

Committee of the Whole Report (1)

DATE: Tuesday, March 03, 2020

WARD(S): 2

TITLE: DI BENEDETTO GROUP INC.

OFFICIAL PLAN AMENDMENT FILE OP.18.019

ZONING BY-LAW AMENDMENT FILE Z.18.031

DRAFT PLAN OF SUBDIVISION FILE 19T-18V012

VICINITY OF RUTHERFORD ROAD AND REGIONAL ROAD 27

FROM:

Bill Kiru, Acting Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Official Plan Amendment File OP.18.019, Zoning By-law Amendment File Z.18.031 and Draft Plan of Subdivision File 19T-18V012 for the Subject Lands shown on Attachment 2 to permit a proposed development of 70 townhouse units served by private common element roads, shown on Attachment 4.

Report Highlights

- The Owner proposes to develop the Subject Lands with 70 townhouse units to be served by private common element roads
- Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision applications are required to permit the development
- The Development Planning Department supports the approval of the Applications as they will permit a development that is consistent with the *Provincial Policy Statement 2014*, conforms to the Growth Plan, the York Region Official Plan and is compatible with the existing and planned land uses in the surrounding area

Recommendations

1. THAT Official Plan Amendment File OP.18.019 (Di Benedetto Group Inc.) BE APPROVED, to amend the following policies of Vaughan Official Plan 2010 ("VOP 2010") for the Subject Lands:

- a) Sections 9.1.2.2, 9.1.2.3 and 9.2.3.2 respecting new development within established “Community Areas” to permit the development of 70 townhouse units, as shown on Attachment 4.
2. THAT Zoning By-law Amendment File Z.18.031 (Di Benedetto Group Inc.) BE APPROVED, to amend Zoning By-law 1-88, to rezone the Subject Lands from “RR Rural Residential Zone”, subject to Exception 9(1182) to “RT1(H) Residential Townhouse Zone” with a Holding Symbol “(H)” in the manner shown on Attachment 4, together the site-specific zoning exceptions identified in Table 1 of this report.
3. THAT the Holding Symbol “(H)”, as shown on Attachment 4, shall not be removed from the Subject Lands, or any portion (phase) thereof, until the following conditions are satisfied:
 - a) The Subject Lands are located in an area, adjacent to Regional roads (Rutherford Road and Regional Road 27), that are tributary to the future sanitary trunk sewer scheduled to be installed by York Region in 2028. The Holding Symbol “(H)” shall only be lifted under one of the following two scenarios:
 - i) The sanitary trunk sewer on Regional Road 27 is constructed by York Region and the Owner has secured the necessary lands and/or easements, free of all costs and encumbrances, to the City that are necessary to construct the sanitary sewer between Simmons Street and Regional 27; or,
 - ii) The Owner has demonstrated that an alternate interim sanitary outlet to Royalpark Way, as shown within the Functional Servicing Report, can be achieved utilizing an adequate easement width and a comprehensive study including, but not limited to, flow monitoring, conveyance capacity analysis of downstream sewers, and available allocation, to the satisfaction of the City.
4. THAT the Owner be permitted to apply for a Minor Variance Application(s) 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 effect, to permit minor adjustments to the implementing Zoning By-law.
5. THAT Draft Plan of Subdivision File 19T-18V012 (Di Benedetto Group Inc.) BE APPROVED, to create one residential block in the manner shown on Attachment 3, subject to the Conditions of Approval contained in Attachment 1.

Background

The subject lands (the 'Subject Lands') comprise approximately 1.678 hectares and are located south of Rutherford Road and west of Regional Road 27, and are municipally known as 10, 20 and 25 Di Benedetto Lane and 110 Simmons Street, shown as Subject Lands on Attachment 2.

Vaughan Council, on January 29, 2019, approved Official Plan Amendment File OP.17.011, Zoning By-law Amendment File Z.16.019 and Draft Plan of Subdivision File 19T-17V011 (Gemini Urban Design (W) Corp.) (the 'Gemini Proposal') for the lands abutting the Subject Lands to the north to permit the development of 111 townhouse units to be served by private common element roads. The location of these lands is shown on Attachment 2. The Owner has appealed Vaughan Council's approval of the Gemini Proposal for similar type uses to the Local Planning Appeal Tribunal ('LPAT'). Attachment 6 includes a plan that illustrates both proposals.

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

On January 11, 2019, the City circulated a Notice of Public Hearing (the 'Notice') to all property owners within 150 m of the Subject Lands, all properties with frontage onto Simmons Street, the West Woodbridge Homeowners' Association, the Kleinburg and Area Ratepayers' Association, and to those individuals who provided written correspondence or made oral deputations at the Public Hearings related to the Gemini Proposal as shown on Attachment 2.

A copy of the Notice was also posted on the City's website at www.vaughan.ca and a notice sign was installed on the Subject Lands in accordance with the City's Notice Signs Procedures and Protocols.

Vaughan Council on February 12, 2019, ratified the recommendation of the Committee of the Whole to receive the Public Hearing report of February 5, 2019, and to forward a comprehensive technical report to a future Committee of the Whole meeting.

At the Public Hearing, the following deputations and written submissions were received:

Deputations

- Mr. Adam Grossi, Humphries Planning Group Inc, Vaughan, representing the Owner
- Mr. Salvatore Grassa, Arcangelo Gate, Woodbridge
- Mr. Livio Silvestri, Arcangelo Gate, Woodbridge

Written Submissions

- Ms. Hannah Cardaci, Thornburry Circle, Thornhill, dated February 4, 2019

The following is a summary of, and responses to, the comments provided in the deputations and written submissions submitted at the Public Hearing of February 5, 2019, and written submissions received by the Development Planning Department:

a) Employment or Commercial Uses Are More Appropriate for the Lands

Correspondence was received that the area is more conducive to employment type development.

Response

The Subject Lands are designated “Low Rise Residential” by Vaughan Official Plan 2010 and the applications have been submitted to facilitate a townhouse development.

b) Compatibility of New Lots

The proposed built form is not compatible with the surrounding neighborhood.

Response

Vaughan Council, on January 29, 2019, approved the Gemini Proposal for the lands abutting the Subject Lands to the north to permit the development of 111 townhouse units to be served by private common element roads. The conceptual site plan submitted in support of the subject applications has been coordinated with the Gemini Proposal. The development proposals will be refined through the Site Plan review process to ensure proper access connectivity, coordination of walkways and proper amenity spaces for each of the proposals. Attachment 6 illustrates a coordinated plan of each development proposal.

Approval of the subject development applications will facilitate a development that is compatible to the area.

It is also noted that a previous proposal for lands to the south of the Subject lands to facilitate a 32 townhouse unit development (Files OP.18.020, Z.18.032 and 19T-18V013 Gemini Urban Design (C) Corp.) has been withdrawn.

c) Proposed Urbanization of Simmons Street (Sidewalks and Street lighting)

Questions were asked about the provision of future sidewalks and street lighting on Simmons Street.

Response

As part of the approval of the Gemini Proposal abutting the Subject Lands to the north, conditions were imposed requiring the Owner to urbanize their portion of Simmons Street including sidewalks and streetlighting from the limits of their lands to Rutherford Road. Similar conditions are recommended for the subject applications.

d) The Appropriateness of a single Access from Rutherford Road

Comments were made about the use of a single access to service the developments proposed in the area.

Response

Rutherford Road is under the jurisdiction of York Region. The Region generally limits the number of access points onto a regional road and does not support multiple driveways due to safety concerns.

The Subject Lands will be accommodated by a single access via Simmons Street but will have shared interconnectivity with the Gemini Proposal as shown on Attachment 6.

The number of proposed units would normally require a second access to serve these developments in emergency conditions. Due to the surrounding physical and geometric constraints, such as rail tracks, the future Rutherford Road grade separation, the Owners of both the Subject Lands and the Gemini Proposal to the north have provided the required emergency access through an updated design for the intersection of Rutherford Road and Simmons Street that includes two passageways (northbound and southbound).

e) Park Space and Amenity Space Requirements

Questions were raised about the requirement for a public park in the area.

Response

Parks Development staff have conducted an analysis of the parkland requirements/needs for this community. Based on the cumulative projected number of units/population for both development proposals, a neighborhood public park is not warranted within this development area. However, access to playground equipment would be required based on the City's target recommendation of playgrounds being within 500m of urban residential areas. Parks Development staff are satisfied that this requirement will be met provided playground equipment is installed in the private amenity spaces/area for the associated developments.

Furthermore, a pedestrian connection from the developments to Rutherford Road is required. In addition, a pedestrian pathway is also required along Rutherford Road to Highway 27 in order to allow for future residents to access recreational trail/open space opportunities at Elder Mills Nature Reserve and beyond. A Condition is also included in Attachment 1 requiring the Owner to plan, design and construct a pedestrian sidewalk along Simmons Street to be coordinated with the Gemini Proposal. The development proposals will be refined through the Site Development review process, including the provision of amenity space.

f) Co-ordination of Development Proposals

Questions were raised about the coordination of Development Proposals in the area.

Response

Attachment 6 includes a composite plan of the Subject Lands with the Gemini Proposal. Vaughan Council's approval of the Gemini Proposal's Draft Plan of Subdivision Approval includes conditions requiring the Owner to urbanize Simmons Street with a

sidewalk (and streetlights) from the limits of their lands to Rutherford Road and to grant reciprocal easements to maintain vehicular and pedestrian access between the adjoining developments.

Each of the Gemini and Di Benedetto proposal will require the approval of a Site Development application which will be reviewed to ensure the required co-ordination of development.

The Development Planning Department, on February 21, 2020, mailed a non-statutory courtesy notice of this Committee of the Whole meeting to those individuals requesting notice of further consideration of the Applications.

Previous Reports/Authority

[January 29, 2019 Council Minutes Gemini Urban Design \(W\) Corp.](#)
[Extracts February 12, 2019 Public Hearing](#)

Analysis and Options

Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision Applications have been submitted to permit the proposed development

The Owner has submitted the following applications (the 'Applications') for the Subject Lands shown on Attachment 2 to permit a residential development (the 'Development') consisting of 70 townhouse units as shown on Attachment 4:

1. Official Plan Amendment File OP.18.019 to amend the policies of Vaughan Official Plan 2010 respecting the design and compatibility criteria for new development within lands identified as a "Community Area".
2. Zoning By-law Amendment File Z.18.031 to rezone the Subject Lands from "RR Rural Residential Zone", subject to Exception 9(1182) as shown on Attachment 2, to "RT1(H) Residential Townhouse Zone" with a Holding Symbol "(H)" in the manner shown on Attachment 4, together with the site-specific zoning exceptions to the RT1 Zone standards of Zoning By-law 1-88, identified in Table 1 of this report.
3. Draft Plan of Subdivision File 19T-18V012 shown on Attachment 3, for the approval of a residential Draft Plan of Subdivision consisting of one 1.68 ha block.

The Draft Plan of Subdivision application has been submitted to create a Block within a future Registered M-Plan and to facilitate a future Draft Plan of Condominium (Common Elements) application to create the condominium tenure of the common elements (internal road, visitor parking spaces and landscape amenity area) under the *Planning Act*, for the Development.

The Development Planning Department has reviewed the Development shown on Attachment 4 in consideration of the following policies.

The Development is consistent with the Provincial Policy Statement 2014

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario “shall be consistent” with the Provincial Policy Statement 2014 (‘PPS’). The PPS provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong, healthy communities; the wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome oriented, and some policies provide flexibility in their implementation provided that Provincial interests are upheld.

The *Planning Act* requires that Vaughan Council’s planning decisions be consistent with the PPS. The Development Planning Department is of the opinion that the Development is consistent with provincial policies, specifically:

- Section 1.1.3.2 - settlement areas shall be the focus of growth and development based on densities and land uses which efficiently use land, infrastructure
- Section 1.1.3.4 - Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety
- Section 1.4.3 - planning authorities shall provide for an appropriate range and mix of housing types, directed to appropriate levels of infrastructure and public service facilities
- Section 1.6.6.2 - municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible

The Subject Lands are located within a defined settlement area identified by the PPS. The Development achieves the intent of the Settlement Areas and Housing policies of the PPS by making efficient use of the Subject Lands, as it minimizes land consumption, proposes a housing typology that adds to the range and mix of housing types in the City.

The Development conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019

The Provincial Growth Plan, A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019 (‘Growth Plan’) is intended to guide decisions on a wide range of issues, including economic development, land use planning, urban form, and housing. The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe, including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture

of conservation. Council's planning decisions are required by the *Planning Act* to conform, or not conflict with, the Growth Plan.

The Development is consistent with the policy framework of the Growth Plan as the built form would utilize the Subject Lands more efficiently, make more efficient use of existing infrastructure, and provide housing at a density that is supportive of the Growth Plan objectives, specifically:

- Section 2.2.1.2.a) - directing growth to settlement areas that have existing or planned municipal water and wastewater systems
- Section 2.2.1.4.c) - provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes
- Section 2.2.6.2 – considering the range and mix of housing options and densities of the existing housing stock

The Development shown on Attachment 4 is located within a settlement area and a delineated built up area that contributes to providing a mix of housing densities and unit types within the neighborhood in accordance with VOP 2010. Accordingly, the Development conforms to the Growth Plan.

The Development conforms to the York Region Official Plan 2010

The York Region Official Plan 2010 ("YROP") guides economic, environmental and community building decisions across York Region. The Subject Lands are designated "Urban Area" by the YROP. The "Urban Area" designation permits a range of residential, commercial, industrial and institutional uses, subject to additional policy criteria. Section 5.0 of the YROP states that "intensification within the Urban Area will accommodate a significant portion of the planned growth in the Region."

Section 3.5.4 of the YROP requires that local municipal official plans and zoning by-laws permit a mix and range of housing types, lot sizes, unit sizes, functions, tenures and levels of affordability within each community.

The Development will diversify housing options, including a mix and range of housing type, lot and unit sizes, and tenure in the community. The Development conforms to the YROP.

An amendment to Vaughan Official Plan 2010 is required to permit the Development

The Subject Lands are designated "Low-Rise Residential" by Vaughan Official Plan 2010 ("VOP 2010") and are located within a "Community Area" as identified on Schedule 1 - Urban Structure of VOP 2010. The "Low Rise Residential" designation permits detached, semi-detached and townhouse dwelling units having a maximum permitted building height of 3-storesys, and there is no associated density requirement.

Sections 9.1.2.2 and 9.1.2.3 of VOP 2010 identifies compatibility criteria for new development in a "Community Area". The compatibility criteria directs that new

development be designed to respect and reinforce the physical character of the established neighborhood within which it is located. In addition, new development in a “Community Area” within established development areas shall pay attention to local lot patterns, size and configuration, and existing building types with similar setbacks. The Development is located south of Rutherford Road, a major arterial road, that contains larger residential lots to the east and the Canadian Pacific rail line and lands that are designated for employment uses to the west. The Development is not consistent with the compatibility and development criteria of VOP 2010. Therefore, an amendment to VOP 2010 is required.

VOP 2010 permits limited intensification in Community Areas provided the proposed development is sensitive to and compatible with the character, form and planned function of the surrounding context.

Section 9.2.3.2. in VOP 2010 identifies development criteria for townhouses, stating that the following policies and development criteria apply to Townhouses:

- a. A Townhouse is a Low-Rise Residential building, up to three story’s in height, situated on a single parcel and part of a row of at least three but no more than six attached residential units.
- b. In Community Areas with existing development, the scale, massing, setback and orientation of Townhouses will respect and reinforce the scale, massing, setback and orientation of other built and approved Townhouses in the immediate area. Variations are permitted for the purposes of minimizing driveways and having front entrances and porches located closer to the street than garages.
- c. In areas of new development, the scale, massing, setback and orientation of Townhouses will be determined through the process of developing and approving Secondary Plans, Block Plans, Plans of Subdivision, Zoning By-laws, and/or urban design guidelines.
- d. Townhouses shall generally front onto a public street. Townhouse blocks not fronting onto a public street are only permitted if the unit(s) flanking a public street provide(s) a front-yard and front-door entrance facing the public street.
- e. The facing distance between blocks of Townhouses that are not separated by a public street should generally be a minimum of 18 m in order to maximize daylight, enhance landscaping treatments and provide privacy for individual units.

The Development has regard for the Community Area Policy Review for Low-Rise Residential Designations

Council on October 20, 2015, directed the Policy Planning and Environmental Sustainability (“PPES”) Department to initiate the Community Area Policy Review for Low-Rise Residential Designations. Council subsequently adopted the Urban Design Guidelines for Infill Development in Established Low-Rise Residential Neighborhoods

(the “Guidelines”) and the Community Area Policy Review for Low Rise Residential Designations Study (the “Study”).

Council on October 19, 2016, approved the Guidelines that serve to clarify and implement existing VOP 2010 policies related to compatibility. Council, on April 19, 2017, approved the Study. Official Plan Amendment Number 15 (‘OPA 15’), to implement the Study recommendations, was adopted by Council on September 27, 2018, and York Region, on May 8, 2019, issued a Notice of Decision for OPA 15. On May 28, 2019, OPA 15 came into effect.

The Subject Lands are identified as an “Established Large-Lot Neighborhoods” in accordance with the “Community Area Policy Review for Low Rise Residential Designation” (OPA 15) and Schedule 1B of VOP 2010. “Established Large-Lot Neighborhoods” are characterized by large lots with minimum lot frontages of 21 m to 30 m.

The Applications were submitted on September 17, 2018 and deemed “Complete” on October 16, 2018. The commencement of the Applications pre-date the approval of OPA Number 15. However, the Development has regard for the following provisions of the Guidelines:

- The townhouse blocks contain a maximum of 6 units
- The common amenity area is located in prominent locations that are visible and easily accessed from all units
- The majority of the front and interior yard setbacks are consistent with the Guideline requirements of 4.5 m and 1.5 m respectively
- A minimum 50% of each front yard consists of soft landscaping
- Each townhouse has a private backyard as set out in the Guidelines
- Visitor parking spaces are proposed, although an exception is required for the width of certain parallel spaces within the private road.

The Development Planning Department is satisfied that the proposed Development has appropriate regard for the “Community Area” policies of VOP 2010, and the Council approved Guidelines. The Development is consistent, but not identical to, the surrounding community.

Summary of Planning Policy

In consideration of the above, the Development Planning Department is satisfied that the Development is consistent with the PPS, conforms to the Growth Plan, the York Region Official Plan, and is compatible with the existing land uses in the surrounding area. Accordingly, the Development Planning Department can support the Applications including the Amendment to VOP 2010 that addresses the compatibility criteria for new development in a “Community Area”.

The proposed 3-storey townhouse dwellings will establish a residential Development consistent in scale and built form with the policies set out in VOP 2010 and will provide a low-rise residential development that is appropriate and compatible, but not identical, with the existing surrounding and proposed developments.

A Similar Development has been approved on abutting lands to the north

Vaughan Council, on January 29, 2019, approved the Gemini Proposal for the lands abutting the Subject Lands to the north to permit the development of 111 townhouse units to be served by private common element roads. The location of these lands are shown on Attachments 2 and 6. The Owner has appealed these applications to LPAT.

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

The Subject Lands are zoned “RR Rural Residential Zone” by Zoning By-law 1-88, subject to site-specific Exception 9(1182) which permits only detached dwellings on lots with a minimum frontage of 45 m and a lot area of 400 m². A townhouse is not a permitted use in the “RR Rural Residential Zone”.

The Owner is proposing to rezone the Subject Lands from “RR Rural Residential Zone” to “RT1(H) Residential Townhouse Zone” with a Holding Symbol “(H)”, in the manner shown on Attachment 4, together with the following site-specific zoning exceptions:

Table 1

	Zoning By-law 1-88 Standard	RT1 Residential Townhouse Zone Requirements	Proposed Exceptions to the RT1 Residential Townhouse Zone Requirements
a.	Frontage on a Public Street	No person shall erect any building in any zone unless the lot upon which such building is to be erected fronts onto a public street.	Permit a building to be erected that fronts onto a public street or a private common element condominium road.
b.	Definition of a “Street Townhouse Dwelling”	Means “a townhouse dwelling in which each dwelling unit is situated on its own lot, which abuts a public street”.	Means “a townhouse dwelling in which each dwelling unit is situated on its own lot or parcel of tied land (“POTL”), which abuts a public street or private common element road”.

	Zoning By-law 1-88 Standard	RT1 Residential Townhouse Zone Requirements	Proposed Exceptions to the RT1 Residential Townhouse Zone Requirements
c.	Definition of “Street Line”	Means the dividing line between a lot line and a street or the dividing line between a lot and a reserve abutting a street.	Means the dividing line between a lot and a street or a private road, or the dividing line between a lot and a reserve abutting a street or a private road.
d.	Minimum Lot Depth	27 m / unit	25 m / unit (Blocks 1 - 4) 24 m / unit (Blocks 5 - 12) 23 m / unit (Block 14)
e.	Minimum Lot Area	162 m ² / unit	135 m ² (Blocks 1 - 4) 130 m ² (Blocks 5 - 12 and 14)
f.	Minimum Lot Frontage	6 m / unit	5.4 m
g.	Minimum Rear Yard	7.5m	7 m (Blocks 1 - 4) 6.5 m (Blocks 5 - 12) 6.1 m (Block 14)
h.	Minimum Exterior Side Yard (Private Road)	4.5m	2.8 m (Block 1) 1.6 m (Block 4) 1.8 m (Block 5) 1.2 m (Blocks 6, 9 and 10) 1.4 m (Blocks 7 and 11) 2 m (Block 12) 1.7 m (Block 13)

	Zoning By-law 1-88 Standard	RT1 Residential Townhouse Zone Requirements	Proposed Exceptions to the RT1 Residential Townhouse Zone Requirements
i.	Minimum Interior Side Yard (Greenway or Buffer Block)	3.5 m	1.5 m (Blocks 2, 3 and 14) Abutting Amenity Space
j.	Minimum Setback to a Site Triangle (Private Road)	3 m	1.8 m (Block 5) 1.4 m (Blocks 7 and 11) 2.9 m (Block 8) 1.2 m (Block 9) 2.6 m (Block 10) 2.9 m (Block 12)
k.	Percentage of Soft Landscape Area in Front Yard	60%	50%
l.	Maximum Building Height	11 m	11.5 m
m.	Maximum Width of a Driveway Entrance	7.5 m	8 m
n.	Minimum Dimensions Visitor Parallel Parking Space	2.7 m X 6 m	2 m X 6 m
o.	Minimum Interior Garage Dimension	5.5 m X 6 m	3 m X 6 m - Unit 70

The implementing zoning by-law will also include Canadian Pacific Railway's requirement that any dwelling be setback a minimum distance of 30 metres from the railway right-of-way and a cap for 70 townhouse units. The Development Planning

Department has reviewed and supports the proposed site-specific zoning exceptions in Table 1 on the following basis.

Frontage on a Public Street and Definition

Zoning By-law 1-88 does not include standards for townhouse development utilizing a common element condominium road. The RT1 Residential Townhouse Zone permits units only on lots that front onto a public street. The proposed definition will permit a unit on a lot with frontage on a private common element road and facilitate the creation of Parcels of Tied Land (POTLs) for future individual ownership. The proposed definitions implement the Development on a private common element road.

Lot Frontage, Lot Area, Minimum Yard Setbacks, Lot Depth, Building Height, Maximum Interior Garage Widths, and Driveway Widths

The amendments to the lot frontage, lot area, and lot depth requirements recognize the creation of the development blocks and POTLs. The proposed yard setbacks, building height for the townhouse dwellings make more efficient use of the Subject Lands and implements a compact built form. Many of the exceptions in Table 1 apply only to certain buildings and/or units and not to the entire Development.

The proposed zoning exceptions would implement a townhouse development which is a built form permitted by VOP 2010 and is compatible with the existing and planned built form in the surrounding area.

The Planning Act permits Vaughan Council to pass a resolution to permit a landowner to apply for a future 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 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. Section 45 (1.4) of the *Planning Act* provides an exception to this restriction where Council declares by resolution to allow an Owner to apply for a Minor Variance(s) within 2 years of the passing of a by-law amendment.

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

The Development Planning Department has no objection to the Draft Plan of Subdivision, subject to the Conditions of Approval of this report

The Development Planning Department has no objection to the approval of the Draft Plan of Subdivision ('Draft Plan') shown on Attachment 3, subject to the Conditions of Approval included in Attachment 1. The primary purpose of the Draft Plan is to create

one residential development Block (Block 1) for the overall Development. In order to facilitate the creation of the individual freehold townhouse lots, the Owner is required to submit a Part Lot Control Exemption application to create the freehold townhouse units, should the Applications be approved.

A future Site Development Application will require the approval of Council

The Owner has submitted detailed conceptual site plans as part of the Applications that are the subject of this report. Should the subject Applications be approved by Vaughan Council, a Site Development Application must be submitted and reviewed and will be subject to a technical report for consideration at a future Committee of the Whole meeting. Review of the site plan will ensure amongst other matters the following:

- pedestrian and barrier free accessibility
- appropriate site design and building materials, orientation of units and upgraded and visible flankage elevations, landscaping, snow storage, stormwater management, and servicing and grading
- the location of air conditioning units
- accessibility and location of the proposed residential visitor parking spaces
- the provision of an appropriate amenity space
- coordination of development with the Gemini Proposal
- that the Development shall achieve a Bronze Threshold Score in accordance with the City's Sustainability Metrics Program

Draft Plan of Condominium File 19CDM-18V004 is required to be approved to establish the Common element condominium tenure of the Development

Should Council approve the Applications, the proposed condominium tenure for the Development will be created through the approval of Draft Plan of Condominium File 19CDM-18V007 at a future Committee of the Whole meeting. The future condominium corporation will be responsible for the maintenance of all common element areas in the Development, including but not limited to, parking, private road, pedestrian connections, landscaping, sanitary and storm water connections, and amenity areas.

The Development Engineering ("DE") Department has no objection to the Development, subject to the Conditions of Draft Plan of Subdivision Approval and that the Zoning By-law include conditions to be satisfied prior to the removal of the Holding Symbol

A Functional Servicing Report ('FSR'), prepared by Schaeffers Consulting Engineers dated September 2019, with supplemental information, was submitted in support of the Applications. Based on the review of documentation, the following comments are provided:

a) Water Servicing

The Development is proposed to be serviced primarily by an existing 300mm diameter watermain on the west side of Simmons Street. The Development is located within Pressure District 5. The DE Department is satisfied in principle, with this schematic

information provided. However, additional analysis will be required through the detailed design stage and the requirements for same are included in the conditions of approval in Attachment 1.

b) Sanitary Servicing

The Subject Lands are tributary to the future sanitary trunk sewer scheduled to be installed on Regional Road 27 and Rutherford Road by York Region in 2028. In the interim, the Owner is proposing that the Development be serviced by a new sanitary sewer traversing from Simmons Street to an existing 200mm diameter sanitary sewer located on Royalpark Way. The Development is north and west of the connection to the Royalpark Way sewer.

The Subject Lands will benefit from works proposed by the Gemini Proposal who is proposing to initiate the design and construction, at no cost to the City, of a new sanitary sewer within the City's (Simmons Street and Regional Road 27) right-of-way which will allow the Subject Lands to discharge sanitary flow. The proposed design will also utilize part of an existing City watermain easement located on the property municipally known as 75 Simmons Street, which will be repurposed for the sole use of the sanitary sewer to connect the proposed sewers between Simmons Street and Regional Road 27. The FSR demonstrates that the interim solution is doable.

The DE Department requires the Owner to provide supplemental analysis including flow monitoring to confirm adequate conveyance capacity of downstream sewers. Alternatively, the Owner can rely upon the findings of the City's Interim Service Strategy (ISS) study currently being undertaken. This Study will inform the City of how much development can safely proceed in the Study areas including the Subject Lands before the regional infrastructure is built. The Study commenced at the beginning of 2019 and it is anticipated it will be completed by Q2 of 2020. Conditions to this effect are included in Attachment 1.

c) Storm Servicing

Stormwater for the Development is proposed to be captured within underground storage facilities and oversized sewers to be constructed within the development boundaries, with the flow conveyed utilizing pre-development target flow rates to a new storm sewer on Simmons Street. All stormwater storage and quality facilities are proposed to be within a common-element condominium development.

The Subject Lands will benefit from works proposed by the Gemini Proposal who is proposing to initiate the design and construction a new storm sewer, at no cost to the City, within the Simmons Street right-of-way, to convey stormwater flow from the Subject Lands northerly to the existing road stormwater outlet located at the low point of Simmons Street. The storm sewer is proposed to terminate with a new headwall at the

outlet east of Simmons Street where flow is then conveyed easterly through an existing overland ditch.

The DE Department is generally satisfied with the general stormwater drainage schematic. However, supplemental analysis, particularly with respect to accommodating existing drainage areas within the Simmons Street right-of-way and the geotechnical and hydrogeological recommendations for the construction of the proposed sewer is required. Additional analysis will be required through the detailed design stage and the requirements for same are included in the Conditions of Approval in Attachment 1.

d) Grading Design

Preliminary engineering design drawings, prepared by Schaeffers Consulting Engineers, dated September 2019, were submitted in support of the Applications. A detailed evaluation of the grading design and erosion and sediment control measures will be conducted during the detailed design stage and as part of the Site Plan Approval. The DE Department is generally satisfied with the preliminary grading schematic, subject to the Conditions of Approval in Attachment 1.

e) Noise and Vibration

A Noise Control Study, prepared by SS Wilson Associates Ltd., analyzed the noise and vibration impacts on the Development. The Owner shall address and fulfill the comments and conditions to the satisfaction of the City. A condition to this effect is included in the Conditions of Approval in Attachment 1.

f) Environmental

The Owner submitted a Phase One Environmental Site Assessments ('ESA') and Reliance Letter. The DE Department reviewed the report and correspondence and are satisfied with the ESA documentation submitted to date.

g) Transportation

The Owner has submitted a Transportation Study prepared by Nextrans Consulting Engineers, dated August 2018. The Transportation Engineering Division is working with the Owner to finalize the Study, including the review of all transportation infrastructure improvements including urbanization of Simmons Street to include sidewalk(s), streetlights and an eastbound right turn lane at the Rutherford Road and Simmons Street intersection. All of which must be approved to the satisfaction of the DE Department. A condition to this effect is included in the Conditions of Approval in Attachment 1.

Access to the Subject Lands

The Subject Lands will be accommodated by a single access via Simmons Street but will have shared interconnectivity with the Gemini Proposal to the north.

The number of proposed units would normally require a second access to serve these developments in emergency conditions. Due to the surrounding physical and geometric constraints, such as rail tracks, the future Rutherford Road grade separation, the Owners of both the Subject Lands and the development proposal to the north have provided the required emergency access through an updated design for the intersection of Rutherford and Simmons Street that includes two passageways (northbound and southbound).

A combined Transportation Study was submitted in support of these applications. The study analyzed the intersection of Rutherford Road and Simmons Street and concluded the intersection is expected to operate with sufficient capacity. Since this intersection is the only access point to connect the subject and adjacent developments to the regional road network, several improvement measures were recommended such as the widening of Simmons Street to permit emergency vehicle passage, improving intersection capacity by adding turn lanes and the urbanization of Simmons Street to include sidewalks and streetlights.

The proposed improvements to the intersection of Simmons Street and Rutherford Road include a 5 m wide southbound lane from Rutherford Road, a 3 m dedicated northbound left turn from Simmons and a 3.5 m dedicated northbound right turn lane. This permits the safe and efficient movement of a two-way vehicular passage including emergency vehicles. This has been demonstrated through the vehicular maneuvering diagram submitted by the Owner. Furthermore, an eastbound right turn lane and a centre median on Simmons Street is designed to help delineate the traffic at the intersection. Simmons Street will be urbanized with a provision of a sidewalk on the west side to help with the pedestrian circulation to/from the proposed developments, while also providing improvements for the existing residents as well.

The provided design and analysis ensures that the intersection can operate should one of the lanes be closed thereby, providing at least one access at all times.

Broader road network improvements are also planned for the area, such as the opening of MTO's Highway 427 extension to Major MacKenzie Drive which is expected to open by September 2020. Rutherford Road is scheduled to be widened by York Region from the existing 4 lanes to 6 lanes with high occupancy vehicle (HOV) lanes, sidewalks and bicycle lanes, as well as a grade separation for the existing CN Rail. However, as per the Region's TMP, the Rutherford Road widening will not materialize until 2031.

York Region has reviewed the proposed intersection design and have consulted with City staff and have advised that:

The Western Vaughan Transportation Improvements Individual Environmental Assessment (IEA) was approved by the Ministry of Environment in July 2012. The IEA recommends that Simmons Street intersection at Rutherford Road be restricted to right-in/right-out by means of a raised centre concrete median. York Region will review the design of the Rutherford Road/Simmons Street intersection, considering the updated traffic conditions. The City of Vaughan will be notified on the commencement of the project at the time of the detailed design and implementation of the IEA.

They require the Owner to agree in a future Site Plan Agreement to include the following clause in subsequent Purchase and Sale Agreement(s), Tenant Lease Agreement(s) Condominium Agreement(s), and Declaration of Condominium.

“The Owner acknowledges that the Simmons Street intersection at Rutherford Road may be restricted to a Right-In/Right-out based on the Western Vaughan Transportation Improvements Individual Environmental Assessment Study Recommendations, as approved by the Ministry of Environment in July 2012”.

Proposed Parking

The proposed parking supply satisfies the Zoning By-law 1-88 parking requirements.

Holding Symbol (“H”)

The DE Department requires that the Holding Symbol “(H)” shall not be removed from the lands zoned “RT(1) Residential Townhouse Zone” with the Holding Symbol “(H)” as shown on Attachment 4, until the following matters have been addressed to the satisfaction of the City:

- i) The Subject Lands are located in an area, adjacent to Regional roads (Rutherford Road and Regional Road 27), that are tributary to the future sanitary trunk sewer scheduled to be installed by York Region in 2028. The Holding Symbol “(H)” is to only be lifted under one of the following two scenarios:
 - a. The sanitary trunk sewer on Regional Road 27 is constructed by York Region and the Owner has secured the necessary lands and/or easements, free of all costs and encumbrances, to the City that are necessary to construct the sanitary sewer between Simmons Street and Regional Road 27; or,
 - b. The Owner has demonstrated that an alternate interim sanitary outlet to Royalpark Way as shown within the Functional Servicing Report can be achieved utilizing an adequate easement width and a comprehensive study including, but not limited to, flow monitoring, conveyance capacity analysis of downstream sewers, and available allocation, to the satisfaction of the City.

The DE Department has no objections to the Development and will continue to work with the Owner to finalize all plans and reports subject to the conditions identified in the Recommendations of this report, and the Conditions of Approval identified in Attachment 1 of this report.

The Development Planning Department has no archaeological concerns, subject to standard conditions

The Development Planning Department has reviewed the Stage 1 – 2 Archaeological Assessment which conclude that no archaeological potential was identified on the Subject Lands. The letter from the Ministry of Tourism, Culture and Sport accepting this report has also been submitted. Therefore, the Subject Lands are cleared of archeological concern. However, the following standard clauses will apply and are included in the Conditions of Approval identified in Attachment 1 of this report:

- a) Should archaeological resources be found on the property during construction activities, all work must cease, and both the Ontario Ministry of Tourism, Culture and Sport and the City of Vaughan's Development Planning Department, Urban Design and Cultural Heritage Division shall be notified immediately.
- b) In the event that human remains are encountered during construction activities, the Owner must immediately cease all construction activities and shall contact the York Regional Police Department, the Regional Coroner and the Registrar of the Cemeteries at the of Consumer Services.

Cash-in-lieu of the dedication of Parkland is required for the Draft Plan

The Office of the Infrastructure Development Department, Real Estate Services has advised that the Owner shall dedicate land and/or pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% or 1 ha per 500 units of the value of the Subject Lands, prior to the issuance of a Building Permit, in accordance with the *Planning Act* and the City's Cash-in-lieu of Parkland Policy. The Owner shall submit an appraisal of the Subject Lands, in accordance with Section 42 of the *Planning Act*, prepared by an accredited appraiser for approval by the Office of the Infrastructure Development Department, Real Estate Services, and the approved appraisal shall form the basis of the cash-in-lieu payment.

Development Charges are applicable to the Development

The Financial Planning and Development Finance Department has advised that the Owner shall enter into a subdivision agreement with the City of Vaughan to satisfy all conditions, financial or otherwise of the City, with regard to such matters as the City may consider necessary, including development charges.

The Parks Planning Department has no objection to the approval of the Applications, subject to the Owner providing a sidewalk along Simmons Street and a multi-unit pathway along Rutherford Road toward Highway 27

The Parks Planning Department is generally satisfied with the Development and the Community Services and Facility Study submitted with the Applications, subject to the development of an acceptable multi-use recreational pathway to connect to Regional Road 27 via Rutherford Road.

Public Parkland

Parks Planning Department has confirmed that public parkland on the subject site is not required as the projected unit count/population is not high enough to generate sufficient need for public parkland. However, the provision of playground equipment in the proposed private amenity areas in the subject development along with adjacent developments would be paramount in order to meet the recreational needs for future residents.

Pedestrian Connections

A pedestrian sidewalk is required along Simmons Street to connect to Rutherford Road which in turn will lead towards Regional Road 27 and into the broader Kleinburg/Nashville Community. A requirement to provide a portion of this sidewalk along Simmons Street was previously made through the adjacent Gemini Proposal.

Accordingly, the following condition of draft plan approval is required:

“That the Owner plan, design and agree to construct a pedestrian sidewalk along Simmons Street; connecting into the proposed sidewalk system located to the north (Gemini). The Owner is responsible for the total cost of the design and construction of all works to complete the sidewalk and associated landscape works, including but is not limited to any works of a temporary nature.”

A condition to this effect is included in the Conditions of Approval in Attachment 1.

The Environmental Services Department, Solid Waste Management Division has no objection to the Applications

The Environmental Services Department Solid Waste Management has no objection to the proposed waste collection proposed for the Development. Upon a successfully completed Application, site inspection and executed Agreement as determined by the City, the Condominium Corporation(s) may be eligible for municipal waste collection services. Should the Condominium Corporation(s) be deemed ineligible by the City or choose not to enter into an Agreement with the City for municipal collection service, all waste collection services shall be privately administered and shall be the responsibility of the Condominium Corporation(s). The following clause shall be included within the future Condominium Agreement:

“Prior to final approval, upon a successfully completed application, site inspection

and executed registration of an Agreement with the Vaughan Environmental Services Department, Solid Waste Management Division, as determined by the City, the Condominium Corporation(s) will be eligible for municipal waste collection services. Should the Condominium Corporation(s) be deemed ineligible by the City or choose not to enter into an Agreement with the City for municipal collection service, all waste collection services shall be privately administered and shall be the responsibility of the Condominium Corporation(s)."

The Fire and Rescue Service Department has no objection to the Development, subject to the Conditions of Approval

The Fire and Rescue Services Department has no objection to the Development. The Fire and Rescue Services Department has advised that fire hydrants (municipal or private) are required to be installed in accordance with the Ontario Building Code, and the fire hydrants shall be unobstructed and ready for use at all times. In addition, access roadways shall be maintained and suitable for large heavy vehicles.

The Owner shall agree to provide the following for the purpose of fire safety and firefighting operations.

- Water supply for firefighting, including hydrants, municipal or private shall be identified in the plans and code requirements to be installed and operational prior to construction of building
- Hydrants shall be unobstructed and ready for use at all times
- Access roadways shall be maintained and suitable for large heavy vehicles.
- Temporary Municipal address to be posted and visible for responding emergency vehicles satisfactory to the City
- Ensure designated firebreaks are identified on permit drawings if applicable.
- Fire Route to be posted prior to construction. (ensure the signs are approved with the by-law number on the sign)

The Toronto and Region Conservation Authority ("TRCA") has no objection to the Development

The TRCA has no objection to the Applications subject to the Conditions of Approval set out in Attachment 1C.

The School Boards have no objection to the Development

The York Region District School Board and York Region Catholic District School Board have no objection to the Development.

Canadian Pacific Railway has no objection to the Development

The Canadian Pacific Railway has no objection to the Development subject to the Conditions of Approval identified in Attachment 1D of this report.

Canada Post Corporation has no objection to the Development

The Canada Post Corporation has no objection to the Development subject to the Conditions of Approval identified in Attachment 1E of this report.

Utility companies have no objection to the Development

Alectra Utilities Corporation and Enbridge Gas Distribution Inc. have indicated no objection to the Draft Plan, subject to the Conditions of Approval identified in Attachments 1F and 1G.

Bell Canada has no objection to the approval of the Development, subject to the Owner coordinating servicing, connections, easements and locates with the above noted utilities prior to commencement of site works.

Financial Impact

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

Broader Regional Impacts/Considerations

York Region has reviewed the Official Plan Amendment Application and has determined that the proposed amendment is a matter of local significance and does not adversely affect Regional planning policies or interest in accordance with Regional Official Plan policy 8.3.8. York Region, on April 9, 2019, exempted the Official Plan Amendment Application from approval by the Regional Committee of the Whole and Council.

York Region has reviewed the Applications and has no objection to their approval. The Owner is required to satisfy all York Region requirements, subject to the comments and Conditions of Approval in Attachment 1B.

Conclusion

The Development Planning Department has reviewed the Applications in consideration of the Provincial policies and the applicable York Region and City Official Plan policies, the requirements of Zoning By-law 1-88, the comments received from City Departments, external public agencies, the public, and the surrounding area context.

The Development Planning Department is of the opinion that the Applications are consistent with the *Provincial Policy Statement, 2014*, conforms to the *Growth Plan for the Greater Golden Horseshoe, 2019*, and the York Region Official Plan and that the Applications represent good planning. The Applications maintain the intent of the “Community Area” policies of VOP 2010 and provide a development that is consistent, but not identical to, the surrounding community. The Development Planning Department recommends that the Applications be approved. On this basis, the Development Planning Department supports the approval of the Applications subject to the Recommendations in this report, and the Conditions of Approval set out in Attachment 1.

For more information, please contact Clement Messere, Senior Planner, Development Planning, at extension 8409.

Attachments

1. Conditions of Approval
2. Context and Location Map
3. Draft Plan of Subdivision File 19T-18V012
4. Conceptual Site Plan and Proposed Zoning
5. Typical Elevation Rendering
6. Concept Plan (Subject Lands and Development Proposal to the North)

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/FA