



MEMBER'S RESOLUTION

Meeting/Date	COUNCIL - OCTOBER 21, 2020
Title:	Request from Cortel Group on behalf of Rutherford Land Development Corporation and Caldari Land Development Corporation for a Minister's Zoning Order to Zone 2901 Rutherford Road and Part of Lot 15, Concession 4 (VGN), designated as Parts 3, 4, 9 and 10, Plan 65R-34051, located at the Southeast Corner of Jane Street and Rutherford Road, in the City of Vaughan
Submitted by:	Mayor Maurizio Bevilacqua

Whereas Vaughan Council received a communication from the Cortel Group on behalf of Rutherford Land Development Corporation ('RLDC') and Caldari Land Development Corporation ('CLDC') (collectively, the 'Owners') dated October 13, 2020 [Attachment 1] respecting a request to the Minister of Municipal Affairs and Housing, the Honourable Steve Clark, to enact a Minister's Zoning Order for the rezoning of certain lands at 2901 Rutherford Road and Part of Lot 15, Concession 4 (VGN), designated as Parts 3, 4, 9 and 10, Plan 65R-34051 (collectively, the 'Subject Lands'), located at the southeast corner of Jane Street and Rutherford Road, to allow for the Subject Lands to be developed with High Density Mixed Uses with affordable housing; and

Whereas the proposed mixed-use development provides a strategic opportunity to achieve high density development including affordable housing at a key intersection to the Vaughan Mills Primary Centre consistent with the policies of the Provincial Policy Statement 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended; and

Whereas on May 2, 2019 Bill 108, the *More Homes, More Choice Act* was introduced by the Minister of Municipal Affairs and Housing and received Royal Assent on June 6, 2019. Bill 108 reflects the Province's desire to increase the supply of housing and make housing more affordable; and

Whereas on July 8, 2020 the Province released Bill 197 the *COVID-19 Economic Recovery Act* providing policy direction to increase housing supply and stimulate the economy; and

Whereas "Affordable" housing as per the Provincial Policy Statement, 2020 means housing for which the purchase price results in annual accommodation costs which do not exceed 30% of the gross annual household income for low and moderate income households, or housing for which the purchase price is at least 10% below the average purchase price of a resale unit in the regional market area; and

Whereas the Owner has committed to providing a minimum of 10% of the total number of residential units as affordable housing units and for the purposes of the Zoning Order has confirmed affordable housing units shall mean housing for which the purchase price in annual accommodation costs which do not exceed 30 percent of the gross annual household income for low and moderate income households in the City of Vaughan, which is consistent with the Provincial Policy Statement, 2020; and

Whereas the York Region Official Plan 2010 (the 'YROP') guides economic, environmental and community building decisions across York Region. The Subject Lands are designated as "Urban Area" on the YROP Map 1 "Regional Structure"; and

Whereas the Jane Street is identified as a “Regional Rapid Transit Corridor” and Rutherford Road is identified as a “Regional Transit Priority Network” on Map 11 “Transit Network” of the YROP; and

Whereas the Subject Lands are located along planned high order transit corridors (Jane Street and Rutherford Road), in proximity to the York Region Transit (‘YRT’) Vaughan Mills Terminal and with existing transit connections to the VMC hub including an existing subway station, transit terminal and bus rapid transit; and

Whereas the development of the Subject Lands for a high-density mixed-use community would leverage public investments in existing and planned transit, road and servicing infrastructure; and

Whereas the majority of the Subject Lands form part of the Vaughan Mills Centre Secondary Plan by Vaughan Official Plan 2010 (‘VOP 2010’) and are designated “High-Rise Mixed-Use”, “Neighbourhood Park”, and “Green Buffer Area”. The Vaughan Mills Centre Secondary Plan reflects a new direction in city building and land use development for the area. The Secondary Plan moves towards the goal of creating a healthy and unique complete community environment that provides a mix of uses, promotes diversity, encourages walkability and accessibility, and builds community identity; and

Whereas the Subject Lands represent an opportunity for redevelopment of underutilized lands within an urbanized area and thereby reducing the need for future settlement expansions; and

Whereas RLDC appealed the Vaughan Mills Centre Secondary Plan to the Ontario Municipal Board (now Local Planning Appeal Tribunal), as it pertains to, in part, the northern portion of the Subject Lands; and

Whereas RLDC’s appeal of the Vaughan Mills Centre Secondary Plan as it applies to the portion of the Subject Lands, remains outstanding; and

Whereas the RLDC lands within the Subject Lands are designated as a “Intensification Area - Primary Centre” in Schedule 1 - Urban Structure of the VOP 2010; and

Whereas the lands of CLDC, being the south portion of the Subject Lands, are designated as “Employment Areas” in Schedule 1 - Urban Structure of the VOP 2010 and as “General Employment” in Schedule 13 - Land Use of the VOP 2010; and

Whereas CLDC has appealed Schedule 2 - Natural Heritage Network of VOP 2010 as it applies to the south portion of the Subject Lands and its appeal remains outstanding; and

Whereas the requested Minister’s Zoning Order seeks to rezone the Subject Lands that are currently zoned “EM1 Prestige Employment Area Zone” and “EM2 General Employment Area Zone” subject to site-specific exceptions 9(1170) and 9(1032), to a site-specific “RA3 Apartment Residential Zone” to provide immediate permissions to allow for intensification in the form of mixed-use high-density development to proceed; and

Whereas Council has identified the majority of the Subject Lands as Class 4 pursuant to the Ministry of Environment and Climate Change “Environmental Noise Guidelines: Stationary and Transportation Sources - Approval and Planning - Publication NPC 300” in a resolution dated December 11, 2017. The balance of the Subject Lands will require identification as Class 4 and development on the Subject Lands will comply with the NPC 300 Guidelines; and

Whereas prior to or concurrent with the submission of any development application(s), the Owners will be required to submit the necessary studies, materials and information to the satisfaction of the City as determined through the Pre-Application Consultation and development application processes; and

Whereas the Vaughan Mills Centre Secondary Plan identifies a Neighbourhood Park and Green Buffer Area on the Subject Lands; and

Whereas the Vaughan Mills Centre Secondary Plan identifies a woodlot on the Subject Lands and the function and extent of the woodland has been assessed by the Owners through field investigations and technical reports by a qualified professional; and

Whereas, the Minister of Municipal Affairs and Housing has the power to enact and impose a Zoning Order on any land in Ontario, in accordance with Section 47 of the *Planning Act* and the development of the Subject lands are of significant importance to the City of Vaughan, the Regional Municipality of York and the Province of Ontario as they will provide much needed affordable housing in the area; and

Whereas in the absence of a Zoning Order, the ability to proceed with the redevelopment of the Subject Lands would be delayed until the disposition of the outstanding CLDC VOP 2010 appeal and RLDC Vaughan Mills Centre Secondary Plan appeal, and the need for affordable housing is immediate.

It is therefore recommended:

1. That Council supports and has no objection to the Minister of Municipal Affairs and Housing enacting a Minister's Zoning Order for the Subject Lands which would permit the lands to be developed for a complete community with the requirement that a minimum of 10% of all residential units represent affordable housing units; and

2. The portions of the Subject Lands that do not currently have a Class 4 designation pursuant to Environmental Noise Guidelines: Stationary and Transportation Sources – Approval and Planning – Publication NPC 300, be designated as Class 4 and development will comply with the requirements of the NPC 300 Guideline; and

3. That the Owners finalize the environmental impact study and other studies filed with the City with respect to the woodlot, including compensation, as may be appropriate, and finalize the location of a park within the Subject Lands as required in the Vaughan Mills Centre Secondary Plan, and/or cash-in-lieu of parkland, all to the satisfaction of the City; and

4. That Council direct staff to work with the Owners and the Ministry of Municipal Affairs and Housing to prepare a Minister's Zoning Order with appropriate conditions that is consistent with these recommendations; and

5. That this resolution be forwarded to the Minister of Municipal Affairs and Housing as a statement of Council's direction and requests and be copied to the Regional Municipality of York and the Toronto and Region Conservation Authority.

Respectfully submitted,

Mayor Maurizio Bevilacqua

Attachments

1. Cortel Group's Minister's Zoning Order request letter to the City of Vaughan dated October 13, 2020 and accompanying map



CORTEL GROUP

MAIL: 2800 Hwy #7 W. Suite 301, Vaughan, ON. L4K 1W8 | OFFICE: 905.695.0800 | FAX: 905.695.0801 | WEB: cortelgroup.com

October 13, 2020

Mayor Maurizio Bevilacqua and Members of City Council
Office of The Mayor
City of Vaughan
Vaughan City Hall
2141 Major Mackenzie Dr.
Vaughan, ON L6A 1T1

Dear Mayor Bevilacqua and Members of Council:

Re: REQUEST FOR MINISTERIAL ZONING ORDER – City of Vaughan
Rutherford Land Development Corporation
Caldari Land Development Corporation
Southeast Corner of Jane Street and Rutherford Road

On behalf of the Rutherford Land Development Corporation (RLDC) and Caldari Land Development Corporation (CLDC), I am writing to request your endorsement of a Minister's Zoning Order with respect to lands located at the southeast corner of Jane Street and Rutherford Road (the "Subject Lands"). We are pleased to enclose herewith a draft Minister's Zoning Order ("MZO"), including a map identifying the Subject Lands.

Zoning Order Request

The request for the MZO will be submitted to the Minister of Municipal Affairs and Housing. The Subject Lands are currently owned by Rutherford Land Development Corporation and Caldari Land Development Corporation, which are subsidiary companies of the Cortel Group. The Subject Lands are approximately 8 hectares or 20 acres in size.

As you know, the Minister will consider a request for such an order under section 47 of the Planning Act, if the request is supported by the local municipality within which the land is located. For this reason, the Owner requests the support of Council for the City of Vaughan for this MZO and requests Council to correspond with the Minister of Municipal Affairs advising the Minister of that support, by enacting a resolution as follows:

It is therefore recommended:

- that Council supports and has no objection to the Minister of Municipal Affairs and Housing to issue a Minister's Zoning Order, for the zoning to be in place to allow for the Subject Lands to be developed for High Density Mixed Uses; and
- that this resolution be forwarded to the Minister of Municipal Affairs and Housing as a statement of Council's direction and requests; and copied to the Regional Municipality of York, Toronto and Region Conservation Authority, and Ministry of Natural Resources and

Forestry; and,

that council ratify the action taken

Effect of the Order

The proposed Zoning Order would allow for high density mixed use development of the Subject Lands, in a manner that would provide for new residents and jobs in a location that is planned for the ultimate subway extension to Rutherford Road. To date, development of the Subject Lands has been frustrated by ongoing planning approval delays. The Zoning Order would rezone the lands from the current EM1 (Employment) zone to a site-specific RA3 (Residential Apartment 3) zone, providing immediate permissions to allow for mixed use development to proceed without further delays in achieving a transit oriented development.

The Zoning Order will achieve the following planning benefits:

- The proposal will provide for mixed-use intensification at a key intersection to the Vaughan Mills Primary Centre as well as along planned higher order transit corridors (Jane Street and Rutherford Road).
- Intensification of the Subject Lands will provide additional ridership for the future planned transit, including a potential future subway station, which could be considerably underutilized without further intensification.
- Intensification of the Subject Lands will make efficient use of a vacant parcel, which is well served by urban infrastructure, particularly existing and planned transit.
- The Order will provide an appropriate high density form at a prominent intersection, while at the same time providing for appropriate transition to the lower density area to the east and incorporating publicly accessible open spaces and pathways.
- The proposal will contribute to achieving an urban form and character along the Jane Street and Rutherford Road corridors, with opportunities for publicly accessible open spaces and connections.
- The proposed mixed use high density development and tall building forms are compatible with surrounding residential, industrial and commercial uses to the north, east and west, as well as with the residential towers to the south and southwest, now under construction. Specific regulations are proposed to appropriately address matters of compatibility with the agreements with industrial uses to the east.
- The proposed design will provide an active streetscape along Jane Street, Rutherford Road and the new public streets, with buildings lining the streets and parking located internal to the Subject Lands.
- The proposal will build sustainably through both building and site practices.
- The Order will provide a framework that will facilitate the extension of the public street network through the Subject Lands.

- The proposed development will provide underground parking and stratified park opportunities.

The concept provides for intensification of the Subject Site that in our opinion supports the policy directions articulated in the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, the Region of York Official Plan, the VOP 2010 and the VMCSPP, all of which promote high-rise mixed-use development in areas well served by existing infrastructure, including existing and planned transit.

Project No. : Rutherford Land Development Corporation + Caldari Land Development Corporation
- 2901 Rutherford Road

This will serve as your authorization to proceed with the subject assignment and our acceptance of all terms and conditions.

Accepted this _____ day of _____

Authorized Signature

Printed Name

Position

Please supply the correct company name and address for billing purposes.

E-Mail address for preferred digital delivery

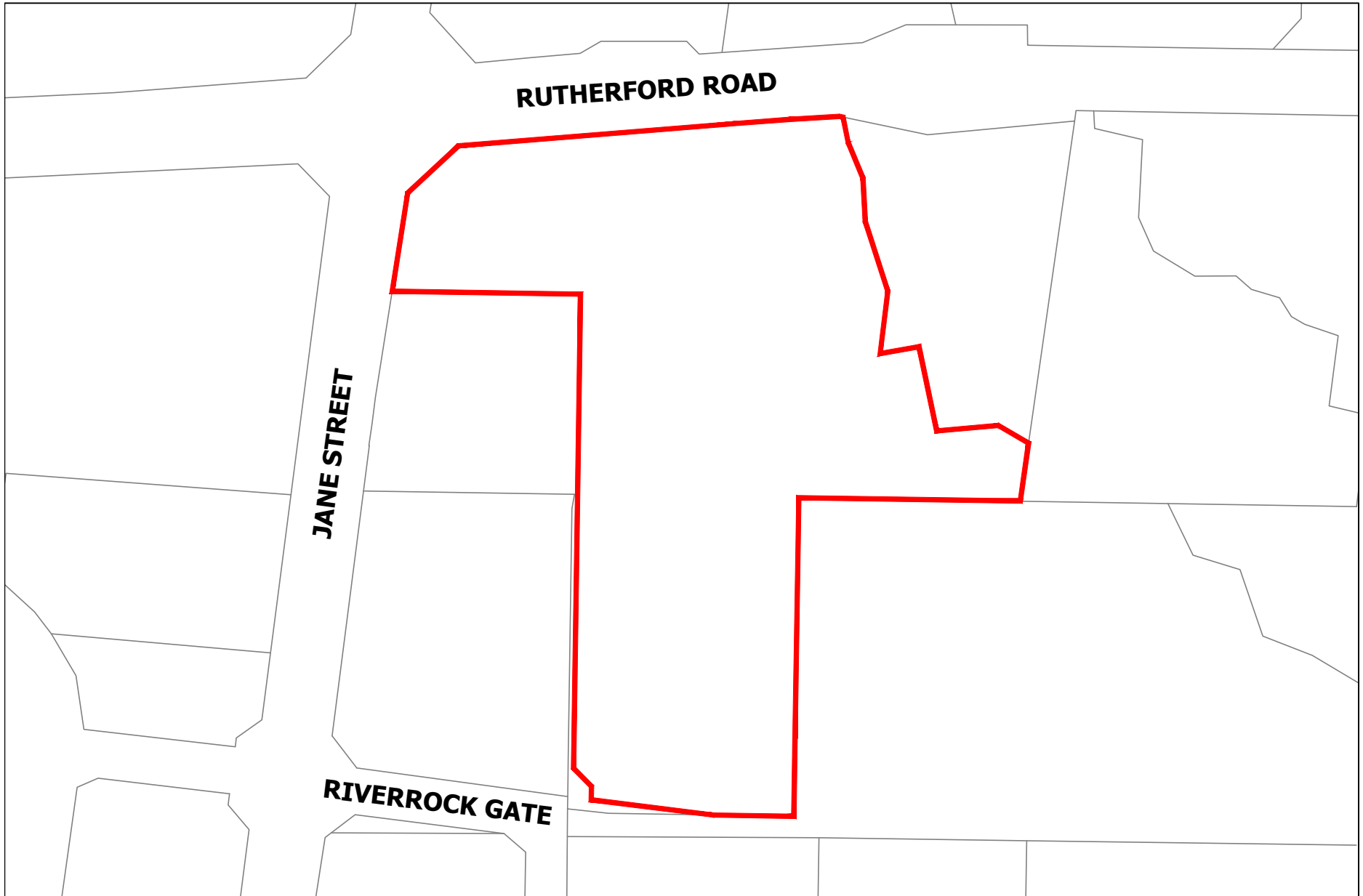
Company Name & Attention To

Address 1

Address 2

City and Postal Code

PART LOT 15, CONCESSION 4, CITY OF VAUGHAN



MAP NO. XXX

Map Filed at the office of the Ontario Ministry
of Municipal Affairs and Housing
777 Bay Street, Toronto, Ontario

The Planning Act Ontario Regulation:

Date:

Original Signed By:

LEGEND

 Lands Subject to Zoning Order

