. The water meter shall be constructed with sufficient read-out equipment to the satisfaction of the City.
- g) The following warning clauses shall be included in the Site Plan Agreement:

In all Offers of Purchase and Sale or Lease for the units on Blocks 1 to 6, and the Apartment Building:

“Purchasers and/or tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Ministry of Environment, Conservation and Parks”.

In all Offers of Purchase and Sale or Lease for the units on Block 1, Block 6 and the Apartment Building:

“Purchasers and/or tenants are advised that, despite the inclusion of noise control features in this development area and within the dwelling unit, the noise levels from increasing traffic may continue to be of concern, occasionally interfering with some activities of the occupants. This dwelling has, therefore, been equipped with forced air heating and ducting etc., as well as central air conditioning which will allow windows to be kept closed, thereby achieving indoor sound levels within the limits recommended by the Ministry of Environment, Conservation and Parks, and in compliance with the City's noise requirements. The location of the air conditioning unit on the Blocks shall be in compliance with the provisions of City of Vaughan Zoning By-law 1-88.”

In all Offers of Purchase and Sale or Lease for the dwelling units on Blocks 2 to 5:

“Purchasers and/or tenants are advised that, despite the inclusion of noise control features within the development area, road noise will continue to increase occasionally interfering with some activities of the dwelling occupants. This dwelling has, therefore, been equipped with forced air heating and ducting, etc. sized to accommodate the future installation of air conditioning by the purchaser and/or tenant. The location of the air conditioning unit on the lot shall be in compliance with the provisions of City of Vaughan Zoning By-law 1-88.”

***The Environmental Services Department, Solid Waste Management Division has no objection to the Development, subject to the conditions in this report***

The Public Works, Solid Waste Management Division has no objection to the Development subject to the following comments being resolved prior to the execution of the Site Plan Agreement:

- The stacked townhouse units are considered “Large Residential” and therefore, garbage is to be mechanically compacted. A three-stream chute room at the ground level (centralized) for residents to dispose of waste is recommended. The size and location of the waste room is acceptable.
- The Owner will be required to provide a letter from a Certified Engineer stating that the supported structure can safely support a fully loaded collection vehicle weighing 35,000 kgs
- All drawings must be approved and stamped by a Professional Engineer (P.Eng) practicing in Ontario

The Owner must satisfy all requirements of the Public Works, Solid Waste Management Division. A condition to this effect is included in the Recommendations of this report.

***Development Charges and a Woodlot Acquisition Charge apply to the Development***

The Financial Planning and Development Finance Department has confirmed that the Owner is required to pay Development Charges in accordance with the Development charges By-laws of the City of Vaughan, York Region, the York Region District School Board and the York Catholic District School Board. A standard clause is to be included in the Site Plan Agreement.

The Financial Planning and Development Finance Department advise that the Owner is required to pay to the City a woodlot charge at a rate equal to \$1,000.00 per residential low-rise dwelling unit, and \$600 per residential high-rise dwelling unit in accordance with the City’s Woodlot Acquisition Front-End Agreement. A condition to this effect is included in the Recommendations of this report.

***Cash-in-lieu of parkland dedication will be required***

The Real Estate and Parks Planning Department has reviewed the Development and has no objection. The Real Estate Department has identified the following condition to be included in the implementing Site Plan Agreement:

“For residential high-density development, the Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% of the value of the Subject Lands, prior to the issuance of a Building Permit, or a fixed rate per unit, whichever is higher in accordance with the *Planning Act* and the City’s cash-in-lieu policy”.

The Parks Planning Department advises that an updated Arborist Report will be required in relation to the latest site plan submission, which shall be reviewed and approved to the satisfaction of Parks Planning Department and the Parks Delivery Department - Infrastructure Development. The Parks Planning Department also requires the submission of a Trail Feasibility Study for the purpose of conducting an analysis of options for a future trail connection from the Subject Lands through the valleylands and connecting to a future park on the lands currently owned by an adjacent landowner (Nine-Ten West Limited). The Owner is required to satisfy all requirements of the Parks Planning Department. A condition to this effect is included in the Recommendation of this report.

***The TRCA has no objection to the Development subject to conditions of approval in this report***

The TRCA has identified an existing valley corridor associated with a tributary of Carrville Creek within the Don River Watershed on the Subject Lands. On April 28, 2017, a site visit was conducted by TRCA and the Owner to reconfirm the natural features on the Subject Lands and to delineate the limits of these features, as the original site staking occurred in 2007. The physical top of bank along with the trunks of vegetation continuous with the valley corridor have been re-confirmed/staked and subsequently reviewed by the TRCA (Attachments 2 and 3). The Development includes a 10 m vegetation protection zone (‘VPZ’) buffer from the natural heritage features in accordance with the CCSP.

The lands forming part of the natural system will be zoned to the appropriate “OS5 Open Space Environmental Protection Zone”, as shown on Attachment 2. The TRCA recommends that the lands be conveyed into public ownership, free of all encumbrances, in order to ensure the long-term protection and management of the lands. The Owner has agreed to dedicate these lands to the appropriate public authority prior to final Site Plan approval. Accordingly, the TRCA has no objection to the Zoning By-law Amendment application.

The TRCA has provided detailed-design comments which must be addressed by the Owner prior to final approval of the Site Development File DA.15.022, including additional information pertaining to the geotechnical slope stability, stormwater management, groundwater management erosion and sediment control and edge management restoration plantings. The TRCA must approve the final stormwater

management report, geotechnical report, erosion and sediment control drawings, landscape drawings (including edge management and restoration plan), and all other comments identified in their comments dated January 17, 2019 and April 12, 2019.

In order to service the Development, an extension to the sanitary connection (approximately 400 m) to an existing 250 mm sanitary pipe located under Crimson Forest Drive is required. Through discussions with TRCA and York Region staff, it was identified that the proposed sanitary pipe would follow an alignment directly adjacent to the Rutherford Road regional right-of-way subject to the submission of appropriate plans/reports and establishment of applicable easements. Prior to execution of the Site Plan Agreement, the Owner will be required to establish the location of the proposed sanitary sewer along Rutherford Road, and required easements to the satisfaction of the TRCA, York Region and City. A condition to this effect is included in the Recommendations of this report, should the Applications be approved.

***The School Boards have no objection to the Development***

The York Region District School Board and York Catholic District School Board advised that they have no objection to the Development. The York Region District School Board advised that they do not require a public elementary school site within the Development. The Conseil Scolaire de District Catholique Centre-Sud was circulated but provided no response.

***The Canada Post Corporation has no objection to the Development subject to their conditions***

The Canada Post Corporation has indicated it is the Owner's responsibility to contact Canada Post to discuss suitable mailbox/mailroom locations and ensure that Canada Post specifications and conditions are met. The Owner is required to supply, install and maintain a centralized mailbox facility.

**Financial Impact**

There are no requirements for new funding associated with the Applications.

**Broader Regional Impacts/Considerations.**

***York Region has no objection to the Development subject to conditions of approval in this report***

York Region has identified the following detailed-design comments which must be reviewed and approved to the satisfaction of York Region prior to the execution of the Regional and City Site Plan Agreements:

a) Traffic

Right-in/right-out only accesses are permitted for Dufferin Street and Rutherford Road. A concrete median will be constructed to enforce the right-in/right-out movements on both Rutherford Road and Dufferin Street.

In order to accommodate traffic that is expected to be generated by the Development, the intersection of Rutherford Road and Dufferin Street must be improved to increase its capacity. Roadway and intersection improvements such



as the widening of Rutherford Road and Dufferin Street will be required, and the reconstruction of these regional roads are scheduled for 2022. The Owner will be required to convey to York Region a right-of-way width of 22.5 m for Dufferin Street, and 21.5 m for Rutherford Road, and a 15 m by 15 m daylight triangle.

The Owner has submitted a "Access Sightline Assessment" (the 'Assessment') dated June 3, 2019, prepared by GHD Consulting Engineers, which confirms that the ramp will have unobstructed visibility of the pedestrians on the municipal sidewalk. There are also no obstructions within the right-of-way which would block a driver's sightline. As the ramp will exclusively be used for residents, it will be controlled by a remote keyless system ('FOB') that will ensure quick and easy access and will not result in any queuing along Rutherford Road. The Owner has provided a revised site plan which illustrates a stacking distance of 33 m from the Region right-of-way on Rutherford Road to the garage door of the underground parking garage and a 65 m sightline distance by recessing the stairs and planters for the end unit of Block 6 (Attachment 2). York Region has reviewed this revised plan and is satisfied with the 65 m sightline distance.

The Owner shall submit an updated Traffic Impact Study, Traffic Management Plan, Transportation Demand Management Plan ('TDM'), and Construction Management Plan for any works undertaken on the regional roads, prior to the execution of the Regional and City Site Plan Agreements, to the satisfaction of York Region.

b) Grading and Servicing

The Owner proposes a sanitary sewer along Rutherford Road between the Subject Lands and Crimson Forest Drive. York Region acknowledges that discussions between the City and TRCA are required to determine the final location and alignment of the proposed sanitary sewer. The Owner will be required to obtain servicing allocation from the City.

The Owner is required to submit detailed reports/plans including all legal surveys, reference plans, civil drawings, wetland and woodlot compensation plan, landscape restoration plans, hydrogeological investigation plans, shoring, hoarding, Phase 1 and 2 Environmental Site Assessments ('ESA') and Reliance Letters, and dewatering plans prior to the execution of the Regional and City Site Plan Agreements to the satisfaction of York Region.

c) Landscaping and Streetscaping

The Owner will be required to document all existing trees within the regional right-of-way. Trees that are marked for removal will require compensation and/or replacement plantings. Any existing trees within the regional right-of-way shall be protected by hoarding and tree protection hoarding. All municipal walkways shall be free and clear of any encumbrances, and all above-ground utilities such as street lights shall be properly designed.

## **Conclusion**

The Development Planning Department has reviewed Zoning By-law Amendment File Z.15.022 and Site Development File DA.15.022 in consideration of the Provincial Policies, Regional and Official Plan policies, the requirements of Zoning By-law 1-88, and the comments received from the public, Vaughan Council, the City Departments and external public agencies and the surrounding area context.

The Development Planning Department is satisfied that the proposed amendments to Zoning By-law 1-88 will permit a Development that is appropriate and compatible with the existing and permitted uses in the surrounding area and conforms to the Carrville Centre Secondary Plan. The Development is compact in built-form and is located within the Carrville Centre Secondary plan which permits the proposed building height and density. The Subject Lands are located within a built-up area and are located in proximity to a Regional Transit Priority Network (Rutherford Road), which has existing and planned transit facilities. On this basis, the Development Planning Department can support the approval of the Applications subject to the Recommendations of this report.

**For more information**, please contact: Natalie Wong, Senior Planner at extension 8866.

## **Attachments**

1. Location Map
2. Proposed Zoning & Site Plan
3. Landscape Plan
4. South Elevation
5. West Elevation
6. Typical Stacked and Back-to-Back Townhouse Block Elevations
7. Perspective Rendering

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