

## Committee of the Whole (2) Report

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**DATE:** Wednesday, May 12, 2021

**WARD:** 3

**TITLE: VELMAR CENTRE PROPERTY LIMITED  
OFFICIAL PLAN AMENDMENT FILE OP.19.003  
ZONING BY-LAW AMENDMENT FILE Z.19.008  
SITE DEVELOPMENT FILE DA.19.042  
4101 RUTHERFORD ROAD  
VICINTY OF RUTHERFORD ROAD AND VELMAR DRIVE**

**FROM:**

Jim Harnum, City Manager

**ACTION:** DECISION

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**Purpose**

To seek approval from the Committee of the Whole for Official Plan and Zoning By-law Amendment and Site Development Files OP.19.003, Z.19.008 and DA.19.042 for the subject lands shown on Attachment 2. The Owner proposes to amend the site-specific height and density requirements of the “Low-Rise Mixed-Use” designation in Vaughan Official Plan 2010, and to rezone the subject lands from “C3 Local Commercial Zone” to “RA2 Apartment Residential Zone” to permit a 3 to 6-storey building with 135 apartment units and at-grade commercial uses, as shown on Attachments 3 to 7.

**Report Highlights**

- The Owner proposes to develop the subject lands with a mixed-use building containing 135 residential dwelling units, at-grade commercial uses, and underground parking.
- A \$622,000 contribution towards community benefits is required in accordance with Section 37 of the *Planning Act*.
- The Development Planning Department supports the development as it is consistent with and conforms to Provincial Policy and the York Region Official Plan, meets the general intent of Vaughan Official Plan 2010, and is compatible with the surrounding existing and planned land uses.

## **Recommendations**

1. THAT York Region be advised that Vaughan Council recommends Official Plan Amendment File OP.19.003 (Velmar Centre Property Limited) BE APPROVED, to amend the site-specific “Low-Rise Mixed-Use” designation in Vaughan Official Plan 2010 to increase the maximum building height from 4-storeys to 6-storeys and the maximum Floor Space Index from 1.5 times the area of the lot to 2.72 times the area of the lot, for the Subject Lands shown on Attachment 2;
2. THAT Official Plan Amendment File OP.19.003 be forwarded to York Region for Approval and inclusion into Volume 2 of Vaughan Official Plan 2010, being the incorporation of a new Section in Chapter 13 “Site Specific Policies” and identified as an “Area Subject to a Site Specific Plan” on Schedule 14-C of Vaughan Official Plan 2010;
3. THAT Zoning By-law Amendment File Z.19.008 (Velmar Centre Property Limited) BE APPROVED, to amend Zoning By-law 1-88, to rezone the Subject Lands shown on Attachment 2 from “C3 Local Commercial Zone” subject to site-specific Exception 9(814) to “RA2 Apartment Residential Zone”, together with the site-specific zoning exceptions identified in Table 1 of this report;
4. THAT the implementing Zoning By-law Amendment include a contribution pursuant to Section 37 of the *Planning Act* for the payment of \$622,000 towards site furniture, a shade structure and outdoor fitness equipment at Velmar Downs Park, and the development of the South Humber Trail. The contribution will be implemented through a Section 37 Density Bonus Agreement between the Owner and the City of Vaughan to be executed prior to the enactment of the implementing Zoning By-law Amendment;
5. THAT the Mayor and the City Clerk be authorized to execute the Section 37 Agreement, pursuant to Section 37 of the *Planning Act*, for the implementation of the community benefits, identified in Recommendation 4;
6. 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;
7. THAT Site Development File DA.19.042 (Velmar Centre Property Limited) BE DRAFT APPROVED AND SUBJECT TO CONDITIONS identified in Attachment 1, to the satisfaction of the Development Planning Department, to permit an

11,301 m<sup>2</sup> mixed-use building ranging in height from 3 to 6-storeys with 135 residential dwelling units, 496 m<sup>2</sup> of ground floor commercial area, and three levels of underground parking as shown on Attachments 3 to 7; and

8. THAT Vaughan Council adopt the following resolution for the allocation of water and sewage servicing capacity:

“IT IS HEREBY RESOLVED THAT Site Development Application DA.19.042 be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 135 residential units (298 persons equivalent). The allocation of said capacity may be redistributed (at the discretion of the City) in accordance with the City’s Servicing Capacity Allocation Policy if the development does not proceed to registration and/or building permit issuance within 36 months.”

### **Background**

The subject lands (Subject Lands) are municipally known as 4101 Rutherford Road, located on the southwest corner of Rutherford Road and Velmar Drive, and are developed with a one-storey commercial building. The Subject Lands and surrounding land uses are shown on Attachment 2.

### ***Official Plan Amendment, Zoning By-law Amendment and Site Development Applications have been submitted to permit the proposed development***

Velmar Centre Property Limited (the ‘Owner’) has submitted the following applications (the ‘Applications’) for the Subject Lands to permit a 11,301 m<sup>2</sup> mixed-use building ranging in height from 3-storeys to 6-storeys with 135 residential apartment units, 496 m<sup>2</sup> of ground floor commercial area and three levels of underground parking and (the ‘Development’), as shown on Attachments 3 to 7:

1. Official Plan Amendment File OP.19.003 (Velmar Centre Property Limited) to amend the site-specific height (storeys) and density (Floor Space Index) requirements of the “Low-Rise Mixed-Use” designation in Vaughan Official Plan 2010 from 4-storeys to 6-storeys and from 1.5 times the area of the lot to 2.72 times the area of the lot, respectively.
2. Zoning By-law Amendment File Z.19.008 (Velmar Centre Property Limited) to amend Zoning By-law 1-88, to rezone the Subject Lands from “C3 Local Commercial Zone” subject to site-specific Exception 9(814) to “RA2 Apartment Residential Zone” in the manner shown on Attachment 3, together with the site-specific zoning exceptions identified in Table 1 of this report.

3. Site Development File DA.19.042 (Velmar Centre Property Limited) to permit the Development.

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

The City, on August 23, 2019, mailed a Notice of Public Meeting (the 'Notice') to an extended notification area of all property owners within 650 m of the Subject Lands, as shown on Attachment 2. The Notice was also sent to the Carrying Place, Greater Woodbridge, National Estates, Pinewood Estates and Vellore Woods Ratepayers' Associations, and those individuals that had requested notice or provided a written submission regarding the Applications to the City. A copy of the Notice was also posted on the City's website at [www.vaughan.ca](http://www.vaughan.ca) and notice signs were installed on the Subject Lands along Rutherford Road and Velmar Drive, in accordance with the City's Notice Signs Procedures and Protocols.

Vaughan Council, on October 2, 2019, ratified the recommendation of the Committee of the Whole to receive the Public Meeting report of September 17, 2019, and to forward a comprehensive technical report to a future Committee of the Whole meeting. Vaughan Council also resolved to hold Community Meetings with City Staff, and with the Local and Regional Councillors.

The following Community Meetings were held after the Public Meeting:

1. October 8, 2019, at Vaughan City Hall with Planning Staff and the Local Councillor with approximately 20 residents and members from the Weston Downs Ratepayers Association ('WDRA').
2. November 21, 2019, at the Vellore Village Community Centre to present the proposal for the Subject Lands and receive additional comments from the community. Attendees included City Staff, the Local Councillor, Regional Councillors, a moderator, the Owner's consultants, and approximately 250 residents.
3. March 23, 2021, via a remote meeting, with City staff and representatives from the WDRA to receive comments regarding the revised submission.
4. March 30, 2021, via a remote meeting, with City staff, the Owner, the Owner's planning consultant and architect, and representatives from the WDRA to receive comments regarding the revised submission.

5. April 23, 2021, via a remote meeting, with City staff, the Local Councillor, and representatives from the WDRA to discuss the design of the revised submission.

The following is a summary of the comments provided in-person and in writing at the Public Meeting and Community Meetings regarding the original proposal ('Original Proposal') shown on Attachments 8 to 10 and the Development shown on Attachments 3 to 7. The comments are organized by theme, as follows:

#### Privacy, Shadow, View and Noise

- Shadows from the Development will negatively impact adjacent properties and Velmar Downs Park
- The Development will negatively impact privacy on adjacent properties due to the location of balconies
- Noise pollution is already an issue in the community that will be worsened by the development

#### Access, Traffic and Parking

- Traffic infiltration and congestion is already an issue in the community and along Weston Road and Rutherford Road
- Access and egress from individual properties (driveways) on Velmar Drive is problematic which will be worsened development on the Subject Lands
- The increase traffic generated by the Original Proposal and the Development will have implications on emergency vehicles
- The proposed access/egress on Velmar Drive is inadequate and would be better suited on a regional road
- Pedestrian and accessibility safety must be satisfactorily addressed
- The extension of Pine Valley Drive should be considered and approved
- The proposed parking is inadequate and may overflow onto the neighbourhood streets

#### Density, Built Form and Building Design

- The proposed density is too high for the area. The neighbourhood consists of only single detached dwellings
- The Original Proposal is out of scale and will change the character of the area
- There are better suited areas for apartment type dwellings in the City that have already been identified
- The Original Proposal and Development is overcrowded and too many units are proposed

- The Original Proposal will add to the community and provide additional choice and affordable units
- The Development does not meet the City's Urban Design Guidelines for the Weston Downs Neighbourhood (Planning Block 38)
- Building materials for the Development should maintain the character of the Weston Downs Neighbourhood

#### Other

- The Original Proposal will negatively impact Velmar Downs Park in a community already inadequately serviced for parks
- The Original Proposal should not extend onto the park property
- The existing commercial plaza serves a community need with convenient access to retail. The Original Proposal and Development will reduce convenient access to retail in the neighbourhood
- Approval of the Original Proposal will set a negative precedent for other properties in the community
- The Original Proposal and Development will affect property values in the area
- The Original Proposal will affect capacity on existing schools

The above comments are addressed throughout this report.

On May 5, 2021 a notice of this Committee of the Whole meeting was sent to all individuals who made a deputation before the Committee or submitted written correspondence to the City regarding the Applications.

#### ***The Owner submitted a revised development concept for the Applications on August 28, 2020, and revised building elevations on March 26, 2021***

The Development shown on Attachments 3 to 7 reflects changes made to the Applications by the Owner and submitted to the Development Planning Department on August 28, 2020 and March 26, 2021. The major changes to the Development from the Original Proposal shown on Attachments 8 to 10, and presented at the September 17, 2019 Public Meeting and subsequent Community Meetings, are as follows:

- The total gross floor area ('GFA') has been reduced from 13,035 m<sup>2</sup> to 11,301 m<sup>2</sup>
- The Floor Space Index ('FSI') has been reduced from 3.14 to 2.72 times the area of the lot
- The building height facing Velmar Drive has been reduced to 3-storeys (11.2 m), and will contain 5 units with pedestrian entrances from Velmar Drive
- The building height facing Rutherford Road has been reduced from 7-storeys (24 m) to 6-storeys (20.2 m), and maintains ground floor commercial uses

- The building height facing Velmar Downs Park has been reduced from 7-storeys (24 m) to 6-storeys (20.2 m), with amenity space at grade facing the park
- The total number of dwelling units has been reduced from 139 units to 135 units, and consists of four (4) one-bedroom units, 95 one-bedroom-plus-den units, 21 two-bedroom units, 10 two-bedroom-plus-den units and five (5) three-bedroom units
- The total parking provided has increased from 260 to 274 spaces
- The building's orientation has been adjusted 90 degrees by rotating the "C" shape building, that faced east towards Velmar Drive (Attachment 8) that now faces to the south, while maintaining the driveway in the same location
- Vehicular access to the Development remains in the previously proposed location at the south end of the Subject Lands. The driveway leads to an internal hard-surface courtyard, where at-grade short-term parking spaces would be available
- The proposed roof-top amenity space has been relocated to the ground floor level and the mechanical penthouse is smaller and faces Rutherford Road
- The balconies facing Velmar Drive have been recessed
- The materials and colour palette of the building have been revised to appropriately integrate into the existing character of the neighbourhood
- The architectural design has been revised to integrate with the existing low-rise residential lots located east of the Subject Lands
- Additional changes to the building elevations and architectural design were submitted by the Owner on March 26, 2021 with the following changes:
  - Removal of stairs along the Velmar Drive front entrances
  - A darker brick colour for the 6-storey component
  - Punched out grey metal window frames for the 3 and 6-storey component
  - Replacing glass balconies with grey aluminum balconies for the 3-storey component

### **Previous Reports/Authority**

The following is a link to a previous report regarding the Subject Lands:

[September 17, 2019, Committee of the Whole \(Public Hearing\) Item 5, Report No. 26](#)

### **Analysis and Options**

#### ***The Applications are consistent with the Provincial Policy Statement, 2020***

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario "shall be consistent" with the Provincial Policy Statement, 2020 ('PPS'). The PPS provides policy direction on matters of provincial interest related to land use planning and

development. 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. The Development is consistent with the following policies of the PPS:

- Section 1.1.1 - accommodating a market-based range and mix of residential types, and promoting land use planning, growth management and intensification to minimize land consumption and servicing costs
- Section 1.1.2 - sufficient land shall be made available through intensification and redevelopment
- Section 1.1.3.1 - Settlement Areas shall be the focus of growth and development
- Section 1.1.3.2 - land use patterns in Settlement Areas shall be based on densities and a mix of land uses which: efficiently use land and resources; appropriately and efficiently use infrastructure and public service facilities; and are supportive of transit and active transportation
- Section 1.1.3.3 - promoting opportunities for a range of housing options through intensification and redevelopment where this can be accommodated, taking into account existing building stock or areas
- Sections 1.1.3.4 and 1.4.3 f) - establishing development standards for residential intensification to facilitate a compact form
- Section 1.4.3 b) - permitting and facilitating all types of residential intensification and all housing options to meet the social, health, economic and well-being of current and future residents
- Sections 1.6.6.1 and 1.6.6.2 - promoting intensification and redevelopment within settlement areas to optimize the use of municipal services
- Section 1.7.1 b) - encouraging residential uses to respond to dynamic market-based needs

The Subject Lands are located within a Settlement Area as defined by the PPS, and within the Urban Boundary on Schedule 1 - Urban Structure of Vaughan Official Plan 2010 ('VOP 2010'). The Development will contribute to providing growth within a defined Settlement Area (Section 1.1.3) with appropriate development standards to accommodate a compact building form (Section 1.1.3.4). The Development provides an appropriate level of intensification and redevelopment, would minimize land consumption, and would contribute to providing a range and mix of housing types (apartment units) for various needs in the neighbourhood for future and current residents (Sections 1.1.1, 1.1.3.3, 1.4.3 b) and 1.7.1 b)).



The Subject Lands are appropriately located for intensification as they can accommodate growth and are served by existing infrastructure (Sections 1.1.3.3). The form of intensification of the Development takes into consideration existing building stock in proximity to the Subject Lands, with an appropriate transition in massing, density, and height from Velmar Drive (Section 1.1.3.3). The Development is located adjacent to Velmar Downs Park to the west and south, Rutherford Road to the north, and Velmar Drive to the east, thereby providing an appropriate separation from the existing low-rise single detached dwellings located in proximity to the Subject Lands. The Development will utilize existing municipal water and sanitary servicing connections located on Velmar Drive (Sections 1.1.3.2, 1.6.6.1 and 1.6.6.2).

On this basis, the Development is consistent with the PPS.

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

The Provincial Growth Plan: A Place to Grow - Growth Plan for the Greater Golden Horseshoe, 2019, as amended ('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. Vaughan Council's planning decisions are required by the *Planning Act* to conform, or not conflict with, the Growth Plan.

The Growth Plan's emphasis on optimizing the use of the existing urban land supply represents an intensification first approach to development and city-building, one which focuses on making better use of existing infrastructure and public service facilities, and less on continuously expanding the Urban Boundary.

The Development is consistent with the policy framework of the Growth Plan, specifically with the following policies:

- Sections 1.2.1 and 2.2.1(4) - support the achievement of Complete Communities that are:
  - designed to support healthy and active living
  - meet people's needs for daily living throughout an entire lifetime
  - support a range and mix of uses and housing options to serve all sizes, incomes, and ages of households
  - provide for a more compact built form

- Section 2.2.1(2)(a) and (d) - the majority of growth and development will be directed to Settlement Areas that have a delineated built boundary and have existing or planned municipal water and wastewater systems
- Section 2.2.1(2)(c) - within Settlement Areas, growth will be focused in locations with existing or planned transit and areas with existing public service facilities
- Section 2.2.2(2) - meeting the required minimum intensification target identified in the York Region Official Plan 2010 (YROP 2010)
- Section 2.2.6.3 - to support the achievement of Complete Communities, as defined by the Growth Plan, to encourage multi-unit residential developments with a mix of unit sizes
- Section 3.2.6 - optimize and improve efficiency within existing water and wastewater systems, and utilize existing systems to serve growth in a manner that supports the minimum intensification targets of the Growth Plan

The Subject Lands are located within a Settlement Area, as defined by the Growth Plan, and located within the “Urban Boundary” and the Growth Plan’s “Built Boundary” as identified on Schedule 1A - Urban Area of VOP 2010 (Section 2.2.1(2)). Rutherford Road is identified as a “Regional Transit Priority Network” by YROP 2010, and the Subject Lands abut a York Region Transit (‘YRT’) bus stop for Route 85 (Rutherford), with scheduled departures every 30 minutes, including weekends. The Subject Lands are in proximity to existing public facilities including Velmar Downs Park, La Rocca Square, Anthony Locilento Park, and the Vellore Village Community Centre (Section 2.2.1(2)(c)).

The Growth Plan generally encourages intensification throughout Settlement Areas and supports the development of Complete Communities, which may take on different shapes and forms appropriate to their context. The Development supports the achievement of Complete Communities, as defined by the Growth Plan, by adding multi-unit residential and commercial units to the community (Sections 1.2.1 and 2.2.2.1), with an appropriate built form transition to existing dwellings. The mix of uses and variations to residential unit size will support opportunities to serve all sizes, incomes, and ages of households (Sections 2.2.1(4) and 2.2.6.3).

Population targets established in municipal official plans as of July 1, 2017 will continue to apply to all planning matters in accordance with the Growth Plan (Section 2.2.2(2)). Section 5.3.1 of YROP 2010 requires a minimum of 40% of all residential development to occur within the built-up area, as defined by the “Built Boundary” in the Growth Plan. The Development will contribute to the minimum 40% intensification target within the built-up area.

The Development conforms to the goals and objectives of the Growth Plan, contributes to York Region's intensification target, will make more efficient use of the Subject Lands, and will optimize municipal water and wastewater infrastructure (Sections 2.2.2 and 3.2.6). On this basis, the Development conforms to the Growth Plan.

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

YROP 2010 guides economic, environmental and community building decisions across York Region. The Subject Lands are designated "Urban Area" by YROP 2010, which permits a wide range of residential, commercial, industrial, and institutional uses. The Development conforms to the following policies of YROP 2010:

- Section 5.0 - intensification within the Urban Area will accommodate a significant portion of planned growth in York Region
- Section 5.3 - encouraging a minimum 40% of residential development to occur within the built-up area, as defined by the Growth Plan
- Section 5.3.3 - "local infill" as a municipal intensification strategy to meet York Region intensification targets to 2031
- Section 7.2.24 - to provide preferential treatment for transit vehicles on Regional streets designated as a "Regional Transit Priority Network", including the construction of high-occupancy vehicle lanes, dedicated transit lanes, transit signal priority and other transit priority measures within the right-of-way

The Subject Lands are located within a designated "Urban Area" and "Built-up Area", intended to accommodate growth in York Region (Sections 5.0 and 5.3). The Development can be considered as "local infill", with modest intensification above the maximum permitted height and density identified in VOP 2010 in the form of a mixed-use building ranging in height from 3 to 6-storeys (Section 5.3.3). The Subject Lands abut Rutherford Road, a "Regional Transit Priority Network" on Map 11 -Transit Network of YROP 2010, intended to accommodate existing and proposed transit. Rutherford Road is also served by YRT Route 85 (Section 7.2.24), with a YRT bus station abutting the Subject Lands. On this basis, the Development conforms to YROP 2010.

York Region has no objections to the Applications, subject to their comments in the Regional Implications section of this report, and the Conditions of Approval included in Attachment 1.

***The Development Planning Department supports the Amendments to Vaughan Official Plan 2010 to permit the Development***

VOP 2010 sets out the municipality's general planning goals and policies that guide future land use. The Subject Lands are identified as a "Community Area" on Schedule

1 - Urban Structure of VOP 2010 and are designated “Low-Rise Mixed-Use” on Schedule 13 - Land Use of VOP 2010, with a maximum permitted building height of 4-storeys and a maximum FSI of 1.5 times the area of the lot.

The Owner is proposing to amend the following site-specific maximum height and density requirements for the Subject Lands in VOP 2010 to permit the Development:

- Increase the maximum permitted building height from 4-storeys to 6-storeys
- Increase the maximum permitted FSI from 1.5 times the area of the lot to 2.72 times the area of the lot

The Development Planning Department can support the proposed amendments to VOP 2010 for the following reasons:

The Development meets the intent of the “Community Area” Policies in VOP 2010

Community Areas are considered stable areas not intended to experience significant physical change; however, incremental change is expected as part of a maturing neighbourhood. The Development maintains the intent of the “Community Area” policies in VOP 2010, specifically the following:

- Sections 2.2.3.2, 9.1.2.1 (a) and 9.1.2.2 - new development shall respect and reinforce the scale, height, massing, character, and form of the planned function of the local immediate area
- Section 2.2.3.3 - limited intensification is permitted in Community Areas, subject to development being sensitive and compatible with the character, form, and planned function of the surrounding context

The Development provides for a limited form of intensification with an appropriate transition in scale, height and massing to the existing low-rise residential development located east of the Subject Lands. The Subject Lands abut Velmar Downs Park to the west and south, and Rutherford Road to the north, and provides an appropriate separation distance between the Development and the existing low-rise residential lots to the north (40 m), west (70 m) and south (144 m). To mitigate visual and shadow impact on adjacent properties, the 6-storey portion of the Development is primarily located along Rutherford Road and the west property line.

The massing along Velmar Drive is reduced to 3-storeys (11.2 m) in height and is setback 3 m from the property line along Velmar Drive. Existing mature boulevard trees along Velmar Drive are proposed to be retained, with additional deciduous tree plantings along the boulevard to further mitigate visual impact and promote privacy. The

Development respects and reinforces the criteria established in Section 9.1.2.2 of VOP 2010, and is compatible with, but not identical to, the surrounding neighbourhood.

The Subject Lands and surrounding neighbourhood are not located within an “Established Large-Lot Neighbourhood” identified on Schedule 1B - Areas Subject to Policy 9.1.2.3 - Vaughan’s Established Large-Lot Neighbourhoods of VOP 2010. Accordingly, Section 9.1.2.3 of VOP 2010 does not apply to the Subject Lands.

The Development meets the intent of the “Low-Rise Mixed-Use” designation in VOP 2010

The “Low-Rise Mixed-Use” designation generally applies to existing low-rise commercial lots abutting arterial or collector streets and located within a Community Area. These lots are intended to be redeveloped through limited intensification with low-rise mixed-use buildings, subject to the redevelopment being appropriately integrated into adjacent areas, in accordance with Section 2.2.3.3 of VOP 2010.

The Development maintains the intent and permitted uses of the “Low-Rise Mixed-Use” designation in VOP 2010, specifically the following:

- Section 9.2.2.2 (a) and (b) - “Low-Rise Mixed-Use” areas are intended to be developed with a mix of residential and small-scale retail uses intended to serve the local population
- Section 9.2.2.2 (e) - sites designated “Low-Rise Mixed-Use” and located within a Community Area, and on a Collector Street, are limited to a maximum of 500 m<sup>2</sup> of retail GFA

The Development represents an appropriately scaled mixed-use building with multi-unit residential and commercial units. The proposed building height and density of 6-storeys (20.2 m) and 2.72 FSI, respectively, reflects an appropriate and modest form of intensification. The Development respects and reinforces the scale of existing development by providing a transition in height to 3-storeys (11.2 m) along Velmar Drive; one-storey lower than the maximum permitted building height of 4-storeys on the Subject Lands.

Four (4) commercial units fronting onto Rutherford Road with a total GFA of 496 m<sup>2</sup> are proposed to replace the existing commercial units located on the Subject Lands and are intended to serve the needs of the local population. The proposed commercial GFA of 496 m<sup>2</sup> meets the criteria in Section 9.2.2.2 (e) of VOP 2010, as the Subject Lands are located on Velmar Drive, a Collector Street identified on Schedule 9 - Future Transportation Network of VOP 2010.

The Development meets the intent of the “Low-Rise Building” criteria in VOP 2010  
Section 9.2.3.4 of VOP 2010 identifies development criteria for a Low-Rise Building. Section 9.2.3.4(a) defines a “Low-Rise Building” as generally 5-storeys in height. A building over 5-storeys in height is generally defined as a “Mid-Rise Building” in VOP 2010.

The Development provides for a mixed-use building ranging in height from 3 to 6-storeys and meets the intent of the following criteria for a Low-Rise Building in Section 9.2.3.4 of VOP 2010, as follows:

- The Development provides for appropriate privacy and sunlight conditions, and does not abut any lots with a residential dwelling (Section 9.2.3.4 (b))
- Surface parking and driveways are located interior to the Subject Lands or in an underground parking garage (Section 9.2.3.4 (c))
- The rooftop of the Development will consist of green roofs, as shown on Attachment 4 (Section 9.2.3.4 (d))

The “Mid-Rise Building” criteria in VOP 2010 is identical to the requirements of the “Low-Rise Building” criteria, with the exception of a pedestrian-scaled podium being required for any building over 6-storeys in height (Section 9.2.3.5 (b)). The Development is not over 6-storeys in height and a podium is not required. The 6-storey portion of the Development is located on the north and west side of the Subject Lands. On this basis, the Development meets the intent of a “Low-Rise Building” in accordance with VOP 2010.

***The Owner is required to enter into a Section 37 Bonusing Agreement for the proposed increase in density and building height in exchange for community benefits***

Vaughan Council has the authority under Section 37(1) of the *Planning Act* (as it read September 17, 2020), through a By-law enacted under Section 34 of the *Planning Act*, to authorize an increase to the building height and density of a development above what is otherwise permitted in the official plan, in return for the provision of community benefits.

To determine the Section 37 contribution, the Owner, on December 15, 2020, submitted an appraisal report prepared by D. Bottero and Associated Limited, dated December 14, 2020. The appraisal report identified the uplift value of the Development on the Subject Lands to be \$3,110,000 as of the effective date of October 23, 2020. The Real Estate Department reviewed and accepted the conclusions of the appraisal report.

Based on the policies of VOP 2010 and the City's Guidelines for the Implementation of Section 37 Benefits, the Owner and the City agreed to a monetary contribution of \$622,000. This contribution will be included in the implementing Zoning By-law and secured through a Section 37 Density Bonusing Agreement executed between the Owner and the City prior to the enactment of the Zoning By-law, to the satisfaction of the City. The contribution will be directed towards the following community benefits, to be finalized prior to the execution of the Density Bonusing Agreement:

- site furniture, a shade structure and outdoor fitness equipment at Velmar Downs Park, and
- South Humber Trail development and associated facilities

The Owner will be required to pay the Section 37 Bonusing Agreement Surcharge Fee in accordance with the "Tariff of Fees By-law for Planning Applications", in effect at the time of the execution of the Agreement to prepare the Section 37 Agreement. Conditions to this effect are included in the Recommendations section of this report.

***The Urban Design Guidelines for Infill Development do not apply to the Subject Lands***

Vaughan Council on October 19, 2016, approved the Urban Design Guidelines for Infill Development in Established Low-Rise Residential Neighbourhoods (the 'Guidelines'), to clarify VOP 2010 policy as it applies to low-rise neighbourhoods. The guidelines are applied to new developments for detached, semi-detached and townhouse units located in a stable Community Area. In accordance with Map 1 of the Guidelines, the Subject Lands are located within a Community Area, but are designated "Low-Rise Mixed-Use" by VOP 2010 and are intended to be built with a mixed-use building ranging in height from 3 to 6-storeys. Therefore, the Guidelines do not apply to the Subject Lands.

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

The Subject Lands are Zoned "C3 Local Commercial Zone" by Zoning By-law 1-88 and subject to site-specific Exception 9(814), which does not permit residential development. To permit the Development, the Owner is proposing to rezone the Subject Lands to "RA2 Apartment Residential Zone" in the manner shown on Attachment 3, together with the following site-specific zoning exceptions:

Table 1:

	<b>Zoning By-law 1-88 Standard</b>	<b>RA2 Apartment Residential Zone Requirement</b>	<b>Proposed Exceptions to the RA2 Apartment Residential Zone Requirement</b>
a.	Permitted Uses	<ul style="list-style-type: none"> <li>• Apartment Dwelling</li> <li>• Day Nursery</li> </ul>	Permit the following uses: <ul style="list-style-type: none"> <li>• Apartment Dwelling with a maximum of 135 units</li> <li>• Outdoor Patio, with a maximum GFA of 38 m<sup>2</sup>, and subject to Section 5.1.6</li> <li>• The following uses, with a maximum total GFA of 496 m<sup>2</sup> and located on the ground floor only:               <ul style="list-style-type: none"> <li>- Bank or Financial Institution</li> <li>- Business or Professional Office</li> <li>- Day Nursery</li> <li>- Eating Establishment, Convenience and Take-out</li> <li>- Personal Service Shop</li> <li>- Pharmacy</li> <li>- Photography Studio</li> <li>- Retail Store</li> <li>- Service or Repair Shop, excluding the repair of machinery and boilers, and</li> <li>- Club or Health Centre</li> </ul> </li> </ul>
b.	Minimum Lot Area	80 m <sup>2</sup> / unit	30.7 m <sup>2</sup> / unit (Lot Area = 4,156 m <sup>2</sup> / 135 units)



	<b>Zoning By-law 1-88 Standard</b>	<b>RA2 Apartment Residential Zone Requirement</b>	<b>Proposed Exceptions to the RA2 Apartment Residential Zone Requirement</b>
c.	Minimum Parking Space Dimension	2.7 m x 6 m	2.6 m x 6 m
d.	Minimum Number of Parking Spaces	<p>Residential, Apartment Dwelling - 135 units @ 1.5 spaces/unit = 203 spaces</p> <p>Residential, Visitor Parking - 135 units @ 0.25 spaces/unit = 34 spaces</p> <p>Total Residential Parking = 237 spaces, inclusive of 8 barrier-free spaces</p> <p>Non-residential Uses:</p> <ul style="list-style-type: none"> <li>- Bank or Financial Institution, Personal Service Shop, Pharmacy, Service or Repair Shop and Retail Store - 6 spaces / 100 m<sup>2</sup></li> <li>- Business or Professional Office - 3.5 spaces / 100 m<sup>2</sup></li> <li>- Day Nursery - 1.5 spaces / employee</li> <li>- Eating Establishment, Take-out, and Convenience - 1 space / 4 persons</li> <li>- Club or Health Centre - 11 spaces / 100 m<sup>2</sup></li> </ul> <p>As the specific uses and minimum parking ratio for each commercial unit cannot be determined, the required non-residential parking with the highest parking ratio (a Health Centre) has been applied:</p>	<p>Residential, Apartment Dwelling - 1.401 spaces/unit @ 135 units = 190 spaces</p> <p>Residential, Visitor Parking - 0.20 spaces/unit @ 135 units = 27 spaces</p> <p>Total Residential Parking = 218 spaces, inclusive of 10 barrier-free spaces</p> <p>Non-residential Uses - 496 m<sup>2</sup> + 38 m<sup>2</sup> Patio @ 10.5 spaces / 100 m<sup>2</sup> = 57 spaces</p> <p>Total Parking Proposed = 274 spaces</p>

	Zoning By-law 1-88 Standard	RA2 Apartment Residential Zone Requirement	Proposed Exceptions to the RA2 Apartment Residential Zone Requirement
		<p>496 m<sup>2</sup> @ 11 spaces / 100m<sup>2</sup> = 55 parking spaces</p> <p>38 m<sup>2</sup> outdoor patio @ 20 spaces / 100 m<sup>2</sup> = 8 spaces</p> <p>Total Parking Required = 300 spaces</p>	
e.	Minimum Amenity Area	<p>One Bedroom Unit - 99 units @ 20 m<sup>2</sup> /unit = 1,980 m<sup>2</sup></p> <p>Two Bedroom Unit - 31 units @ 55 m<sup>2</sup> /unit = 1,705 m<sup>2</sup></p> <p>Three Bedroom Unit - 5 units @ 90 m<sup>2</sup> / unit = 450m<sup>2</sup></p> <p>Total Amenity Area = 4,135m<sup>2</sup></p>	<p>135 units @ 17 m<sup>2</sup> / unit</p> <p>Total Amenity Area = 2,295m<sup>2</sup></p>
f.	Minimum Building Setbacks	<ul style="list-style-type: none"> <li>• Front Yard - 7.5 m</li> <li>• Interior Side Yard - 10.47 m (the measurement of half the building height)</li> <li>• Exterior Side Yard - 7.5 m</li> <li>• Rear Yard - 7.5 m</li> <li>• Sight Triangle - 3 m</li> </ul>	<ul style="list-style-type: none"> <li>• Front Yard (Rutherford Road) - 3 m at the ground floor and 0.70 m for portions of the building above the ground floor</li> <li>• Interior (West) Side Yard - 2.65 m</li> <li>• Exterior Side Yard (Velmar Drive) - 3 m</li> <li>• Rear (South) Yard - 5 m</li> <li>• Sight Triangle - 0 m</li> </ul>

	<b>Zoning By-law 1-88 Standard</b>	<b>RA2 Apartment Residential Zone Requirement</b>	<b>Proposed Exceptions to the RA2 Apartment Residential Zone Requirement</b>
g.	Minimum Setback to Structures Below Grade (Underground Parking Garage)	1.8 m for all lot lines	0.6 m for all lot lines
h.	Permitted Exterior Side Yard Encroachment for Unenclosed and Uncovered Porches	1.8 m	2.4 m
i.	Location of Loading Space	Shall not be permitted between a building a street	Permit a Loading Space to be permitted between a building and a street, with a setback of 35 m from the Exterior Lot Line (Velmar Drive)
j.	Minimum Landscape Strip Width abutting a Street Line	6 m	<ul style="list-style-type: none"> <li>• 3 m - Rutherford Road</li> <li>• 5 m - Velmar Drive</li> </ul> <p>A ventilation shaft and/or a hydro transformer may be permitted to be located within the landscape strip</p>
k.	Maximum Driveway Width	7.5 m	8 m

The Development Planning Department supports the above noted site-specific zoning exceptions for the following reasons:

- The proposed uses conform to the permitted uses in the “Low-Rise Mixed-Use” designation of VOP 2010
- The proposed parking supply is supported by a Traffic Impact and Parking Study (‘Parking Study’) prepared by GHD Consulting Engineers, dated February 10, 2021. The Development Engineering Department supports the conclusions of the

Parking Study, as explained further in the Development Engineering section of this report

- The proposed minimum amenity area is appropriate given the proximity of parks and open space areas to the Subject Lands, particularly Velmar Downs Park
- The proposed lot area per unit, location of loading area, setbacks and encroachments provide for an appropriate urban built form with an active streetscape frontage. The Subject Lands also abut Velmar Downs Park and Rutherford Road, allowing for an appropriately scaled mixed-use building while mitigating visual, shadow and privacy impacts on lots in proximity to the Subject Lands
- The proposed exceptions to the required landscape strip width, driveway width and minimum parking space dimension are minor in nature and maintain the intent of Zoning By-law 1-88

The Development Planning Department can support the zoning exceptions in Table 1 as they would facilitate an appropriate and compatible built form on the Subject Lands. The implementing Zoning By-law will also include the following site-specific zoning exceptions:

- a maximum building height of 20.2 m, whereas the maximum building height permission in the “RA2 Apartment Residential Zone” is 44 m
- 108 Long-term Residential and 14 Short-term Residential bicycle parking spaces, whereas there is no requirement for bicycle parking in the “RA2 Apartment Residential Zone”

Should the Applications be approved, the implementing Zoning By-law will be brought forward to Vaughan Council for approval upon final approval of Official Plan Amendment File OP.19.003 by York Region.

***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.19.008, the Development Planning Department has included a Recommendation to permit the Owner to apply for 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.

***The Development Planning Department supports the Development, subject to conditions***

**Site Design**

The Site Plan shown on Attachment 3 consists of an 11,301 m<sup>2</sup> mixed-use building ranging in height from 3 to 6-storeys, with 135 residential dwelling units and 496 m<sup>2</sup> of commercial GFA over four (4) ground floor units fronting Rutherford Road. The 3-storey component of the building fronts onto Velmar Drive and provides for an appropriate transition to the existing detached dwellings located east of the Subject Lands.

Access to the Development will be via the existing access from Velmar Drive located on the southeast corner of the Subject Lands. A drop-off and turnaround area with three (3) surface parking spaces are located interior to the Development, with the remaining 271 spaces located in three levels of underground parking. The ramp to the underground parking garage is located behind the 3-storey component of the building to mitigate visual impact on the Velmar Drive and Rutherford Road streetscape. An interior loading area with roll-up door for garbage collection and moving is located on the southwest corner of the Subject Lands and is setback 35 m from Velmar Drive. Bicycle parking is located interior to the Development, on the northwest and northeast corners of the Subject Lands, and along Rutherford Road adjacent to the commercial units.

Two (2) Pedestrian connections with access to the commercial units are located along Rutherford Road. At-grade pedestrian connections are provided on the ground floor for the residential units fronting Velmar Drive. A 38 m<sup>2</sup> outdoor patio is proposed on the northeast corner of the Subject Lands and must comply with Section 5.1.6 of Zoning By-law 1-88 respecting parking, noise, lighting, and enclosure requirements. A 91 m<sup>2</sup> ground floor outdoor amenity area is proposed on the west side of the Subject Lands fronting Velmar Downs Park. No roof-top amenity space is proposed for the Development.

**Landscape Design**

The Landscape Plan shown on Attachment 4 proposes a planting design that consists of a mix of deciduous and coniferous trees, shrubs, perennials, and grasses. In addition, three (3) new deciduous street trees (Red Oak), with the preservation of the existing trees, are proposed to be planted along the Velmar Drive boulevard. The existing street trees within the Rutherford Road right-of-way will also be preserved and integrated into the proposed new streetscape. Green roofs are proposed on the three-storey component (487 m<sup>2</sup>) and the west side six-storey component of the building (670 m<sup>2</sup>).

Decorative and plank unit pavers are proposed within the amenity area and along the Rutherford Road and Velmar Drive boulevards. A portion of the interior vehicle turnaround area also consists of decorative unit pavers. The Owner is required to prepare a detailed landscape design rationale report including O&M (Operation and Maintenance) requirements to justify the proposed decorative unit pavers located within the sight triangle, as shown on Attachment 4, to the satisfaction of the City and York Region. In addition, an encroachment permit between the Owner and York Region may be required upon finalizing the proposed design of the sight triangle.

A 1.2 m high feature wall is proposed on the north side of the driveway entrance. The existing masonry walls and pillars located along Rutherford Road and the sight triangle will be temporarily removed and replaced *in-situ*. A 1.25 m high decorative metal fence is proposed along the south and west property lines.

### Building Elevations

The Building Elevations shown on Attachments 5 and 6 consist of beige and brown brick, grey limestone masonry and glass windows with punched out aluminum frames. The façade of the rooftop mechanical equipment consists of dark grey architectural metal panels and beige brick. A dark grey roll-up door is proposed on the interior east elevation for the loading area. The north elevation fronting onto Rutherford Road includes front entrances to the four (4) commercial units.

Balconies consist of grey aluminum (3-storey component) and glass with gray aluminum framing (6-storey portion). The east elevation facing Velmar Drive consists of recessed balconies and at-grade front entrances for the ground-related units. The north, west and south elevations consist of recessed balconies inset from the building facade except for the corner units, which consist of projected balconies. The Development Planning Department, Urban Design Division, recommends inset balconies for the corner units to conform to the City-wide Urban Design Guidelines, as shown on Attachments 5 to 7. The final building elevations shall be approved by the Development Planning Department. Conditions to this effect are included in Attachment 1.

### Shadow Impacts

The Owner submitted a Sun/Shadow Study prepared by KFA Architects and Planners and dated August 19, 2020 ('Shadow Study'). The Shadow Study consists of shadow tests conducted for March 21, June 21, September 21, and December 21 using one-hour intervals from 9:18 am to 6:18 pm. The proposed building maintains over five (5) hours of consecutive sunlight for all seasons on the east side of Velmar Drive and Velmar Downs Park, in accordance with the City-Wide Urban Design Guidelines. The

Development has minimal shadow impact on adjacent properties and Velmar Downs Park.

### Lighting

Illumination values for the Development must be measured at 0 lux along the property lines. The Development Planning Department also recommends using light standards with a 3000K colour temperature to match City standards. The final lighting plan must be approved by the Development Planning Department prior to the execution of the Site Plan Agreement.

The Development Planning Department is satisfied with the Development. The final site plan, building elevation plans, lighting plan, landscape plan and landscape cost estimate must be approved prior to the execution of the Site Plan Agreement. A condition to this effect is included in Attachment 1.

### ***A Tree Protection Agreement is required***

The Owner has submitted an Arborist Report and Tree Preservation Plan prepared by SBK Landscape Architecture and dated August 28, 2020. Based on the City's Replacement Tree Requirements outlined in the City's Tree Protection Protocol, the following replacement tree calculations are required on the Subject Lands:

- The removal of 15 private trees, requiring a cash-in-lieu contribution of \$8,250 at \$550 per tree (15 x \$550 = \$8,250)
- The removal of eight (8) City-owned trees within the existing sight triangle and Velmar Downs Park. Section 4.2 of the City's Tree Protection Protocol identifies a tree valuation formula for the removal of public trees. The Parks, Forestry and Horticulture Operations Department has assessed the value of the eight (8) City-owned trees for removal at \$14,371.78 based on tree caliper
- Total cash-in-lieu contribution = \$22,621.78 (\$8,250 + \$14,371.78)

The Owner shall enter into a Tree Protection Agreement with the City prior to finalizing the Site Plan Agreement in accordance with the City's Tree By-law 052-2018. Upon finalization of the landscape plan, the Owner shall quantify the value of tree replacements using the Urban Design Tree Replacement Valuation outlined in the City's Tree Protection Protocol. The Owner shall not remove trees without written approval by the City. A condition to this effect is included in Attachment 1.

***The Policy Planning and Environmental Sustainability Department has no objection to the approval of the Applications, subject to Conditions of Approval***

There are no natural heritage features on the Subject Lands and therefore, the Policy Planning and Environmental Sustainability Department has no concerns respecting the Applications. However, all applications, regardless of their location, are required to abide by the *Endangered Species Act (2007)* regulated by the Ministry of Natural Resources and Forestry ('MNRF'). The Owner is required to complete an information request form and submit it to the MNRF for confirmation of any potential Species at Risk on the Subject Lands. A condition to this effect is included in Attachment 1.

***The Development meets the Gold Sustainability Threshold Score***

The Owner has submitted a completed Sustainability Scoring Tool dated February 3, 2021, in support of the Development. The Sustainability Scoring Tool demonstrates an Overall Application Score of 64 and an Overall Community Score of 77, meeting the Gold Sustainability Threshold Score with the following highlights:

- 75% of the building roof area designed as a "Green Roof"
- 75% of sidewalks having shade within 10 years of the Development
- Short and long-term bicycle parking spaces for the residential and commercial uses
- Bird safe design strategies for over 85% of the exterior glazing of the building

***There are no Cultural Heritage concerns for the Development***

The Cultural Heritage Division of the Development Planning Department has no concerns with the Development, subject to standard archaeological clauses in the Site Plan Agreement. A condition to this effect is included in Attachment 1.

***A Condominium Application is required should the Applications be approved***

Should the Applications be approved, the Owner is required to submit a Draft Plan of (Standard) Condominium application for review by the Development Planning Department and approval by Council. The Draft Plan of (Standard) Condominium application would establish the proposed condominium tenure of the Development and secure future warning clauses and condominium conditions.

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

The Development Engineering ('DE') Department has provided the following comments:

Traffic Considerations

The Owner has submitted a Traffic Impact and Parking Study in support of the Development prepared by GHD Consulting Engineers, dated February 10, 2021 ('Traffic Study'). At the request of the City, GHD Consulting Engineers reviewed the "Weston



Downs Community Traffic Study” prepared by Hatch for the City of Vaughan in April 2016 (the ‘Hatch Study’). The conclusions and recommendation contained within the Hatch Study were considered in the context of the existing and future traffic operations of the Weston Downs Community, and to confirm the findings and recommendations of the Traffic Study.

The Traffic Study concludes the Development can be supported from a traffic operations perspective as the anticipated traffic to be generated can be accommodated by the existing road network. According to the findings of the Traffic Study, the Development will generate approximately 82 two-way vehicle trips during the morning peak hour, and 103 two-way vehicle trips during the evening peak hour. This represents an additional 38 two-way trips in the morning and 44 two-way trips in the evening when compared to the traffic data for the existing commercial plaza on the Subject Lands. The additional traffic is expected to disperse primarily in easterly and westerly directions on Rutherford Road.

According to the Traffic Study, most traffic movements at the intersection of Rutherford Road and Velmar Drive operate acceptably, except for the northbound left turn that is operating with constraint. To help improve existing intersection operations, an advanced westbound left-turn traffic signal and extensions to the northbound and westbound left turning lanes will be considered at the Rutherford Road and Velmar Drive intersection, subject to the review and approval of York Region.

The Development includes a single driveway access to Velmar Drive on the southbound approach. The southbound queuing for the Development is not expected to impact the operations of the existing road network. Comments from area residents identified concerns regarding the northbound queueing at the Rutherford Road and Velmar Drive intersection, particularly regarding potential impacts to existing driveways located on Velmar Drive.

To further assess the queuing situation, the Traffic Study included a gap survey of queuing vehicles to identify if there are sufficient gaps at the intersection of Velmar Drive and Rutherford Road, the proposed access to the Development, and the existing residential driveways. The following are findings from the Traffic Study regarding queuing:

- At the intersection of Rutherford Road and Velmar Drive, based on the filed observations during both the morning and evening peak period, northbound movement queues can dissipate at each traffic signal’s green phase. Therefore,

a sufficient gap would be available for the existing residential traffic and future traffic to join the northbound queue with minimal delay.

- The Development adds less than five (5) seconds of delay to traffic movements of all intersections identified in the Traffic Study. This additional delay provides a magnitude similar to the as-of-right VOP 2010 permissions for a 4-storey mixed-use building with a maximum FSI of 1.5.

According to the Traffic Study, traffic volumes generated by the Development are a small component of the total traffic passing through the intersection during peak hours, and therefore impact from the Development is a minor factor in the intersection operations and determination of improvements. In addition, the Development is not expected to generate a significant impact on the existing northbound queuing at the Velmar Drive and Rutherford Road intersection. Accordingly, traffic from the Development is expected to have a modest impact on the adjacent roadway intersections. The DE Department supports the recommendations and findings of the Traffic Study.

#### Transportation Demand Management

To ensure future transit improvements are taken advantage of and single occupancy vehicle use is minimized as greatly as possible within the Development, Transportation Demand Management ('TDM') will play an important role. The Owner is proposing the following TDM measures:

- Integrate pedestrian connections from the Development to the municipal sidewalk
- Include short and long-term bicycle parking for both residential and commercial uses
- Lower parking supplies to reduce automobile dependence
- A future monitoring program and communication strategy to distribute PRESTO cards
- Unbundled vehicle parking sales with the purchase of a unit
- Potential membership with Smart Commute

The Owner is required to complete a final TDM Plan to the satisfaction of the DE Department and York Region. A condition to this effect is included in Attachment 1.

#### Parking

The Traffic Study concludes that the proposed parking supply of 274 spaces is sufficient for the Development, as the proposed parking rates are based on the "Review of the

City of Vaughan's Parking Standard" completed by IBI Group for the City in March 2010 ('IBI Report'). The proposed parking supply exceeds the IBI Report requirements by 64 parking spaces. In addition, TDM measures will be implemented in accordance with the recommendations of the Traffic Study. On this basis, the DE Department has no objections to the proposed parking supply of 274 spaces.

#### Municipal Water and Sanitary Servicing

The Owner has submitted a Functional Servicing and Stormwater Management Report in support of the Development prepared by Schaeffers Consulting Engineers, dated June 2020 ('Servicing Report').

The Subject Lands are located within York Region Pressure District 6. Water servicing will connect to the existing watermain on Velmar Drive through an existing stub. The Servicing Report demonstrates the existing watermain can provide adequate flow and pressure to support the Development. A hydrant flow test on the existing watermain on Velmar Drive was provided with the Servicing Report to the satisfaction of the DE Department.

The Subject Lands are connected to an existing sanitary sewer running south on Velmar Drive. The Owner proposes to relocate the sanitary connection from the existing manhole south of the current connection through a control maintenance hole at the property line. A Sanitary Sewer Analysis prepared by Schaeffers Consulting Engineers, dated April 2020 identified several segments in the downstream sanitary sewer system as potentially surcharging under existing conditions. Two additional segments, on Blackburn Boulevard and Aberdeen Avenue, were also identified as potentially surcharging as a direct result of the additional sanitary flows related to the Development. However, the Development does not significantly impact the downstream network and there are no operational concerns with the downstream sanitary system, except for one sanitary sewer segment on Blackburn Boulevard, as identified in the Sanitary Sewer Analysis.

The Infrastructure Planning and Corporate Asset Management ('IPCAM') Department requires a one-time financial contribution towards the downstream improvement to the second sanitary sewer segment south of Velmar Drive on Blackburn Boulevard. The one-time financial contribution represents the equivalent cost of replacing the existing sanitary sewer pipe with a larger sanitary sewer pipe as identified in the Sanitary Sewer Analysis and confirmed by the City's sanitary sewer model. The Owner shall provide a cost estimate for the above noted sanitary sewer improvement for review and approval by the IPCAM Department. In addition, the Servicing Report for the Development shall

conform to the conclusions and recommendations of the City's Interim Servicing Strategy Study. Conditions to this effect are included in Attachment 1.

#### Sewage and Water Allocation

Vaughan Council on December 15, 2020, endorsed its Allocation of Servicing Capacity Annual Distribution and Allocation of Servicing Capacity Policy. Accordingly, servicing capacity to Site Plan Development File DA.19.042 is available and unrestricted. A Condition to this effect is included in the Recommendation section of this report.

#### Stormwater Management

The Owner proposes to maintain the existing municipal storm sewer connection on Velmar Drive. The existing control maintenance hole is proposed to be removed and relocated on the Subject Lands. The Servicing Report demonstrates that the post-development flows will be controlled to the allowable release rate by using an underground storage tank and orifice tube.

#### Dewatering

The Owner has submitted a Hydrogeological Assessment prepared by Forward Engineering, dated May 6, 2019 ('Hydrogeological Assessment') and a Temporary Construction Dewatering Addendum prepared by Insitu Contractors, dated July 17, 2020 ('Dewatering Addendum'). The Hydrogeological Assessment and Dewatering Addendum provides recommendations for permanent groundwater discharge and construction dewatering discharge, respectively, for the Development.

Prior to the execution of the Site Plan Agreement, the Owner is required to complete an application for any temporary and permanent dewatering system that is required for the Development and enter into an agreement and/or permit to discharge groundwater as required by the City. A condition to this effect is included in Attachment 1.

#### Noise Assessment

The Owner has submitted a Noise Feasibility Study prepared by RWDI, dated October 25, 2018 ('Noise Study'). The Noise Study recommends several noise control measures to mitigate noise effects from both transportation and stationary sources to meet sound level targets in accordance with the Ministry of Environment, Conservation, and Parks ('MECP') "Environmental Noise Guidelines NPC-300" ('NPC-300'). The recommendations include mandatory air conditioners, suitable building materials, and rooftop acoustic screens for the mechanical units.

Noise associated with the Development is expected to meet NPC-300 limits. Traffic noise related to the Development will be insignificant in relation to the traffic noise on Rutherford Road immediately adjacent to the Development.

Prior to the execution of the Site Plan Agreement, the DE Department must approve the final Noise Study and the detailed design of any noise attenuation features. In addition, site-specific warning clauses will be included in the implementing Site Plan Agreement. Conditions to this effect are included in Attachment 1.

### Environmental Engineering

The Environmental Engineering division of the DE Department has reviewed the following Environmental Site Assessment ('ESA') documentation:

- Martech Group Inc. report titled "Phase One Environmental Site Assessment, 4101 Rutherford Road, Vaughan, Ontario" dated September 2020
- Martech Group Inc. report titled "Phase Two Environmental Site Assessment, 4101 Rutherford Road, Vaughan, Ontario" dated November 2020
- Martech Group Inc Letter of Reliance for Phase One ESA dated November 19, 2020
- Martech Group Inc Letter of Reliance for Phase Two ESA dated November 19, 2020 and
- MECP Notice of Receipt of Record of Site Condition (Confirmation No. 44665857) dated November 19, 2020

The findings of the Phase One and Phase Two ESAs identified no contaminants of concern in soil or groundwater on the Subject Lands, and no further investigations were recommended. The Owner is required to obtain a MECP Record of Site Condition ('RSC') filed on the Environmental Site Registry due to the change to a more sensitive land use. A copy of the filed RSC must be submitted to the City prior to the execution of the Site Plan Agreement. A Condition to this effect is included in Attachment 1.

### Development Agreement

The Owner is required to enter into a development agreement with the City for the installation of any proposed service connections and agree to pay for design and construction of any improvements to the municipal infrastructure regarding the site servicing assessment, should it be determined that upgrades are required to the infrastructure to support this Development. The Agreement shall be registered to the lands to which it applies to and to the satisfaction of the City. Conditions to this effect is included in Attachment 1.

Prior to the execution of the Site Plan Agreement, the DE Department must approve the final site servicing and grading plan, erosion control plan, Servicing Report, Noise Study, Hydrogeological Assessment and Traffic Study. The Owner must also enter into a development agreement with the City to the satisfaction of the DE Department. Conditions to this effect are included in Attachment 1.

***Cash-in-Lieu of the dedication of parkland is required for the Development***

The Owner is required to pay to the City by way of certified cheque, cash-in-lieu of the dedication of the parkland equivalent to 1 ha per 500 units or at a fixed rate, prior to the issuance of a Building Permit, in accordance with the *Planning Act* and the City's Cash-in-lieu of Parkland Dedication 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 Vaughan Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment. Standard conditions to this effect are included in the Site Plan Agreement.

***Development Charges are Applicable to the Development***

The Owner shall pay to the City applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, Region of York, York Region District School Board and York Catholic District School Board. Standard conditions to this effect would be included in the Site Plan Agreement.

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

The Site Plan shown on Attachment 3 identifies an enclosed garbage and recycling area located within the westerly portion of the interior of the building. Two (2) garbage and recycling rooms are proposed to separately serve the residential and commercial components of the Development. Garbage and recycling will be picked up privately via the loading area and roll-up door located on the southwest portion of the building.

The Environmental Services Department, Solid Waste Management Division has no objections to the proposed waste management plan for the Development. The Site Plan Agreement will include a standard clause requiring private waste collection services for the Development.

***The Parks Infrastructure Planning and Development Department has no objection to the Development, subject to conditions of approval***

The Subject Lands are located adjacent to Velmar Downs Park to the south and west. The Development will require a temporary encroachment into Velmar Downs Park to facilitate the construction of the building and associated underground parking.

The Parks Infrastructure Planning and Development Department will require the Owner to enter into an Encroachment Agreement with the City and will include details regarding, but not limited to, the following: specifications of the construction encroachment; impacts on existing vegetation; temporary hoarding; shoring plans; and photo documentation of existing conditions. The Encroachment Agreement will require the provision of financial securities for the restoration of the Velmar Downs Park. A Condition to this effect is included in Attachment 1 of this report.

***The Toronto and Region Conservation Authority has no objection to the Development***

The Subject Lands are located within a Source Water Protection vulnerable area referred to as a Wellhead Protection Area ('WHPA-Q'). The Owner submitted a Water Balance Brief prepared by Schaeffers Consulting Engineering, dated August 29, 2019. The Toronto and Region Conservation Authority, in consultation with the DE Department, agrees with the conclusions of the Water Balance Brief and has no objections to the Development.

***Canada Post has no objection to the Development, subject to Conditions of Approval***

The Development includes an internal centralized mail room for the residential and commercial component of the building. Canada Post has no objection to the Development subject to conditions of approval included in Attachment 1.

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

The York Region District School Board and York District Catholic School Board have no objection to or any conditions of approval for the Applications and will not require a new school for the Development. No comments were received from the Conseil Scolaire de District Catholique CentreSub.

***Other external agencies and various utilities have no objection to the Development***

The Owner is required to satisfy all requirements of Alectra Utilities, Enbridge Gas, Bell Canada, and Hydro One for the Development. A condition to this effect is included in Attachment 1.

**Financial Impact**

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

## **Broader Regional Impacts/Considerations**

The York Region Community Planning and Development Services Department has no objections to Official Plan Amendment ('OPA') File OP.19.003. The Owner did not request exemption from Regional approval and York Region has not exempted OPA File OP.19.003 from York Region approval. Should the Applications be approved, Official Plan Amendment File OP.19.003 will be forwarded to York Region for final approval. A Condition to this effect is included in the Recommendation section of this report.

The Subject Lands are located adjacent to Rutherford Road, an arterial road under the jurisdiction of York Region with a planned right-of-way width of 43 m. The Owner is required to convey land along the full frontage of Rutherford Road, as shown on Attachment 3, for road widening purposes. The existing 10 m by 10 m sight triangle located on the northeast corner of the Subject Lands is proposed to be treated with unit pavers, as shown on Attachment 4. The Owner is required to justify the use of unit pavers within the sight triangle. An encroachment permit between the Owner and York Region may be required upon finalizing the proposed design of the sight triangle.

The Traffic Study recommends traffic signal optimization, an advanced westbound left-turn signal, and extensions to the northbound and westbound left turning lanes at the intersection of Rutherford Road and Velmar Drive. These measures would allow the intersection to operate with reserve capacity and acceptable delays. Any signal optimization and advanced left-turn signals must be approved by York Region. In addition, York Region requires the following measures to their satisfaction prior to the execution of the Site Plan Agreement:

- The Owner shall provide a preliminary engineering drawing and cost estimate for the intersection of Rutherford Road and Velmar Drive showing the improvements to accommodate left turn queues
- Implement all TDM measures identified in the Traffic Study

The Owner must satisfy all comments from York Region prior to the execution of the Site Plan Agreement. A condition to this effect is included in Attachment 1.

## **Conclusion**

The Applications have been reviewed in consideration of the policies of the PPS, Growth Plan, YROP 2010, VOP 2010, the requirements of Zoning By-law 1-88, comments from City Departments, external public agencies, and the area context.



The Development Planning Department is satisfied that the proposed amendments to VOP 2010 and Zoning By-law 1-88 to permit the Development is consistent with the PPS, conforms to the Growth Plan and YROP 2010, and is appropriate for the development of the Subject Lands. The Development is considered appropriate and compatible with existing and planned surrounding land uses. Accordingly, the Development Planning Department can support approval of the Applications, subject to the recommendations in this report and Conditions of Approval in Attachment 1.

**For more information**, please contact: Mark Antoine, Senior Planner, Development Planning Department, at ext. 8212.

### **Attachments**

1. Conditions of Approval - Site Development File DA.19.042
2. Context and Location Map
3. Site Plan and Proposed Zoning
4. Landscape Plan
5. North and East Building Elevations
6. South and West Building Elevations
7. Perspective Rendering
8. September 17, 2019 Public Meeting - Proposed Site Plan
9. September 17, 2019 Public Meeting - North and East Building Elevations
10. September 17, 2019 Public Meeting - West and South Building Elevations

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### **Approved by**



Mauro Peverini, Chief Planning Official

### **Reviewed by**



Jim Harnum, City Manager