

## Committee of the Whole (1) Report

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**DATE:** Tuesday, November 05, 2019

**WARD:** 4

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

**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.15.031 and Site Development Application File DA.15.074 (Rutherford Contwo Investments Limited) for the subject lands shown on Attachment 3, to permit a residential development consisting of 219, 4-storey stacked townhouse dwelling units as shown on Attachments 4 to 8.

**Report Highlights**

- The Owner proposes a residential development consisting of 219 stacked townhouse dwelling units within nine (9), 4-storey buildings and an underground parking structure.
- An amendment to Zoning By-law 1-88 to rezone the subject lands to the “RM2 Multiple Residential Zone” and “OS5 Open Space Environmental Protection Zone” and Site Development approval are 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*, conforms to the Growth Plan 2019, Oak Ridges Moraine Plan and York Region Official Plan and Vaughan Official Plan 2010 and is compatible with the existing and planned uses in the surrounding area.

## **Recommendations**

1. THAT Zoning By-law Amendment File Z.15.031 (Rutherford Contwo Investments Limited) 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 “RM2 Multiple Residential Zone” and “OS5 Open Space Environmental Protection Zone” in the manner shown on Attachment 4, together with site-specific zoning exceptions identified in Table 1 of this report.
2. THAT the Owner be permitted to apply for a Zoning By-law Amendment and/or Minor Variance Application(s) from the Vaughan Committee of Adjustment, if required, to permit minor adjustments to the in-effect Zoning By-law before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands comes into full force and effect.
3. THAT Site Development File DA.15.074 (Rutherford Contwo Investments Limited) BE DRAFT APPROVED SUBJECT TO THE CONDITIONS and warning clauses included on Attachment 1, to the satisfaction of the Development Planning Department, to permit 219, 4-storey stacked townhouse dwelling units as shown on Attachment 4 to 8.
4. THAT Vaughan Council adopt the following resolution for the allocation of water and sewage capacity:

“THAT Site Development File DA.15.074 (Rutherford Contwo Investments Limited) be allocated servicing capacity from the York Sewage Servicing/Water Supply System for a total of 219 residential dwelling units (670 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.”

## **Background**

The subject lands (the ‘Subject Lands’) are vacant and are located at the southeast corner of Dufferin Street and Rutherford Road, as shown on Attachments 3 and 4. The surrounding land uses are shown on Attachment 3.

***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 to permit 219 stacked townhouse dwelling units within nine (9) 4-storey buildings with a Floor Space Index ('FSI') of 1.52 times the area of the lot (the 'Development'), as shown on Attachments 4 to 8:

1. Zoning By-law Amendment File Z.15.031 (Rutherford Contwo Investments Limited) to rezone the Subject Lands from "A Agriculture Zone" and "OS5 Open Space Environmental Protection Zone" to "RM2 Multiple Residential Zone" and "OS5 Open Space Environmental Protection Zone", in the manner shown on Attachment 4, together with the site-specific zoning exceptions identified in Table 1 of this report.
2. Site Development File DA.15.074 (Rutherford Contwo Investments Limited) to permit the Development.

***A Committee of the Whole (Public Hearing) for the Zoning Amendment Application was held on April 5, 2016***

Notice of the original Public Hearing was circulated to all property owners within 150 m of the Subject Lands on March 11, 2016, in accordance with the City's Notification Procedures and Protocols. The Public Hearing to consider Zoning By-law Amendment File Z.15.031 was held on April 5, 2016, to receive comments from the public and the Committee of the Whole. Vaughan Council on April 19, 2016, ratified the recommendations of the Committee of the Whole to receive the April 5, 2016, Public Hearing report and to forward a comprehensive report to a future Committee of the Whole meeting. Deputations from the individuals were received by the Committee of the Whole at the April 5, 2016 meeting:

- R. Virtanen, KLM Planning Partners Inc., Concord, representing the Owner
- R. Doubi, Ner Israel Drive, Thornhill, Preserve Thornhill Woods Association
- E. Suarez, Santa Amato Crescent, Vaughan
- C.M.V. Lee, Santa Amato Crescent, Vaughan
- A. Lee, Santa Amato Crescent, Vaughan
- K. Zhang, Santa Amato Crescent, Vaughan

The following comments were made at the 2016 Public Hearing and in written submissions on the Applications.

a) Traffic and congestion in the area

Residents commented that the traffic and congestion in the Dufferin Street and Rutherford Road intersection is increasing and will worsen as a result of this Development, which will encourage u-turns at the Dufferin Street and Rutherford Road intersection.

Staff Response

The approved Carrville Centre Secondary Plan ('CCSP') designates the Subject Lands for High-Rise Residential development with a maximum permitted building height of 22-storeys and FSI/density of between 3 and 3.5 times the area of the lot. The proposed FSI for the Development is 1.52 times the area of the lot which is less than permitted by the Secondary Plan resulting in fewer units and less traffic. York Region has planned improvements (ie. turning lanes, extended medians) to the Dufferin Street and Rutherford Road intersection to improve turning movements at the intersection and improve the functionality of the intersection. The right-in/right-out turns will be controlled by centre medians.

A Traffic Impact Study ('TIS') prepared in support of the Development was reviewed by the Development Engineering ('DE') Department and York Region and is discussed further in this report. York Region completed an Environmental Assessment ('EA') for Rutherford Road to identify solutions to address capacity along Rutherford Road. Both Dufferin Street and Rutherford Road are to be reconstructed in 2022. York Region is satisfied with the TIS.

b) Sustainability features and setback to the valleylands

Comments were made regarding the adequacy of the sustainability features within the Development and the 10 m setback to the valleylands.

Staff Response

The Subject Lands are adjacent to an area regulated by the Toronto and Region Conservation Authority ('TRCA'). The Subject Lands are located in the "Settlement Area" of the Oak Ridges Moraine Conservation Plan Area ('ORMCP') and are subject of the ORMCP policies and corresponding policies of the Vaughan Official Plan 2010 ('VOP 2010'). The TRCA staked the Subject Lands to determine the long-term stable top-of-bank and to delineate the extent of the natural heritage feature.

The Owner submitted an ORMCP Conformity Report to confirm the natural heritage feature. In consultation with the TRCA and the Ministry of Natural Resources and Forestry ('MNR') a 10 m minimum vegetation protection zone

('VPZ') is provided from the stable top-of-bank and shown as "Limit of Development" on Attachment 4. The Owner will dedicate the lands to be zoned "OS5 Open Space Environmental Protection Zone" (including the 10 m VPZ) to the City/TRCA. This will ensure the protection of the natural heritage feature.

c) Adequacy of recreational and park facilities within the neighbourhood

A comment was made regarding the adequacy of the existing park facilities to accommodate the additional residents generated by this Department.

Staff Response

High-Rise Residential development was planned for the Subject Land in the CCSP and the overall parkland and community facilities within the neighbourhood accommodated for a greater number of residents for the Subject Lands than will be generated by this Development. The City's Active Together Master Plan Review and Update 2018 do not identify the need for additional community facilities due to the Applications.

d) Lack of medical facilities in the community's commercial areas

A comment was made that there is a lack of medical facilities within the immediate community.

Staff Response

The new Vaughan hospital is under construction at Major Mackenzie Drive and Highway 400 and this medical facility will serve Vaughan residents.

e) Adequacy of visitor parking

A comment was made that adequate visitor parking for the Development must be provided.

Staff Response

Zoning By-law 1-88 requires a minimum of 55 visitor parking spaces (219 units @ 0.25) be provided. The Development includes 55 visitor parking spaces.

## **Previous Reports/Authority**

[April 19, 2016 Council Extract \(Committee of the Whole Public Hearing Item 4, Report 19 Recommendations 1 to 3\)](#)

[June 12, 2019 Council Extract \(Committee of the Whole Public Hearing Item 4, Report No. 22 Recommendation 1\)](#)

On October 25, 2019, a notice of the Committee of the Whole meeting was sent to all individuals on file with the Clerk's Office, who made a deputation at the 2016 public hearing, submitted correspondence to the Development Planning Department, or requested notification regarding the Applications.

## **Analysis and Options**

### ***The Applications are consistent with the Provincial Policy Statement 2014***

Section 3 of the *Planning Act* requires that 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 on land use planning and development.

The Development Planning Department has reviewed the Development in consideration of the policies of the PPS, specifically Section 1.1.3, 1.4.3, 1.1.3.4, and 1.6.7.4 regarding utilizing land and infrastructure efficiently, transit supportive density and encouraging a mix of uses.

The Development is for residential units within a settlement area which conforms to the PPS and the ORMCP. The Development is consistent with the Settlement Area, Housing, and Natural Heritage policies of the PPS and will implement growth within the Settlement Area, utilize land efficiently by minimizing land consumption and provide intensification in a Local Centre. The Development is proposed to be serviced by existing municipal water and sewer services.

The Development includes stacked townhouse units within an identified settlement area in the PPS and ORMCP. The Development will add to the range and mix of housing types within the community and is adjacent to existing public transit service and the Rutherford GO station is located west on Rutherford Road. Rutherford Road is identified in VOP (Schedule 10) as a “Regional Transit Priority Network”. The Development is located opposite existing residential townhouses and a commercial plaza containing a grocery store and other retail uses to reduce vehicular trips.

The implementing Zoning By-law will include the appropriate development standards and protect the adjacent valley feature. The Owner will be required to convey the valleylands, as shown on Attachment 4, into public ownership. The Development is consistent with the PPS.

### ***The Development conforms 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 (the ‘Growth Plan’) guides 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 waste water systems. Vaughan Council’s planning

decisions are required by the *Planning Act* to conform, or not conflict with, the Growth Plan.

The Development is located along a “Regional Transit Priority Network” and achieves the objectives of providing density to support public transit through a compact built form. The adjacent valleylands will be dedicated to the City or TRCA to ensure their long-term protection. The Development is within a built-up area in close proximity to existing and planned transit facilities and introduces a housing option (stacked townhouse) that adds to the mix of housing in the community.

***The Development conforms to the York Region Official Plan 2010***

The York Region Official Plan 2010 (the ‘YROP 2010’) guides economic, environmental and community building decisions across York Region. The Subject Lands are designated “Urban Area” in the YROP 2010, which permits the proposed residential use. The YROP 2010 encourages intensification within the Urban Area and encourages a mix and range of housing types, lot sizes, unit sizes, tenures and levels of affordability within each community.

Section 5.0, of YROP 2010, *Building Cities and Complete Communities* states that ‘intensification’ within the Urban Area will accommodate a significant portion of planned growth in the Region and Section 5.3 *Intensification* requires that intensification occur in strategic locations in built-up areas to maximize efficiencies in infrastructure delivery, human services provision and transit ridership in accordance with York Region’s intensification framework.

Map 11 Transit Network in the YROP 2010 identifies a portion of Dufferin Street as a “Special Study Area”, and Rutherford Road, as a “Regional Transit Priority Network”. The Applications conform to the YROP 2010 objectives, and specifically in reference to Sections 3.13, 3.5.4 and 5.2.3 regarding the building of complete communities.

The Development utilizes a compact built-form, supported by existing services and infrastructure and provides intensification on a vacant property and will introduce a form of housing within the community at a transit supportive density. Dufferin Street and Rutherford Road are served by existing public transit.

The Development includes 2-bedroom stacked townhouse dwellings, a compact urban housing form not currently available within the CCSP community. The Development is located opposite an existing commercial plaza which provides opportunities for pedestrian accessibility to services within the area. The Development conforms to the YROP 2010.

***The Development conforms to the Vaughan Official Plan 2010***

VOP 2010, Schedule 1 - Urban Structure, identifies the planned Urban Structure of the City of Vaughan and establishes a hierarchy of Intensification Areas, including Local Centres where intensification is planned. Intensification areas have been established to make efficient use of sites with high levels of existing and planned transit intended to be developed with a mix of uses and appropriate densities to support transit use and promote active transit. The Applications conform to the VOP 2010.

***The Development conforms to the Carrville Centre Secondary Plan (the 'CCSP')***

The Subject Lands are located within the Carrville Centre Secondary Plan ('CCSP') area which forms part of the Volume 2 (Area Specific Policy 11.2) of VOP 2010 and are designated "High-Rise Residential". The Carrville Centre is intended to be the centre of commercial and residential activities. The CCSP permits a minimum building height of 2-storeys and a maximum building height of 22-storeys; and a maximum density/FSI of between 3 and 3.5 times the area of the lot. The "High-Rise Residential" designation permits stacked townhouses.

The Development includes 219, 4-storey stacked townhouse dwelling units yielding a density/FSI of 1.52 times the area of the lot, which conforms with the CCSP. Resident and visitor parking for the Development is proposed in an underground structure, in accordance with the policies of the CCSP. The CCSP also limits surface parking to a maximum of 10% of the required parking. The proposed 16 surface parking spaces meets this policy.

Access to the proposed below grade parking is located central to the site near the east boundary of the Subject Lands shown on Attachments 4 and 5. Access to the Loading and garbage area is located between Buildings A and B and is also shown on Attachment 2, and is screened from Rutherford Road. The site design conforms to the design policies of the CCSP.

The development limits and appropriate buffers were staked and surveyed by the City and TRCA and includes the 10 m VPZ, encroachment and compensation areas along the east edge of the Subject Lands. The overall compensation areas are greater than the encroachments so there is no net loss in the total area of the "Natural Area" buffer. The Development conforms to the CCSP.

***The Development Conforms to the Oak Ridges Moraine Conservation Plan 2017***

The Subject Lands are located within the Oak Ridges Moraine Conservation Plan (the 'ORMCP') boundary, as identified on Schedule 4 of the VOP 2010, and within an area designated "Settlement Area". Urban uses and development as set out in municipal Official Plans are allowed.



An ORMCP Conformity Report and an update report were submitted in support of the Development and reviewed by the City and the TRCA. These reports address the requirements of a Natural Heritage Impact Study (the 'NHIS'). The site design includes a 10 m VPZ zone adjacent to the valleylands which will be zoned "OS5 Open Space Environmental Protection Zone" and conveyed to the City/TRCA, should the Applications be approved.

The Part III policies of the ORMCP respecting land within Settlement Area have been satisfactorily addressed. Prior to the execution of the Site Plan Agreement, the Species at Risk will be reviewed, as protected by the *Endangered Species Act, 2007* and *Migratory Bird Convention Act 1994*, as regulated by Environment and Climate Change Canada. The Owner will be required to respond to the requirements of the Acts should the Applications be approved.

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

The Subject Lands are proposed to be rezoned from "A Agricultural Zone" by Zoning By-law 1-88, as shown on Attachment 1 to "RM2 Multiple Residential Zone" and "OS5 Open Space Environmental Protection Zone" in the manner shown on Attachment 4, together with the following site-specific zoning exceptions:

Table 1

	<b>Zoning By-law 1-88 Standards</b>	<b>RM2 Multiple Residential Zone Requirements</b>	<b>Proposed Exceptions to RM2 Multiple Residential Zone Requirements</b>
a.	Min. Number of Parking Spaces (Residential)	219 units @ 1.5 parking spaces/unit = 329 spaces 219 units @ 0.25 visitor parking spaces/unit = 55 spaces Total Parking Required = 384 spaces	219 units @ 1.05 parking spaces/unit = 230 spaces 219 units @ 0.25 visitor parking spaces/unit = 55 spaces Total Parking Proposed = 285 spaces
b.	Max. Encroachment for Covered Porch and Stairs	Encroachments not permitted	3.3 m for stairs, porches, balconies abutting Dufferin Street

	<b>Zoning By-law 1-88 Standards</b>	<b>RM2 Multiple Residential Zone Requirements</b>	<b>Proposed Exceptions to RM2 Multiple Residential Zone Requirements</b>
c.	Rooms Below Grade	No dwelling unit is permitted below grade, except a secondary suite	Permit dwelling units to be located partially below grade
d.	Min. Screening and Landscape Strip Around Outdoor Parking Areas	3 m landscape strip with 1.2 m high screening from street	1.4 m landscaped strip and no requirement for a parking area to be screened
e.	Min. Amenity Area	219 two-bedroom units @ 55 m <sup>2</sup> /unit = 12,045m <sup>2</sup>	219 two-bedroom units @ 45 m <sup>2</sup> /unit = 9855 m <sup>2</sup>
f.	Min. Landscaped Strip Width	6 m	1.1 m to Dufferin Street and Rutherford Road
g.	Min. Exterior Side Yard Setback	4.5 m	3.5 m (Buildings C and D on Dufferin Street)
h.	Min. Building Setback to Sight-Triangle	4.5 m	1.4 m (Building B)
i.	Min. Lot Area	219 units @ 230 m <sup>2</sup> /unit = 50,370 m <sup>2</sup>	14,000 m <sup>2</sup> regardless of the number of units
j.	Max. Building Height	11 m	14.1 m (All Buildings)

The Development Planning Department can support the site-specific zoning exceptions in Table 1 to permit a contemporary urban built-form consistent with the permitted uses and the density identified in the CCSP. The proposed built-form is compatible with, but not identical to the existing and planned built forms in the surrounding area. No units will have direct access to the underground garage. Contemporary townhouse developments with similar development standards have been recently been approved within the community.

A Parking Appraisal Report prepared by GHD dated June 21, 2016, in support of the Development has been reviewed to the satisfaction of the DE Department is discussed later in this report.

***The Planning Act permits Vaughan Council to pass a resolution to permit the Owner to apply for a Minor Variance application, 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 a landowner from applying for a Minor Variance Application to the Committee of Adjustment within two years of the day on which a Zoning By-law was amended. The *Planning Act* also permits Council to pass a resolution to allow an Owner to apply for a Minor Variance application(s) within 2 years of the passing of the zoning by-law amendment.

Should Council approve Zoning By-law Amendment File Z.15.031 the Development Planning Department has included a Recommendation to permit the Owner to apply for a Minor Variance application(s) if required, in advance of the two-year moratorium in order to address minor zoning deficiencies that may arise through the finalization and construction of the Development. A condition to this effect is included in the Recommendations of this report.

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

Site Plan

The Development includes 219 stacked townhouse dwelling units within nine (9) 4-storey buildings, as shown on Attachment 4. One level of underground parking with 269 parking spaces for residents and visitors and including 220 bicycle parking stalls is proposed as shown on Attachment 8. An additional 16 vehicular parking spaces and 22 short term bicycle parking spaces are provided at-grade. Access to the underground is located in Building K and the loading area and garbage storage area is located between Buildings A and B and is screened from view along Rutherford Road. The common amenity areas are located central to the site. Air conditioning units for the Development shall not be visible from Dufferin Street or Rutherford Road. The final site plan shall be to the satisfaction of the Development Planning Department.

Building Elevations

The proposed typical building elevations are shown on Attachments 6 and 7. The stacked townhouse dwellings are finished in two colours of brick to define and articulate the entrances. Exterior Finish Insulation System panels are used on the rooftop terrace units of each building. Upgraded elevations are required for all visible end units, to the satisfaction of the Development Planning Department.

### Landscape Plan

The typical landscape plan shown on Attachment 5 illustrates multiple landscape feature areas and the amenity areas, comprised of hard and soft landscaping. Street trees will be planted along Dufferin Street and Rutherford Road as part of the York Region improvements in the right-of-way. Street facing units will have decorative metal fences separating the private landscaped areas from the public right-of-way.

The Owner will work with the City and the TRCA to finalize all restoration plantings along the valleylands. The TRCA recommends the inclusion of a fence to protect the naturalized area and edge feature. The Development Planning must approve the final site plan and landscape plans, including the edge management restoration and planting plans.

### ***The Subject Lands are clear of any concern for archaeological resources***

The Subject Lands were part of the adjacent subdivision to the east (File 19T-05V06) and are considered cleared of archaeological resources. The appropriate warning clauses regarding archaeological resources will be included in the Site Plan Agreement.

### ***The Development Engineering ('DE') Department supports the Development, subject to the comments and Recommendations of this report***

#### Municipal Servicing

The Owner has submitted a revised Functional Servicing Report prepared by Schaeffers Consulting Engineers, dated March 2019, in support of the Applications. The DE Department has no objections to the proposed services, subject to the Owner satisfying the comments and conditions of the DE Department.

#### Road Network/Access

The Owner has submitted a Transportation Impact Study ('TIS') and the updated TIS Memorandum in support of the Applications. The proposed driveways for the Development provide right-in/right-out access via Rutherford Road and Dufferin Street and the sight distance analysis for the driveways meet/exceed the sightline criteria identified in City's Design Criteria/Transportation Association of Canada Manual.

The TIS concludes that traffic volumes generated by the Development represent a small component of total traffic passing through the intersection during the peak hours and that the proposed driveways are expected to operate with an excellent level of service safely and efficiently for motorists, pedestrians and bicycle connectivity. The DE Department concurs with the conclusions of the TIS and updates.

The Parking Appraisal Report submitted in support of the Applications concludes that 285 parking spaces is sufficient for the Development based on the IBI Group parking review. The DE Department concurs with the findings of the Parking Appraisal Report.

#### Rutherford Road/Carrville Road Environmental Assessments

York Region has initiated the Rutherford Road/Carville Road Environmental Assessments ('EAs') to identify the alternative solutions to address traffic capacity including the widening of Rutherford Road to introduce High Occupancy Vehicle Transit ('HOV/Transit') lanes and widening of Dufferin Street. Once implemented, the HOV/Transit lanes will help improve modal splits and ultimately reduce single occupancy passenger trips. The Subject Lands are in close proximity to a GO Station.

#### Lot Grading

The DE Department has no objections to the proposed grading plan, subject to the Owner addressing all DE Department comments as set out in the City's Site Plan Criteria Guide.

#### Water Supply

The Subject Lands are within Pressure District 6 of the York Water System. The Development is proposed to be serviced via an existing connection to the municipal watermain along Rutherford Road to the satisfaction of the City.

#### Sanitary Servicing

The existing sanitary sewer system in Block 10 along Apple Blossom Drive does not have sufficient capacity to accommodate the Development. A new sanitary sewer is proposed to convey the flow from the Subject Lands to the existing sanitary sewer on Dufferin Hill Drive to the Maple/Langstaff Trunk sewer in Block 17, without having a negative impact on the existing downstream sanitary sewers. The sanitary sewer through Ruland Properties Inc. (Registered Plan 65M-3398) was oversized to accommodate an external area from Block 10 and the Development is within the external benefitting area.

The Owner shall pay the proportional oversizing cost required by Section 21.1.4 of the Ruland Properties Inc. Subdivision Agreement (File 19T-98V01). The Owner shall pay a total of \$4,026.96 (which is \$2,506.20 per hectare (oversizing rate) times 1.56 ha (development area) plus 3% administrative cost) plus applicable taxes. The City shall deduct the 3% administrative cost and forward the balance to Ruland Properties Inc. A condition to this effect is included in the Recommendations of this report.

### Water and Sewer Allocation

Vaughan Council on February 21, 2018, endorsed the City's latest annual servicing capacity allocation strategy. The Recommendations section of this report includes a resolution regarding allocation for the Development.

### Stormwater Management

The runoff generated from the Development will be conveyed to the existing Rutherford Contwo Pond. On-site storage is provided to control the maximum allowable release rate as permitted by the existing downstream storm sewer capacity. Post to pre-water balance is achieved using an infiltration gallery. Due to the grading constraints, overland flow routes are not feasible to be provided for the backyards of the townhouse buildings. Extra on-site storage is provided, which includes an emergency overland flow outlet to divert the flow to the creek in the adjacent OS5 Zone during emergency conditions.

### Environmental Site Assessment

The Owner provided Phase One and Phase Two Environmental Site Assessment ('ESA') reports. The findings of the ESA reports indicated that soil and ground water meet applicable Ministry of the Environment, Conservation, and Parks ('MECP') standards. In addition, the Subject Lands was subject to filing of a MECP Record of Site Condition ('RSC') in April 2009 which confirmed that the Subject Lands are suitable for an intended residential property use. The Development Engineering Department is satisfied with the submitted ESA documents.

### Noise Attenuation

The Owner provided a Noise Feasibility Study, dated November 5, 2015, and an addendum Environmental Noise Analysis, (the 'Noise Reports') dated September 12, 2019, both prepared by Valcoustics Canada Ltd. The Noise Reports recommend central air conditioning for the Development 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 the potential noise. The Noise Reports concluded that with the incorporation of the recommendations, the applicable noise guideline limits will be met at all receptors. The Noise Reports contain recommended conditions and warning clauses to be included in the Site Plan Agreement.

### ***The Owner shall enter into a Development Agreement with the City***

The DE Department requires the Owner to enter into a Development Agreement with the City for the proposed construction of the external sanitary sewer and to satisfy all conditions, financial or otherwise, of the City with regard to such matters that the municipality may consider necessary including the payment of the development levies, the provision of roads and municipal services, including the construction of the sanitary sewer from Apple Blossom Drive to the existing sanitary sewer on Dufferin Hill Drive,

installation of new services landscaping and fencing. The said agreement shall be registered against the Subject Lands to the satisfaction of the City and the construction drawings shall be approved.

***The Owner shall enter into a Developer's Group Agreement to the satisfaction of the City***

The Owner shall enter into the Block 10 Developer's Group Agreement with other participating landowners within Block 10 to the satisfaction of the City. The Agreement shall be regarding but not be limited to, all cost sharing for the Development, for the provision of parks, cash-in-lieu of parkland, roads and municipal services.

The Owner shall submit a letter from the Block 10 Developers' Group (Block 10 Properties Inc. – Trustee) indicating that the Owner has fulfilled all cost sharing and other obligations of the Block 10 Developers' Group Cost Sharing Agreement, to the satisfaction of the DE Department. A condition requiring the Owner to enter into a Developers' Group Cost Sharing Agreement is included in the Recommendations of this report.

***Private Easement External to the Development***

The proposed servicing requires private sanitary and storm sewers within an easement to be located on lands external to and south of the Subject Lands (shown on Attachment 3 as other lands owned by the Applicant). A condition and a warning clause are included in this report to advised future Purchasers/Tenants of the responsibility for the operation and maintenance of this private easement.

***The Parks Development Department has no objection to the Development, subject to the conditions***

The Parks Development has no objection to the Development subject to conditions in this report. The Parks Development Department is in receipt of a letter from the Block 10 Thornhill Woods Developers Group Inc. dated April 25, 2019, confirming that the Owner of the Development is in good standing and the Development is accounted for in the overall parkland dedication calculations based on the proposed planned land use and density.

The CCSP Section 11.2.11.11 requires the “creation of continuous, interconnected trail system with the Natural Areas, ‘Stormwater Management Area’ and ‘Parks’ designation”. The policy indicates that a trail be located in the OS5 zoned lands subject to meeting conditions set by the TRCA and the MNR and the findings of the geotechnical studies. The CCSP planned for a north-south, multi-use trail connecting Rutherford Road to Dufferin Street along the 10 m VPZ adjacent to the valleylands, with

connections to the east to provide continuous access to the stormwater management pond walkways and a future park.

Due to the physical constraints of the valleylands adjacent to the Subject Lands, the MNR provided a letter restricting development beyond the top-of-bank of the Subject Lands, noting Redside Dace contributing habitat along this edge. Accordingly, the City and the TRCA no longer request the multi-use trail identified in the CCSP for this Development. Should trails be required in the future, the City will contact the TRCA to request an easement over the valleylands.

The Owner shall provide a 1.5 m high vinyl chain link fence along the rear yard of all lots abutting the “OS5 Open Space Environmental Protection Zone” at the east property line and provide a warning clause for each unit advising Purchasers/tenants that the OS5 zoned land will be left in natural state and not maintained.

***Alectra Corporation, Enbridge Distribution Inc. and Bell Canada have no objection to the Development***

The above noted utilities have no objection to the Development, subject to the Owner coordinating servicing connections, easements and locates with the above noted utilities prior to commencement of any site works.

***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.

***Canada Post has no objection to the Development, subject to conditions***

Canada Post has no objection to the Development, subject to the Owner satisfying their requirements for the provision of mailbox facilities for the Development.

***Cash-in-lieu of the dedication of Parkland for the Development has been satisfied***

The Real Estate Department has no objection to the approval of the Development and has advised that the Owner has satisfied the City’s requirements for cash-in-lieu of the dedication of parkland for the Development.

***The Transportation Services, Parks and Forestry Operations has no objection to the approval of the Applications, subject to their comments and conditions***

The Transportation Services, Parks and Forestry Operations have no objection to the Applications and requires that the Owner comply with the City of Vaughan By-law 052-2018 when removing any trees and that the appropriate permits for tree protection and removal shall be obtained in accordance with By-law 052-2018. A condition to this effect is included in the Recommendations of this report



### ***Development Charges apply to the Development***

The Owner will be 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 will be included in the Site Plan Agreement.

### ***A woodlot fee change applies to the Development***

The Financial Planning and Development Finance Department requires the Owner to pay to the City a woodlot charge at a rate of \$1000.00 per residential 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.

### ***The Toronto and Region Conservation Authority have no objection to the Development, subject to Conditions***

The Owner has worked with the TRCA to delineate the development limits for the Subject Lands. Site Plan Agreement conditions are required to protect the valleylands and to require a VPZ adjacent to the Development, which will be zoned "OS5 Open Space Environmental Protection Zone" and shall be dedicated by the Owner free and clear of encumbrances to the City or the TRCA.

The Owner shall satisfy all requirements of the TRCA, including the recommendations of the storm water management and water mitigation strategy reports, as described in the Functional Servicing Report ('FSR') and Storm Water Management Report ('SWM') reports. The Owner shall obtain all necessary TRCA permits pursuant to the Development Interference with Wetlands and Alterations to Shorelines Watercourses Regulation (Ontario Regulation 166/06). Site Plan Agreement conditions to address the TRCA's requirements are included in this report.

### **Financial Impact**

Not Applicable

### **Broader Regional Impacts/Considerations**

***York Region has no objection to the Development, subject to conditions of approval.***

York Region has identified the detailed-design comments which must be reviewed and approved to the satisfaction of York Region prior to the execution of the Regional Site Plan Agreement. In addition, York Region requires that the Regional Site Plan Approval be issued prior to any works being undertaken within or encroached onto the Regional right-of-way. Conditions of Approval have been included in Attachment 2.

## **Conclusion**

The Development Planning Department has reviewed Zoning By-law Amendment File Z.15.031 and Site Development File DA.15.074 in consideration of the Provincial Policies, Regional and City Official Plan policies, the requirements of Zoning By-law 1-88, the comments received from the City Departments and external public agencies, and the surrounding existing and planned area context.

The Development Planning Department is satisfied that the Applications to permit a stacked townhouse development on the Subject Lands are consistent with the PPS, conforms to the Growth Plan, the York Region Official Plan 2010, and VOP 2010. The Development utilizes a compact built form, is located within a built-up area, and is located close to existing and planned transit facilities. The Development also introduces a housing form that contributes to achieving a complete community. 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: Laura Janotta, Planner, Development Planning Department, extension 8634.

## **Attachments**

1. Conditions of Site Plan Approval
2. York Region Conditions of Site Plan Approval
3. Location Map
4. Site Plan and Proposed Zoning
5. Typical Landscape Plan
6. Typical Elevations - Buildings C1, C2, D1 & D2 (Dufferin Street)
7. Typical Elevations - Buildings A & B (Rutherford Road)
8. Underground Parking Plan

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