

## Committee of the Whole (Public Meeting) Report

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**DATE:** Tuesday, September 14, 2021

**WARD(S):** 3

**TITLE: WEST RUTHERFORD PROPERTIES LTD.  
OFFICIAL PLAN AMENDMENT FILE OP.11.012  
ZONING BY-LAW AMENDMENT FILE Z.11.043  
3660 RUTHERFORD ROAD  
VICINITY OF RUTHERFORD ROAD AND VELLORE WOODS  
BOULEVARD**

**FROM:**

Haiqing Xu, Deputy City Manager, Planning and Growth Management

**ACTION:** DECISION

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### **Purpose**

To receive comments from the public and the Committee of the Whole on applications to redesignate and rezone the subject lands to permit one 6-storey and two 12-storey residential apartment buildings containing 328 dwelling units and seven 3-storey townhouse dwellings, as shown on Attachments 2 and 3.

### **Report Highlights**

- The Owner proposes one 6-storey and two 12-storey residential apartment buildings consisting of 328 dwelling units and seven 3-storey townhouse units
- Amendments to the Vaughan Official Plan and Zoning By-law are required to permit the proposed development
- This report identifies preliminary issues to be considered in a technical report to be prepared by the Development Planning Department at a future Committee of the Whole meeting

### **Recommendations**

1. THAT the Public Meeting report for Official Plan and Zoning By-law Amendment Files OP.11.012 and Z.11.043 (West Rutherford Properties Ltd.) BE RECEIVED, and that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

## **Background**

Location: 3660 Rutherford Road (the 'Subject Lands'), south side of Rutherford Road and west of Vellore Woods Boulevard. The Subject Lands are approximately 1.1 ha in area. The Subject Lands and the surrounding land uses are shown on Attachment 1.

### Original Development Proposal

The Owner (West Rutherford Properties Ltd.) on December 19, 2011, submitted applications to redesignate and rezone the Subject Lands to permit two, 12-storey apartment buildings (272 dwelling units) and 21, 3-storey townhouse units, as shown on Attachment 4.

### Committee of the Whole (Public Meeting)

The Committee of the Whole considered the applications at a Public Meeting held on February 28, 2012.

### Vaughan Official Plan 2010

Vaughan Council on September 7, 2010, adopted Vaughan Official Plan 2010 ('VOP 2010'). VOP 2010 designated the Subject Lands "Mid-Rise Mixed-Use" with a maximum building height of 6-storeys and a Floor Space Index (FSI) of 2 times the area of the lot. Subsequently, Vaughan Council on April 17, 2012, modified the Council adopted designation for the Subject Lands from "Mid-Rise Mixed-Use" to "Community Commercial Mixed-Use" with a maximum building height of 2-storeys and a Floor Space Index of 1.5 times the area of the lot, which was forwarded to York Region for approval. York Region adopted the modification to VOP 2010 for the Subject Lands on June 28, 2012.

### Current Ontario Land Tribunal (OLT) Appeals

The Owner on May 28, 2012, appealed VOP 2010 to the former Ontario Municipal Board (OMB), now the Ontario Land Tribunal (OLT). In addition, the Owner on July 22, 2013, appealed the site-specific Official Plan and Zoning By-law Amendment and Site Development Applications to the OLT, for non-decision by the City based on the timelines prescribed by the *Planning Act*.

A Case Management Conference (CMC) was held on October 14, 2020. The Tribunal on October 20, 2020, issued a written Order directing the following:

- the Owner shall file a full resubmission with the City within 5 months of the issuance date of the written notice
- the City and York Region will have 3 months days from the receipt of the resubmission to circulate and prepare comments.

The Owner on March 5, 2021, requested an extension to submit a full resubmission to June 1, 2021, on consent from all parties. The OLT on March 11, 2021, granted the extension to the Owner and a further extension for the City and the Region to circulate and prepare comments.

The Owner on June 1, 2021 filed a full application resubmission to the Development Planning Department. The City has forwarded all comments received to-date to the Owner for review within the prescribed 3 months. The Owner will be required to resolve the current VOP 2010 appeals separately or through the disposition of the site-specific Official Plan and Zoning By-law Amendment applications.

***An Official Plan and Zoning By-law Amendment Applications have been submitted to permit the proposed development***

The Owner has submitted the following applications (the 'Applications') for the Subject Lands to permit the proposed development (the 'Development'), as shown on Attachments 2 to 3:

1. Official Plan Amendment File OP.11.012 to amend in-effect Official Plan Amendment 600 to redesignate the Subject Lands from "Medium Density Residential-Commercial" (maximum 46 units permitted at a density of 40 units per hectare) to "Mid-Rise Mixed-Use" with a maximum Floor Space Index (FSI) of 2.3 times the area of the lot and maximum building height of 12-storeys.
2. Zoning By-law Amendment File Z.11.043 to rezone the Subject Lands from A Agricultural Zone, as shown on Attachment 1, to RA3 Apartment Residential Zone in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 1 of this Report.

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

- a) Date the Notice of Public Meeting was circulated: August 20, 2021.  
The Notice of Public Meeting, which is a non-statutory public meeting is intended to advise all interested parties of the revised Development, was also posted on the City's web-site at [www.vaughan.ca](http://www.vaughan.ca) and Notice Signs were installed along Rutherford Road and Hawkview Boulevard in accordance with the City's Notice Signs Procedures and Protocols.
- b) Circulation Area: To all property owners within an extended polling radius of 650 m of the Subject Lands, as shown on Attachment 1, and to the Vellore Woods Ratepayers Association and to anyone on file with the Office of the City Clerk having requested notice.
- c) The following is a summary of written comments received as of August 26, 2021. The comments are organized by theme as follows:  
  
Overshadow and Privacy
  - the Development will overshadow existing low-rise homes and reduce the privacy of adjacent residents

#### Access, Traffic, Parking and Safety

- the Development will increase traffic congestion in the area already heavily congested due to Vaughan Mills mall, the Highway 400 intersection and adjacent townhouse developments
- City should be reducing traffic in the area rather than increasing traffic
- Residents experience lengthy rush hour backups to turn at Rutherford Road and Vellore Woods
- parking on Hawkview Boulevard, north of Rutherford Road by existing residents impacts traffic flow in area
- no opportunity to widen roads due to existing residences and sidewalk
- narrow access roads will not allow for emergency vehicle access
- increased traffic will increase pollution in area
- limit the Development on the site to townhouses to allow for wider roads

#### Density, Built Form and Building Design

- the Development is too tall and will add too many residents to the area
- the area is overpopulated
- the redevelopment of the vacant property for apartment units and additional townhouses will increase the problems the residents of the area have been dealing with from the existing development in the area
- the proposed Development will negatively impact the value of the existing homes

Any written comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication and be reviewed and addressed by the Development Planning Department in a future comprehensive report to the Committee of the Whole.

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

A previous report related to the Applications can be found as the following link:  
[February 28, 2012, Committee of the Whole Public Hearing \(Item 5, Report 10\)](#)

#### **Analysis and Options**

***An amendment to in-effect Official Plan Amendment 600 is required to permit the development***

Official Plan Designation (OPA 600):

- "Medium Density Residential-Commercial" by OPA 600
- This designation permits single detached, semi-detached, street townhouse and block townhouse dwellings at a permitted density range between 17 to 40 units per hectare (maximum 46 units)
- An amendment to OPA 600 is required to permit the Development

***Vaughan Official Plan 2010, Volume 1 has been appealed to the Ontario Land Tribunal, as it pertains to the Subject Lands***

Official Plan Designation (VOP 2010)

- "Community Areas" on Schedule 1 - Urban Structure by VOP 2010

- “Community Commercial Mixed-Use” on Schedule 13 - Lands Use by VOP 2010
- The “Community Commercial Mixed-Use” designation permits office, hotel, cultural and entertainment and retail uses with a maximum permitted building height of 3-storeys and FSI of 1.5 times the area of the lot
- The designation does not permit the Development

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

**Zoning:**

- “A Agricultural Zone” by Zoning By-law 1-88
- This Zone does not permit the Development
- The Owner proposes to rezone the Subject Lands to “RA3 Residential Apartment Zone” together with the following site-specific zoning exceptions to permit the Development:

Table 1:

	<b>Zoning By-law 1-88 Standard</b>	<b>RA3 Apartment Residential Zone Requirement</b>	<b>Proposed Exceptions to the RA3 Apartment Residential Zone Requirement</b>
a.	Permitted Uses	<ul style="list-style-type: none"> <li>• Apartment Dwelling</li> <li>• Day Nursery</li> </ul>	Permit a maximum of 7 Block Townhouse Dwellings as an additional use
b.	Minimum Lot Area per Unit	67 m <sup>2</sup>	33.9 m <sup>2</sup>
c.	Minimum Front Yard	7.5 m	5.7 m (Rutherford Road)
d.	Minimum Rear Yard	7.5 m	3.1 m (Hawkview Boulevard)
e.	Minimum Interior Side Yard	4.5 m	0.6 m (east side)
f.	Minimum Front Yard Setback to Underground Parking Structure	1.8 m	0.5 m
g.	Minimum Parking Space Dimension	2.7 m x 6 m	2.7 m x 5.8 m
h.	Minimum Parking Requirement	<p><u>Apartment Dwelling Residential</u> 1.5 spaces/unit x 328 units = 492 spaces</p> <p>Visitor 0.25 spaces/unit x 328 units = 82 spaces</p>	<p><u>Apartment Dwelling Residential</u> 1 space/unit x 328 units = 328 spaces</p> <p>Visitor 0.20 spaces/unit x 328 units = 66 spaces</p>

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirement	Proposed Exceptions to the RA3 Apartment Residential Zone Requirement
		<p><u>Block Townhouse Residential</u> 1.5 spaces/unit x 7 units = 11 spaces</p> <p>Visitor 0.25 spaces/unit x 7 units = 2 spaces</p> <p>Total Parking Required = 587 spaces</p>	<p><u>Block Townhouse Residential</u> 2 spaces/unit x 7 units = 14 spaces</p> <p>Visitor shall not apply</p> <p>Total Parking Proposed = 408 spaces</p>
i.	Minimum Amenity Area	<p>167 One Bedroom Unit x 20 m<sup>2</sup>/unit = 3,340 m<sup>2</sup></p> <p>161 Two Bedroom Unit x 55m<sup>2</sup>/unit = 8,855 m<sup>2</sup></p> <p>Total required amenity area = 12,195 m<sup>2</sup></p>	Provide a total amenity area of 1,823.22 m <sup>2</sup>
j.	Minimum Landscape Strip	6 m	5.67 m (Rutherford Road)

***Following a preliminary review of the Applications, the Development Planning Department has identified the following matters to be reviewed in greater detail***

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Conformity and Consistency with Provincial Policies, York Region and City Official Plan Policies	<ul style="list-style-type: none"> <li>▪ The Applications will be reviewed for consistency and conformity with the Provincial Policy Statement, 2020 (the 'PPS'), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the 'Growth Plan') and the policies of the York Region Official Plan, 2010 (YROP), OPA 600 and VOP 2010</li> </ul>

	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT(S)</b>
b.	Appropriateness of Amendments to OPA 600, VOP 2010 and Zoning By-law	<ul style="list-style-type: none"> <li>▪ The appropriateness of the amendments to OPA 600 and VOP 2010 will be reviewed in consideration of the proposed land use designation, building height and density</li> <li>▪ The appropriateness of the rezoning and site-specific exceptions will be reviewed in consideration of the existing and planned surrounding land uses</li> </ul>
c.	Studies and Reports	<ul style="list-style-type: none"> <li>▪ The Owner submitted studies and reports in support of the Applications which are available on the city's website at <a href="https://maps.v Vaughan.ca/planit/">https://maps.v Vaughan.ca/planit/</a> (PLANit Viewer) and must be approved to the satisfaction of the City or respective approval authority. Additional studies and/or reports may be required as part of the application review process</li> </ul>
d.	Allocation and Servicing	<ul style="list-style-type: none"> <li>▪ The availability of water and sanitary servicing capacity for the Development must be identified and allocated by Vaughan Council, if the applications are approved. If servicing allocation is unavailable, the lands will be zoned with a Holding Symbol "(H)", which will be removed once servicing capacity is identified and allocated to the lands by Vaughan Council</li> </ul>
e.	Urban Design Guidelines	<ul style="list-style-type: none"> <li>▪ The Development will be reviewed in consideration of the City of Vaughan City-wide Urban Design Guidelines</li> </ul>
f.	Design Review Panel ('DRP')	<ul style="list-style-type: none"> <li>▪ The Development will be scheduled to be reviewed by the City of Vaughan DRP</li> </ul>
g.	Public Agency/Municipal Review	<ul style="list-style-type: none"> <li>▪ The Applications must be reviewed by York Region and external public agencies and utilities, municipalities, and the Public, Separate, and French School Boards and the Ministry of Transportation Ontario (MTO)</li> </ul>
h.	Sustainable Development	<ul style="list-style-type: none"> <li>▪ The Applications will be reviewed in consideration of the City of Vaughan's 2010 sustainability policies and Sustainability Metrics Program. The Development must achieve a minimum Bronze score of 33</li> </ul>
i.	Parkland Dedication	<ul style="list-style-type: none"> <li>▪ The Applications will be reviewed in consideration of the requirements of the <i>Planning Act</i> and the City of Vaughan's Parkland Dedication Policy</li> </ul>

	MATTERS TO BE REVIEWED	COMMENT(S)
j.	Section 37 of the <i>Planning Act</i> , VOP 2010 and City Guidelines (Bonusing for Increases in Height or Density)	<ul style="list-style-type: none"> <li>▪ The Applications will be subject to and reviewed in consideration of the City’s bonusing for increases in building height and/or density (Section 37 of the <i>Planning Act</i>) policies of VOP 2010, and the City’s Guidelines for the Implementation of Section 37 of the <i>Planning Act</i>, whereby Council may authorize an increase in building height and/or density in return for community benefits</li>   <li>▪ As of the date of this report the in-effect Section 37 policies are subject to amendment via the <i>COVID-19 Economic Recovery Act, 2020</i>; however, those amendments are not yet in effect. These amendments to the <i>Planning Act</i> made through the <i>COVID-19 Economic Recovery Act, 2020</i> propose to replace the current Section 37 policy regime with a new authority known as a Community Benefit Charge (‘CBC’), which charge shall not exceed an amount equal to the prescribed percentage of the value of the land</li>   <li>▪ Transitional provisions in the <i>Planning Act</i> permit municipalities to continue to apply the Section 37 provisions of the <i>Planning Act</i> as it read on September 17, 2020 until the earlier of the City’s passage of a CBC By-law or September 18, 2022 (the date the transition ends). Should the approval and enactment of any Zoning By-law Amendment for the Subject Lands occur after the earlier of the City’s passage of a CBC By-law or September 18, 2022, the City will not be permitted to collect community benefits through Section 37 of the <i>Planning Act</i>, as it read on September 17, 2020. If the CBC By-law is in place at that time, the City will be permitted to collect community benefits pursuant to that instrument. Should the two-year transition period regarding the CBC regime pass (from the date of proclamation which as of August 7, 2020 has not yet occurred) or should the City pass a CBC By-law under the amendments to the <i>Planning Act</i> (which have not yet been proclaimed to come into effect) prior to the approval of any Zoning By-law Amendment for the Subject Lands, the CBC By-law would be the applicable mechanism used to collect community benefits (and not the City’s existing Section 37 policies and guidelines)</li> </ul>



	<b>MATTERS TO BE REVIEWED</b>	<b>COMMENT(S)</b>
k.	Road Widening and Access	<ul style="list-style-type: none"> <li>▪ Rutherford Road is a Regional right-of-way and is identified as a “Regional Transit Priority Network” by VOP 2010</li> <li>▪ Access to the Development is proposed from a north-south private driveway from Rutherford Road to Hawkview Boulevard. The Block 32 West Block Plan identified the proposed access as a public right-of-way connection from Rutherford Road to Hawkview Boulevard. The access and road requirements must be reviewed and approved by the Development Engineering Department</li> <li>▪ A portion of the planned north-south public right-of-way is owned by the City of Vaughan and currently exists as a private driveway on the property to the west currently occupied by a commercial development (No Frills). This driveway was planned to be combined with a similar property allocation on the Subject Lands to form a 17.5 m to 20 m municipal right-of-way once development occurred on the Subject Lands. The final location and disposition of the private driveway must be addressed to the satisfaction of the City and York Region</li> <li>▪ York Region and the Development Engineering Department will review the and identify all required road widenings, conveyances, access requirements, turning lanes, sight triangles and servicing for the Development</li> </ul>
l.	Related Site Development Application	<ul style="list-style-type: none"> <li>▪ The Owner has submitted related Site Development File DA.11.114 to be reviewed with the Applications in a future comprehensive report</li> </ul>
m.	Required Applications	<ul style="list-style-type: none"> <li>▪ The Owner is required to submit a Draft Plan of Condominium Application to facilitate the condominium tenure of the Development as a condominium, should the Applications be approved</li> </ul>

### **Financial Impact**

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

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

The Owner applied for York Region exemption of the Official Plan Amendment; however, York Region has not exempted the application as the Official Plan

Amendment application has been appealed to the OLT. The Applications have been circulated to the York Region Community Planning and Development Services Department for review and comment. Any issues will be addressed when the comprehensive report is considered.

### **Conclusion**

The preliminary issues identified in this report and any other issues identified through the processing of the Applications will be considered in the technical review of the Applications. Comments from the public and Vaughan Council expressed at the Public Meeting or in writing will be addressed in a comprehensive report to a future Committee of the Whole meeting.

**For more information**, please contact Laura Janotta Planner, Development Planning Department, ext. 8634.

### **Attachments**

1. Context and Location Map
2. Proposed Zoning and Site Plan
3. Building Elevations
4. Original Submission - December 19, 2011

### **Prepared by**

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### **Approved by**



Haiqing Xu, Deputy City Manager,  
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### **Reviewed by**



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