APPENDIX 1

CITY OF VAUGHAN
COMMITTEE OF THE WHOLE (1)
AGENDA

If you wish to speak to an item listed on the Agenda in person or via electronic participation, please pre-register by completing a Request to Speak Form online, emailing clerks@vaughan.ca, or contacting Access Vaughan at 905-832-2281, by 12 noon on the last business day before the meeting.

Tuesday, November 22, 2022
1:00 p.m.
Council Chamber
2nd Floor, Vaughan City Hall
2141 Major Mackenzie Drive
Vaughan, Ontario

Pages

1. CONFIRMATION OF AGENDA

2. DISCLOSURE OF INTEREST

3. COMMUNICATIONS

4. CEREMONIAL PRESENTATIONS

5. PRESENTATIONS

    1. Leo F. Longo
    Regarding Lebovic Campus Arena Project DC Deferral Agreement.

    Seeking Council approve that the existing 2006 DC Deferral Agreement be amended to include the arena project which will be subject to the Agreement's provisions.

    2. Liang Swee Ron Lim
    Violations of the integrity of his property, human rights and victimizing by City of Vaughan and BCE.

6. DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION INCLUDING MEMBERS RESOLUTION(S)

Internal Audit

1. AUDIT COMMITTEE CITIZEN MEMBER APPOINTMENTS — 7
Report of the Director of Internal Audit with respect to the above.

Planning and Growth Management

2. FIVE QUICK WINS TO ADDRESS MEMBER'S RESOLUTION – THINKING GLOBALLY, ACTING LOCALLY IN VAUGHAN — 11
Report of the Deputy City Manager, Planning and Growth Management, with respect to the above.

3. PROMENADE CENTRE URBAN DESIGN AND PUBLIC REALM STUDY - SINGLE SOURCE PROCUREMENT — 17
Report of the Deputy City Manager, Planning and Growth Management, with respect to the above.

4. WEST RUTHERFORD PROPERTIES INC. OFFICIAL PLAN AMENDMENT FILE OP.11.012, ZONING BY-LAW AMENDMENT FILE Z.11.043, SITE DEVELOPMENT FILE DA.11.114 - 3660 RUTHERFORD ROAD, VICINITY OF RUTHERFORD ROAD AND VELLORE WOODS BOULEVARD — 85
Report of the Deputy City Manager, Planning and Growth Management, with respect to the above.

5. ZANCOR HOMES (STEELES) LP OFFICIAL PLAN AMENDMENT FILE OP.21.028 ZONING BY-LAW AMENDMENT FILE Z.21.057 2600 & 2700 STEELES AVENUE WEST VICINITY OF STEELES AVENUE WEST AND KEELE STREET — 127
Report of the Deputy City Manager, Planning and Growth Management, with respect to the above.

6. RUTHERFORD LAND DEVELOPMENT CORP. DRAFT PLAN OF SUBDIVISION FILE 19T-18V001, SITE DEVELOPMENT FILE DA.19.010 - VICINITY OF RUTHERFORD ROAD AND JANE STREET — 207
Report of the Deputy City Manager, Planning and Growth Management, with respect to the above.

7. BOWES ROAD INDUSTRIAL LP, DRAFT PLAN OF CONDOMINIUM (STANDARD) FILE 19CDM-22V004, VICINITY OF BOWES ROAD AND HIGHWAY 7 — 341
Report of the Deputy City Manager, Planning and Growth, with respect to the above.

Committee of the Whole (1) Report

DATE: Tuesday, November 22, 2022 **WARD:** 3

TITLE: WEST RUTHERFORD PROPERTIES INC.
OFFICIAL PLAN AMENDMENT FILE OP.11.012
ZONING BY-LAW AMENDMENT FILE Z.11.043
SITE DEVELOPMENT FILE DA.11.114
3660 RUTHERFORD ROAD
VICINITY OF RUTHERFORD ROAD AND VELLORE WOODS BOULEVARD

FROM:
Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Official Plan and Zoning By-law Amendment and Site Development Files OP.11.012, Z.11.043 and DA.11.114 ('Applications') for the Subject Lands shown on Attachment 3. The Owner seeks to permit a residential development comprised of two, 12-storey (20.35 m) apartment buildings and one, 6-storey apartment building with a total of 340 units and Floor Space Index ('FSI') 2.91 (Net) times the area of the lot (the 'Development') as shown on Attachments 5 and 6.

Report Highlights

- The Owner seeks approval to permit a Development consisting of two, 12-storey (20.35 m) apartment buildings and one, 6-storey apartment building with a total of 340 units and Floor Space Index ('FSI') of 2.91 (Net) times the area of the lot.
- Official Plan, Zoning By-law Amendment and Site Development applications are required for the Development.
- The Development Planning Department recommends approval of the Development as it is consistent with and conforms to Provincial policies and maintains the intent of York Regional Official Plan 2010 and VOP 2010 and is considered to be compatible with the surrounding existing and planned land uses.

Recommendations

1. THAT the Ontario Land Tribunal be advised that City of Vaughan Council APPROVES the following recommendations to permit a development consisting of two, 12-storey (20.35 m) apartment buildings and one, 6-storey apartment building with a total of 340 units and Floor Space Index ('FSI') of 2.91 (Net) the area of the lot as shown on Attachments 5 and 6:

    1. THAT Official Plan Amendment File OP.11.012 (West Rutherford Properties Inc.), BE APPROVED, to amend Vaughan Official Plan 2010 ('VOP 2010'), as follows:

        a) Amend the "Mid-Rise Mixed-Use" designation on Schedule 13 - Land Use of VOP 2010 shown on Attachment 4 to permit:

            i) a mid-rise building with a maximum building height of 12-storeys (20.35 m, average finisged grade) and 340 dwelling units;

            ii) a maximum Floor Space Index ('FSI') of 2.91 times the net area of the lot; and,

        b) Amend Schedules 13 - Land Use and 14c - Areas Subject to Site Specific Plans of VOP 2010 to make the necessary mapping changes to implement the development.

2. THAT Zoning By-law Amendment File Z.11.043 (West Rutherford Properties Inc.), BE APPROVED to amend Zoning By-law 1-88, to rezone the Subject Lands from "A Agricultural Zone", as shown on Attachment 3 to "RA3(H) Apartment Residential Zone" with the addition of the Holding Symbol ("H") in the manner shown on Attachment 5, together with the site-specific zoning amendments identified in Table

1 in this report; and that the Implementing By-law will be prepared in accordance with Zoning By-law 1-88.

3. THAT the Holding Symbol ("H") on the Subject Lands shall not be removed until such time that:

    a) A Phase 2 Environmental Site Assessment, Reliance Letter and Record of Site Condition are submitted and approved to the satisfaction of the Development Engineering Department.

    b) The noise mitigation measures, including a registered agreement on title between the Owner and the owner of 3800 Rutherford Road for providing and the maintaining a full encloser for the loading area and garbage compactors for the commercial use (currently No Frills) at 3800 Rutherford Road in order for the Subject Lands to meet the Class 4 designation pursuant to the Ministry of the Environment, Conservation, and Parks Noise Guideline NPC-300 (Stationary and Transportation Sources - Approval and Planning), and that an amendment to the City's Noise By-law Schedule 4 include the Subject Lands upon approval of the implementing zoning by-law by Vaughan Council for Zoning Bylaw Amendment File Z.11.043 and on-site mitigation measures for the Subject Lands, be addressed to the satisfaction of the Development Engineering Department.

4. THAT Site Development File DA.11.114 (West Rutherford Properties Inc.) BE DRAFT APPROVED AND SUBJECT TO THE CONDITIONS included on Attachment 1, to the satisfaction of the Development Planning Department, to permit the Development shown on Attachments 5 and 6.

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

    "IT IS HEREBY RESOLVED THAT Site Plan Development Application File DA.11.114 (West Rutherford Properties Inc.) be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 340 residential units (758 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."

6. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the City and/or 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 came into effect, to permit minor adjustments to the implementing Zoning By-law.

7. THAT should the Ontario Land Tribunal ('OLT') issue a decision to approve Official Plan Amendment File OP.11.012 and Zoning By-law Amendment File OP.11.012 (West Rutherford Properties Inc.), either in whole or in part, that the OLT withhold its final Order until such time that:

    a) the implementing Official Plan and Zoning By-law Amendments are prepared to the satisfaction of the City; and

    b) the Site Plan Agreement File DA.11.114 for the Subject Lands has been approved to the satisfaction of the City.

Background

The subject lands ('Subject Lands') are located on the north side of Rutherford Road, east of Weston Road and are municipally known as 3660 Road. The Subject lands and surrounding land uses are shown on Attachment 3.

The Subject Lands were redesignated from "Community Commercial Mix-Use" to "Mid-Rise Mixed-Use" in Vaughan Official Plan 2010

Vaughan Council on September 7, 2010, adopted VOP 2010 and designated the Subject Lands "Mid-Rise Mixed-Use" with a maximum building height of 6-storeys and 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 Mix-Use" with a maximum height of 3-storeys and FSI of 1.5 times the area of the lot which was forwarded to York Region for approval. York Region adopted VOP 2010 and the modification for the Subject Lands on June 28, 2012.

On May 28, 2012, the Owner appealed the land use designation and policies ('Appeal 16') of VOP 2010 affecting the Subject Lands to the former Ontario Municipal Board ('OMB'), now the Ontario Land Tribunal ('OLT'). On December 17, 2021, the OLT issued its decision and allowed Appeal 16 in part to VOP 2010 and the Subject Lands were redesignated "Mid-Rise Mixed-Use" with a maximum building height of 6-storeys and FSI of 2 times the area of the lot.

The Owner originally submitted a development for two, 12-story apartment buildings and block townhouses

The Owner originally submitted a Development for two, 12-storey residential buildings for 272 apartment dwelling units and three blocks for 21, 3-story townhouse dwelling units with 257 units per hectare, as shown on Attachment 7. Vaughan Council, on March 20, 2012, ratified the recommendation of the Committee of the Whole to receive the Public Meeting report of February 28, 2012, and to forward a comprehensive technical report to a future Committee of the Whole meeting.

The Owner submitted a revised Development for one, 6-storey and two, 12-storey apartment buildings and seven 3-storey townhouse dwellings

The Owner submitted a revised Development one, 6-storey and two, 12-storey residential apartment buildings for 328 dwelling units and seven, 3-storey townhouse dwellings. Vaughan Council, on September 27, 2021, ratified the recommendation of the Committee of the Whole to receive the Public Meeting report of September 27, and to forward a comprehensive technical report to a future Committee of the Whole meeting.

Ontario Land Tribunal ('OLT') Appeals for the Applications

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. A subsequent full application submission was filed by the Owner on September 12, 2022 and comments received to-date have been forwarded to the Owner. Further resubmissions of specific documents and/or drawings have been provided in response to addressing comments for City Departments and/or External Agencies. The OLT has scheduled a hearing date for this appeal to commence on March 20, 2023.

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

The City, on February 3, 2012, circulated a Notice of Public Meeting ('Notice') for the statutory Public Meeting to all property owners within 650 m of the Subject Lands and to the Vellore Woods Ratepayers' Association, Millwood-Woodend Ratepayer's Association and East Woodbridge Community Association. Vaughan Council, on March 20, 2012, ratified the recommendation of the Committee of the Whole to receive the Public Meeting report of February 28, 2012, and to forward a comprehensive technical report to a future Committee of the Whole meeting.

The City, on August 20, 2021, circulated a Notice to all property owners within 650 m of the Subject Lands and to the Vellore Woods Ratepayers' Association and Millwood-Woodend Ratepayer's Association to recognize the revised Development. A copy of the Notice was also posted on the City's website at www.vaughan.ca and two notice signs were installed on the Subject Lands in accordance with the City's Notice Signs Procedures and Protocols.

Vaughan Council, on September 27, 2021, ratified the recommendation of the Committee of the Whole to receive the Public Meeting report of September 14, 2021, and to forward a comprehensive technical report to a future Committee of the Whole meeting. The recommendation also included the following:

> "2) That a working group be established consisting of the Local Councillor, Regional Councillors, the applicant, staff, and community members, including the Vellore Woods Ratepayers' Association to address outstanding issues and concerns;"

As of October 31, 2022, staff have received the responses from those members of the community identified in Attachment 2. The following is a written summary of the comments organized by theme:

1. Density and Built Form / Property Value and Security
   - the Development is too high and dense and is not compatible with the low-rise buildings in the adjacent and surrounding community
   - the community has reached its capacity and cannot accommodate more higher density development
   - the increased density results in a concern with community safety
   - the Development will result in a decrease in the property value of the homes of the existing residents
   - the investment in a home and the community was based on the area being planned and approved as a low-rise community

   Response
   The York Region Official Plan 2010 ('YROP 2010') designates the Subject Lands as an "Urban Area" which permits a range of residential, commercial and employment uses to accommodate future growth. A portion of the Subject Lands are located along the north side of Rutherford Road, a "Primary Intensification Corridor" as identified by VOP 2010, Schedule 1, Urban Structure, where intensification may be expected. Policy 2.2.5.14, Intensification Corridor, VOP 2010, provides "that only properties with frontage directly on the street forming a Primary Intensification Corridor shall be considered appropriate for intensification." The Primary Intensification Corridors are planned to develop with a mix of housing types and tenures.

Policy 9.2.2.3 Mid-Rise Residential requires mid-rise developments to generally be located in Intensification Areas. Mid-rise developments consist of primarily residential buildings which are located on a corner lot where at least one flankage is on a collector or arterial street as indicated on VOP 2010, Schedule 9 Future Transportation Network. Policy 9.2.3.5, Mid-Rise Buildings provides development criteria which applies to Mid-Rise Buildings which includes designing a pedestrian scaled podium or other appropriate architectural articulation for buildings over 6-storeys. The criteria provides for a general setback of a minimum 7.5 m from the property line and for buildings to be contained within a 45-degree angular plane measured from the property line abutting the low-rise buildings to enhance the building design and provide an active pedestrian streetscape.

The Development for the Subject Lands provides for the two-storey townhouse building form along Hawkview Boulevard within the podium level of the building which increases to 3-storeys and 6-storeys in its tower, stepped back from the street towards the central portion of the Subject Lands with the two, 12-storey apartment buildings located in the southern portion of the Subject Lands along Rutherford Road. The buildings are setback 4.1 m from Hawkview Boulevard and are within the 45-degree angular plane. The layout of the buildings with the two-storey building heights for the townhouses is in keeping with the two-storey building heights of the low-rise buildings along Hawkview Boulevard and are in keeping with the transitional policies of the Official Plan. The transition in heights and densities away from the less dense areas is in keeping with policies of the Official Plan to provide for a pedestrian-oriented streetscape along Hawkview Boulevard and provide for higher densities along Rutherford Road, a Primary Intensification Corridor.

The Official Plan is a document that is not static and will experience modifications in order to comply with current Provincial policies that support intensification. All developments are reviewed on their merit and this Development does not necessarily result in a precedence being established for the community.

The *Planning Act's* scope does not provide any authority respecting property value or property users to provide any comment on this matter.

2. Traffic and Parking

- the Development will increase traffic congestion on the local street and at intersections with Rutherford Road and Weston Road which will impact vehicle and pedestrian safety
- the existing local streets cannot accommodate additional traffic and on-street parking resulting from the Development
- increased traffic results in increased noise to the local neighbourhood

Response
The Subject Lands are located along a "Major Arterial (Regional)" (Rutherford Road) and east of "Major Arterial (Regional)" (Weston Road) as identified by VOP 2010, Schedule 9 - Future Transportation Network, where intensification may be expected and higher levels of traffic can be expected. Vehicular access for the Subject Lands will be from the proposed north-south traversing 19 m wide local road between Rutherford Road and Hawkview Boulevard, will be a right-in/right-out access at Rutherford Road.

3. Parks and Open Space / Community Centres / Schools
   - the Development will result in an increase in the number of users for the limited park and open space lands, and community centres in the area
   - the increased residents will further contribute to crowded schools

   Response
   The Owner prepared a Community Services and Facilities Study ('CSFS') dated October 2020, prepared by Humphries Planning Group Inc. in support of the Development. The York Region District School Board ('YRDSB') and the York Catholic District School Board ('YCDSB') have elementary and high schools in the surrounding community that can accommodate any future growth generated from the Development. The City's local parks (including Comdel Park, Vellore Woods Park and Vellore Hall Park) to the north and east, and the Vellore Village Community Centre to the west on Weston Road provide a range of amenities to accommodate the future residents.

The Development Planning Department on November 14, 2022, sent out a non-statutory courtesy notice of this Committee of the Whole meeting to those individuals requesting notice of further consideration of the Applications.

Official Plan and Zoning By-law Amendment and Site Development Applications have been submitted and revised to permit the Development

The Owner has submitted the following Applications for the Subject Lands to permit the Development as shown on Attachments 5 and 6:

1. Official Plan Amendment File OP.11.012 to the "Mid-Rise Mixed-Use" designation on Schedule 13, Land Use, VOP 2010 shown on Attachment 4 to permit a maximum building height of 12-storeys (20.35 m, average finisged grade) and a maximum FSI of 2.91 times the net area of the lot for 340 dwelling units.

2. Zoning By-law Amendment File Z.11.043 to rezone the Subject Lands from "A Agricultural Zone", as shown on Attachment 3 to "RA3(H) Apartment Residential Zone" with the addition of the Holding Symbol ("H") in the manner shown on Attachment 5, together with the site-specific zoning exceptions identified in Table 1 of this report.

3. Site Development File DA.11.114 to permit the Development shown on Attachments 5 and 8.

Previous Reports/Authority

Previous reports related to the Applications.

February 28, 2012 Committee of the Whole (Public Meeting) (Item 5, Report 10)
September 14, 2021 Committee of the Whole (Public Meeting) (Item 5, Report 41)

Analysis and Options

The Development is consistent with the Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 ('PPS') provides policy direction on matters of provincial interest related to land use planning and development. The PPS is applied province-wide and provides policies for appropriate development while ensuring that public health and safety, and the quality of the natural and built environment, are protected. In accordance with Section 3(5) of the *Planning Act*, all land use decisions in Ontario "shall be consistent with" the PPS.

The Development is consistent with the PPS, specifically Policy 1.1.3 to encourage development within Settlement Areas and the efficient use of land by supporting intensification and Policy 1.1.3.1 that Settlement areas shall be the focus of growth and development and transit supportive development. The Development will contribute to providing for a range of housing and will efficiently use infrastructure and public service facilities in accordance with Policy 1.4. The Development will contribute to providing a range and mix of housing to support residential intensification in accordance with Policy 1.4.3.b). The Development will efficiently use planned and existing infrastructure and services in accordance with Policy 1.6.6 the PPS. The Development will encourage transit supportable development and intensification in accordance with Policy 1.8.1.

The Subject Lands are located within the Settlement Area, as defined by the PPS. The Development consists of apartment units with the townhouse housing form in the podium level of the apartment buildings, for a compact building form supporting the efficient use of land and an appropriate level of intensification. The Development is located in a community with existing infrastructure and services such as schools, parks, a community centre, shopping and transit along Rutherford Road and Weston Road, and a GO Train Station on Rutherford Road. In consideration of the above, 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

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended ('Growth Plan') guides decision making on the development of land and includes encouraging compact built form, transit supportive communities, diverse land uses, and the flexibility to capitalize on new economic and employment opportunities while providing certainty for traditional industries. The Growth Plan encourages the

concentration of population and employment growth within settlement areas and promotes the development of complete communities that offers a mix of jobs, local stores, services, and housing types. In accordance with Policy 3(5) of the *Planning Act*, Council's planning decisions shall conform to the Growth Plan.

The Development is located within a Settlement Area and Delineated Built-up Area, as defined by the Growth Plan, providing residential lands with existing and planned municipal water and wastewater systems, in accordance with Policies 2.2.1 and 3.2.6.2 of the Growth Plan. Specifically, the Subject Lands are located within the "Community Areas" of Schedule 1 - Urban Structure, in Volume 1 of VOP 2010 and located within the Block 32 West Planning Area with existing municipal water and wastewater services in accordance with Policy 3.2.6.2 of the Growth Plan, and is served by transit in accordance with Policy 3.2.2.2 of the Growth Plan. The Development makes efficient use of land by adding to the range of residential building forms that contribute to establishing a complete community in accordance with Policies 2.2.1.4 and 2.2.6.2 of the Growth Plan. In consideration of the above, the Development conforms to the Growth Plan.

The Development conforms to the YROP 2010

The YROP 2010 guides economic, environmental and community building decisions across York Region. The Subject Lands are designated "Urban Area" by the YROP 2010. Policy 3.5.4 of the YROP 2010 requires that "local municipal official plans and zoning by-laws permit a mix and range of housing types, lot sizes, unit sizes, functions, tenures and levels of affordability within each community." It also states that "the mix and range of housing shall be consistent with Regional forecasts, and intensification and density requirements." Policy 5.0 of YROP 2010 states that "growth will also occur in new community areas…throughout the Region." The Development will add to the range of housing forms in the community including apartment and townhouse dwellings, resulting in a transit supportive development in a community that has existing services and transit. The Development conforms to the YROP.

An amendment to VOP 2010 is required to permit the Development

The Subject Lands are designated "Mid-Rise Mixed-Use" with a maximum building height of 6-storeys and FSI of 2 times the area of the lot. The north portion of the Subject Lands are located in a "Community Area" and the south portion of the Subject Lands is located along the north side of Rutherford Road, a "Primary Intensification Corridor" as identified on Schedule 1 - Urban Structure in VOP 2010. The "Mid-Rise Mixed-Use" designation permits townhouses, stacked townhouses and low-rise buildings (generally 5-storeys in height) within 70 m of a "Low-Rise Residential" or local street and provides for intensification where there is direct frontage along a Primary Intensification Corridor such as Rutherford Road, in accordance with Policy 2.2.5.14, Intensification Corridor, VOP 2010.

The Development proposes a maximum building height of 12-storeys (20.35 m, average finished grade) and a maximum FSI of 2.91 times the net area of the lot for 340 dwelling units which is not permitted by the Official Plan. Official Plan Amendment File

OP.11.012 maintains the “Mid-Rise Mixed-Use” designation and seeks to increase the maximum building height from 6-storeys to 12-storeys and increase the maximum FSI from 2 to 2.91 times the net area.

The Subject Lands are located in a “Community Area” by Schedule 1 - Urban Structure, in Volume 1 of VOP 2010. Policy 2.2.3 Community Areas in VOP 2010 states, “as the City grows and matures, these Community Areas will remain mostly stable. However, incremental change is expected as a natural part of maturing neighbourhoods. This change will be sensitive to, and respectful of, the existing character of the area.” The Community Areas Policies further state:

“Policy 2.2.3.2. That Community Areas are considered Stable Areas and therefore Community Areas with existing development are not intended to experience significant physical change that would alter the general character of established neighbourhoods. New development that respects and reinforces the existing scale, height, massing, lot pattern, building type, orientation, character, form and planned function of the immediate local area is permitted, as set out in the policies in Chapter 9 of this Plan. (OPA #15)

Policy 2.2.3.3. That limited intensification may be permitted in Community Areas as per the land use designations on Schedule 13 and in accordance with the policies of Chapter 9 of this Plan. The proposed development must be sensitive to and compatible with the character, form and planned function of the surrounding context.”

The south portion of the Subject Lands located along the north side of Rutherford Road, is identified as a “Primary Intensification Corridor” by VOP 2010, Schedule 1, Urban Structure, where intensification may be expected. The Primary Intensification Corridors are planned to develop with a mix of housing types and tenures.

“Policy 2.2.1.1.v Primary Intensification Corridors link together the various centres on transit supportive corridors and will be places to accommodate intensification in the form of mid-rise, and limited high-rise and low-rise buildings with a mix of uses.”

The Development incorporates the development criteria in VOP V010 to provide an appropriate transition between the mid-rise building and the existing low-rise development in the surrounding community. The 2-storey townhouse building form, which is setback 4.1 m from Hawkview Boulevard, and includes building entrances to the dwelling units to create an active street level, transitions to 3-storeys and 6-storeys within 70 m of the existing low-rise buildings of 2-storyeys along Hawkview Boulevard. The Development is contained within the 45-degree angular plane from Hawkview

Boulevard to maintain an appropriately scaled building. The Development is in keeping with the transitional policies of the Official Plan.

The Community Area Policies of VOP 2010 do not exclude mid-rise developments and policies allow for limited intensification in the existing community, subject to development criteria. The built-form, setback, and containment within a 45-degree angular plane from Hawkview Boulevard of the Development are appropriate and compatible, but not identical, with the surrounding community. The Development provides an appropriate transition in density and built form within the surrounding land uses, thereby demonstrating compatibility between the existing and proposed building types.

The two, 12-storey buildings are located along Rutherford Road and are within a Primary Intensification Area for higher residential use which is transit supportive for a compact building form supporting the efficient use of land and an appropriate level of intensification in support Provincial initiatives.

Summary of Planning Policy

In consideration of the applicable Provincial policies and Regional and City Official Plan policies outlined in this report, the Owner has demonstrated that the Development provides a mid-rise residential built form that is appropriate and compatible, but not identical, with the surrounding community and development that supports intensification and transit as part of a complete community. The Development provides an appropriate transition in density and built form within the surrounding land uses, thereby demonstrating compatibility between the existing and proposed building types. The Development Planning Department is of the opinion that the Development is consistent with the policies of the PPS, and conforms to the Growth Plan and the YROP, and maintains the intent of VOP 2010.

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

The Subject Lands are zoned “A Agricultural Zone”. The Owner is proposing to rezone the Subject Lands to “RA3 Apartment Residential Zone” in the manner shown on Attachment 5, to permit the Development together with the following site-specific zoning exceptions:

Table 1

	Zoning By-Law 1-88 Standards	"RA3 Apartment Residential Zone" Requirements	Proposed Exceptions to the "RA3 Apartment Residential Zone" Requirements
a.	Definition of Front Lot Line	Lot Line, Front - means the street line, provided that in the case of a corner lot, the shorter street line is deemed to be the front lot line and provided further that in the case of a corner lot which has an abutting sight triangle the centre point of the lot line abutting the sight triangle shall be deemed to be the point of intersection of the front and side lot lines. Where both lot lines are of equal length or where the lot abuts more than two (2) street lines, the front lot line shall be the line facing the main entrance of the building unless the lot is a through lot.	For the purpose of the By-law: Lot Line, Front shall be Rutherford Road.
b.	Definition of Building Height	Height, Building - means the vertical distance between the average elevation of the finished grade at the front of the building (for the purpose of this definition, the front of the building shall be the wall containing the main entrance); and i) in the case of a flat roof, the highest point of the roof surface; ii) in the case of a mansard roof, the highest point on the roof surface; iii) in the	For the purpose of the By-law: Building Height - shall be calculated separately for each individual building and means the vertical distance between the average elevation of the finished grade at the front of each building where its main entrance is located and i) in the case of a flat roof, the highest point of the roof surface; ii) in the case of a mansard roof, the highest

	Zoning By-Law 1-88 Standards	"RA3 Apartment Residential Zone" Requirements	Proposed Exceptions to the "RA3 Apartment Residential Zone" Requirements
		case of a gable, hip or gambrel roof, the mean height between the eaves and the highest point of the roof; exclusive of any accessory roof construction such as a chimney, tower, steeple, elevator, mechanical room, or television antenna.	point on the roof surface; iii) in the case of a gable, hip or gambrel roof, the mean height between the eaves and the highest point of the roof; exclusive of any accessory roof construction such as a chimney, tower, steeple, elevator, mechanical room, or television antenna.
c.	Minimum Lot Area Per Unit	67 m^2	28.4 m^2
d.	Minimum Front Yard	7.5 m (Rutherford Road)	3.1 m (Rutherford Road)
e.	Minimum Rear Yard	7.5 m (Hawkview Boulevard)	4.1 m (Hawkview Boulevard)
f.	Minimum Interior Side Yard	10.18 m (West Lot Line)	3.1 m (West Lot Line)
g.	Minimum Exterior Side Yard	7.5 m (Proposed New Municipal Road)	3 m (Proposed New Municipal Road)
h.	Minimum Setback to the Underground Parking Garage (All Lot Lines)	1.8 m	0 m (Rutherford Road and Proposed New Municipal Road)
i.	Minimum Amenity Area	10,755 m^2	1,724 m^2
j.	Minimum Driveway Aisle Width	6 m for 2-Way Access	Minimum 5.4 m to Maximum 7.75 m for 2-Way Access
k.	Minimum Parking Space Dimensions	2.7 m x 6 m	2.7 m by 5.8 m
l.	Minimum Type A Accessible Parking Space Dimensions	3.4 m x 6 m with a 1.5 m wide accessible aisle	3.4 m x 5.8 m with a 1.5 m wide accessible aisle

	Zoning By-Law 1-88 Standards	"RA3 Apartment Residential Zone" Requirements	Proposed Exceptions to the "RA3 Apartment Residential Zone" Requirements
m.	Minimum Parking Requirements	Apartment Dwelling Residential 1.5 spaces/unit x 340 units = 510 spaces Visitor 0.25 spaces/unit x 340 units = 85 spaces Total Parking Required = 595 spaces	Apartment Dwelling Residential 1 spaces/unit x 340 units = 340 spaces Visitor 0.2 spaces/unit x 340 units = 68 spaces Total Parking Proposed = 409 spaces
n.	Accessory Buildings and Structures Location	Accessory buildings and structures shall be permitted in the rear yard	i. Permit a mechanical vent in the front yard ii. Permit stair access to underground parking in the interior side yard
o.	Permitted Encroachments for Exterior Stairs	Exterior stairways which are open and unenclosed may extend into a required interior side yard to a maximum distance of 0.3 m and may extend into a required front, exterior side or rear yard to a maximum distance of 1.8 m	Exterior stairways which are uncovered, unexcavated and unenclosed may extend into a required front, exterior side or rear yard
p.	Permitted Encroachments for Air Vents	Section 3.14 provides air vents a projection no more than 0.5 m into a required yard	Section 3.14 shall not apply
q.	Minimum Landscaping Strip Abutting a Street	6 m	i. 3 m (Rutherford Road) ii. 4 m Hawkview Boulevard) iii. 3 m (Proposed New Municipal Road)

	Zoning By-Law 1-88 Standards	"RA3 Apartment Residential Zone" Requirements	Proposed Exceptions to the "RA3 Apartment Residential Zone" Requirements
			Which may include both hard and soft landscaping treatments. A ventilation shaft and/or a hydro transformer may be permitted to be located within the landscape strip

The proposed zoning exceptions in Table 1 facilitate a Development that utilizes a compact built form consistent with the policies of the PPS, conforms to the Growth Plan and YROP and maintains the intent of VOP 2010. Additional zoning exceptions may be identified through the review of the Development which will be incorporated into the implementing by-law. The Development Planning Department supports the rezoning of the Subject Lands to "RA3 Apartment Residential Zone" and requested zoning exceptions identified in Table 1 as the rezoning implements the Development that is compatible with the surrounding existing and planned land uses.

Council enacted By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law

On October 20, 2021, Council enacted By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law. A notice of the passing was circulated on October 25, 2021, in accordance with the *Planning Act*. The last date for filing an appeal to the Ontario Land Tribunal ('OLT') in respect of By-law 001-2021 was November 15, 2021. By-law 001-2021 is currently under appeal and, when in force, will replace Zoning By-law 1-88, as amended. Until such time as By-law 001-2021 is in force, the Owner will be required to demonstrate compliance with both By-law 001-2021 and Zoning By-law 1-88, as amended, unless a transition provision under By-law 001-2021 applies.

Compliance with Transition Provisions under Section 1.6 of Zoning By-law 001-2021, as amended

The Subject Lands are zoned "A Agriculture Zone" by Zoning By-law 001-2021, as shown on Attachment 2. The Applications for the Subject Lands are determined to be transitioned in accordance with Subsection 1.6.3 of Zoning By-law 001-2021 and therefore the Development is subject to Zoning By-law 1-88, as amended, only.

The Subject Lands will be zoned with the Holding Symbol "(H)"

The Subject Lands will be zoned with the Holding Symbol "(H)" in the manner shown on Attachment 3. The Holding Symbol "(H)" is being placed on the Subject Lands as the Phase Two Environmental Site Assessment ('ESA') reports are required as well as a

Record of Site Condition ('RSC') filed on the Environmental Site Registry including all referenced environmental site assessment reports with reliance from the environmental consultant are required. Further, the noise mitigation matters respecting the loading area and garbage compactors for the commercial use (currently No Frills) at 3800 Rutherford Road (Attachment 3) need to be addressed. The Holding Symbol "(H)" shall not be removed from the Subject Lands or any portion thereof, until:

a) A Phase 2 Environmental Site Assessment, Reliance Letter and Record of Site Condition are submitted and approved to the satisfaction of the Development Engineering Department.

b) The noise mitigation measures, including a registered agreement on title between the Owner and the owner of 3800 Rutherford Road for providing and maintaining a full encloser for the loading area and garbage compactors for the commercial use (currently No Frills) at 3800 Rutherford Road in order for the Subject Lands to meet the Class 4 designation pursuant to the Ministry of the Environment, Conservation, and Parks Noise Guideline NPC-300 (Stationary and Transportation Sources - Approval and Planning), and that an amendment to the City's Noise By-law Schedule 4 include the Subject Lands upon approval of the implementing zoning by-law by Vaughan Council for Zoning Bylaw Amendment File Z.11.043 and on-site mitigation measures for the Subject Lands, be addressed to the satisfaction of the Development Engineering Department.

A Community benefits charge shall be required prior to the issuance of a Building Permit

The Owner shall be required to pay a four percent (4%) community benefits charge on the appraised value of the Subject Lands. This shall be payable to the City prior to the issuance of the first Building Permit in accordance with the Community Benefits Charge By-law 202-2022. This community benefits charge is due to the increased density and height above the allowable density and height permitted in the Mid-Rise Mixed-Use designation of VOP 2010. A condition to this effect is included in Attachment 1 to this report.

The Development Planning Department supports the Development, subject to Conditions of Approval

Site Plan / Landscape Plan

The site plan shown on Attachment 5 consists of two, 12-storey (20.35 m) apartment buildings and one, 6-storey apartment building with the 2-storey townhouse buildings for a total of 340 units. Two driveway accesses from the Proposed New Municipal Road that traverses between Rutherford Road and Hawkview Boulevard are proposed for the Subject Lands. One access is to service the two, 12-storey buildings to the two-level underground parking structure and one access is to service the townhouse building form and the 6-storey building to the one-level underground parking structure. The accesses also service the internal refuse/recycling rooms and loading areas. Pedestrian access is from the Proposed New Municipal Road. The ground floor units facing

Hawkview Boulevard, Rutherford Road and the Proposed New Municipal Road have street-level pedestrian access to the units.

Amenity areas, include an exterior outdoor area in front of Building C, ground floor amenity spaces for Buildings A, B and C and an exterior 5th. rooftop amenity space for Buildings A and B, totals 1724 m^2. Landscaping consiting of deciduous and coniferous trees and shrubs will screen the outdoor amenity space. A green roof is proposed for Building C.

The Owner and Development Planning Staff are exploring options including the site layout, accesses and service use locations which may result in modifications to the site plan and landscape plan. Prior to the execution of the Site Plan Agreement, the final site plan and landscape plan must be approved by the Development Planning Department. A condition to this effect is included in Attachment 1.

The Tree Inventory and Preservation Plan ('TIPP')

The Tree Inventory and Preservation Plan ('TIPP') prepared by Baker Turner Inc. dated April 12, 2021, and revised on September 9, 2022, was submitted in support of the Development. The TIPP identifies 9 trees to be removed to accommodate the Development. Seven trees are to be removed along the west property line with 3800 Rutherford Road, which requires permission to remove from the property owner of 3800 Rutherford Road. One tree is identified for removal within the Region's right-of-way along Rutherford Road. The TIPP identifies that 1 City-tree is identified for removal. However, the Parks, Forestry and Horticulture Operations ('Foresty') advises that further trees located within the municipal right-of-way along Hawkview Boulevard will have to be removed to accommodate the Development which have not been identified in the TIPP. The Owner is required to revise the TIPP to address the Forestry comments. Forestry will advise of the required tree compensation costs once the number of City-trees for removal have been confirmed.

Prior to final approval, the City shall approve the final landscape plan, arborist report and TIPP. The Owner shall not remove trees without written approval by the City and the abutting property owner. The City shall require separate compensation for City-owned trees that are removed in accordance with the Council adopted Tree By-law 052-2018 and the City's Replacement Tree Requirements Policy. Conditions to this effect are included in Attachment 1 of this report.

Building Elevations / Lighting Plan

The Development Planning Department advises that modifications such as limiting the podium for Buildings A and B to a maximum of 3-storeys to establish a sense of pedestrian scale at the ground floor and to create a balance with the proposed towers and creating more slender tower form to create a balanced relationship with the podium. Prior to the execution of the Site Plan Agreement, the final building elevations and lighting plan must be approved by the Development Planning Department. A condition to this effect is included in Attachment 1.

Sustainability Performance Metrics

The Development is required to achieve an overall Sustainability Performance Metrics ('SPM') application performance level score of a minimum of 31 points. The Development provides amenity space and landscaping on the Subject Lands, and is in proximity of transit, parks and retail uses. The Development proposes an overall SPM application score of 32 points. However, the Owner is required to address the Development Planning Department comments to the satisfaction of the Development Planning Department. A condition to this effect is included in Attachment 1.

Archaeology

The Subject Lands are not designated under the *Ontario Heritage Act*, are not included in the Register of Property of Cultural Heritage Value, and are not noted as a property of interest, in accordance with the City of Vaughan Heritage Inventory. The December 4, 2012 letter from the Ministry of Tourism, Culture and Sport advised that there is no cultural heritage value or interest associated with Subject Lands and that no further archaeological assessment of the Subject Lands is required. The Development Planning Department has no objection to the Development, subject to the standard condition requiring the Owner to notify the Ministry of Tourism, Culture and Sport and the City of Vaughan should archaeological resources or human remains are found on the Subject Lands. A condition to this effect will be included in the Site Plan Agreement and is included in Attachment 1.

The Development Planning Department is satisfied with the Development shown on Attachments 5 and, subject to the comments in this report and the Conditions of Approval outlined in Attachment 1. Prior to the execution of the Site Plan Agreement, the final site plan, sustainability performance metrics, building elevations, lighting, landscape plan, landscape details, landscape cost estimate, arborist report, tree inventory and preservation plan, and tree compensation costs must be approved to the satisfaction of the Development Planning Department. A condition to this effect is included in Attachment 1 to this report.

It is recommended that the OLT withhold its Order should the Applications be approved

Should the OLT approve the Applications, a condition is included in the recommendations requesting the OLT to withhold its final Order regarding the approval of the implementing Official Plan and Zoning By-law Amendments until such time that:

a) the implementing Official Plan and Zoning By-law Amendments are prepared to the satisfaction of the City; and

b) the Site Development File DA.11.114 for the Subject Lands has been approved to the satisfaction of the City staff, and to incorporate any adjustments, if necessary, in the implementing documents, prior to final approval.

A Draft Plan of Condominium (Standard) Application is required to establish a condominium tenure for the Development

Should the Applications be approved, a Draft Plan of Condominium application is required to establish the proposed condominium tenure and common elements of the Development, and to secure appropriate conditions of draft plan of condominium approval.

The Development Engineering ('DE') Department has no objection to the Development, subject to Conditions of Approval

The Development Engineering ('DE') Department has no objection to the Development subject to the Owner providing the revising the drawings and supporting documents to address DE comments in the report and conditions in Attachment 1 to this report.

Sanitary Servicing

The discharge flow from Buildings A, B and C will be connected toward the existing sanitary sewer on Hawkview Boulevard.

Water Servicing

The proposed water services will be connected to the proposed new watermain along the Proposed New Municipal Road which will be finally connected to the existing watermain on Hawkview Boulevard. A bulk water meter chamber is proposed at each service connection. The analysis indicates that the Subject Lands can be adequately serviced under all demand scenarios. The water connection should be as per City Standard Drawing C-102 and the back flow preventor must be provided.

Storm Sewer

The Development will connect to the existing storm sewer along Rutherford Road via 200mm diameter storm sewer lateral connection. The Owner is required to provide the storm water management tank detailed cross section. The Owner should apply for permanent dewatering permit from Environmental Services Department for the Subject Lands.

Lot Grading

The proposed lot grading for the Subject Lands shall be in accordance with the City's current lot grading criteria.

Proposed New Municipal Road

As part of the Development, a Proposed New Public Road is planned to traverse in a north-south direction, extending the existing terminus of Plover Heights at Hawkview Boulevard south to Rutherford Road. The right-of-way of the public road will be shared with the neighbouring landowner and City. The Development will be accessible via the Proposed New Public Road, with a right-in/right-out movement anticipated at Rutherford Road, and an all-moves intersection at Hawkview Boulevard. Parking will be provided below-grade with a total of 409 parking spaces, including 69 visitor spaces. The Proposed New Public Road intersection with Rutherford Road is subject to York Region

approval in terms of location, geometry, and configuration. York Region approval will be required prior to City approval for the Development.

The Proposed New Municipal Road right-of-way should be 20 m as per the approved Draft Plan of Subdivision 19T-95045, which showed a 10 m portion dedicated to the City on the west side of the bisecting property line, with the remaining 10 m to be dedicated to the City through this Development. However, the DE Department will accept a 19 m wide local road that has sidewalks on both sides consistent with the City Standard Drawing R-134.

Further information with respect to phasing of the Development and the Proposed New Municipal Road is required. The DE Department will require that the Proposed New Municipal Road in its entirety from Hawkview Boulevard to Rutherford Road be implemented with the first phase of the Development. The relevant conditions and agreements will be required and secured by staff. Additional details must be provided including the width of the site access to the New Proposed Municipal Road and curb radii of the accesses is required in accordance with Vaughan engineering requirements.

A functional design drawing of the proposed public road is required to confirm roadway geometry and general compliance with Vaughan and York Region engineering requirements, including centerline radii, right-of-way width, lane widths, daylight triangles, flaring, turn lanes (if required), intersection angles, and active transportation facilities. The functional design drawings should also include details, coordinated with the landowner, regarding providing access to the neighbouring property to the west, particularly in maintaining the existing loading operations of the No Frills commercial store. Offset intersections must be avoided between the two properties with the public road. Detailed engineering drawings for the public road will be required at the as part of the Site Development Approval stage, should the Development be approved.

The Proposed New Municipal Road is encroaching on the property to the west (3800 Rutherford Road). The Owner is required to provide the west property owner's consent and submit a reference plan for the road dedication. The Owner is required to update the drawings to provide the Proposed New Municipal Road right-of-way and the dimension of the entrance road curve. The Proposed New Municipal Road shall be dedicated as a public highway without monetary consideration and free of all encumbrances to the City for the first phase of the Development. The road allowance within this Plan shall be named to the satisfaction of the City and York Region.

Transportation Impact Study / Transportation Demand Management

Overall, the DE Department are unable to assess if the Development will introduce an acceptable transportation impact as the submitted Transportation Impact Study (‘TIS’ dated September 12, 2022, and prepared by IBI Group requires revisions to address concerns. Furthermore, the site plan requires clarification as there are potential issues with the facilities as proposed. Further details and a functional design are also required of the proposed public road.

The TIS does not include a Transportation Demand Management ('TDM') Section. A TDM Plan is required for the application as requested in previous comments. The TDM Plan should be completed following the City's TDM Guideline and Toolkit process.

Active Transportation

The Owner is required to address active transportation concerns as providing warning signs and advanced measures such as flashing beacons may be required to ensure that drivers and pedestrians are warned of conflicts with reversing loading vehicles.

Noise Mitigation

The Preliminary Environmental Noise Report prepared by Jade Acoustics and dated September 9, 2022, revised on October 20, 2022, has been reviewed by the DE Department and has been found to be satisfactory. The noise mitigation measures, include a registered agreement on title between the Owner and the owner of 3800 Rutherford Road for providing and the maintaining a full enclosure for the loading area and garbage compactors for the commercial use (currently No Frills) at 3800 Rutherford Road in order for the Subject Lands to meet the Class 4 designation pursuant to the Ministry of the Environment, Conservation, and Parks Noise Guideline NPC-300 (Stationary and Transportation Sources -Approval and Planning), and that an amendment to the City's Noise By-law Schedule 4 include the Subject Lands upon approval of the implementing zoning by-law by Vaughan Council for Zoning Bylaw Amendment File Z.11.043 and on-site mitigation measures for the Subject Lands, be addressed to the satisfaction of the DE Department.

Environment Site Assessment

The Phase One ESA dated April 16, 2021, and revised on May 28, 2021, and prepared by Soil Engineers Ltd. recommended a Phase Two ESA be prepared to investigate potential contaminants from the use of pesticides, and the presence of the gasoline service station and the dry cleaner uses to the east of the Subject Lands. A Phase 2 ESA, Reliance Letter and Record of Site Condition are required. As such, the Holding Symbol "(H)" shall be placed on the Subject Lands and shall not be removed until Phase 2 ESA, Reliance Letter and Record of Site Condition are to the satisfaction of the DE Department. A condition to this effect is included in the Recommendations and Attachment 1 of this report.

Servicing Allocation is available for the Development

The following resolution to allocate servicing capacity to the Development is recommended for Council approval:

> "IT IS HEREBY RESOLVED THAT Site Plan Development Application File DA.11.114 (West Rutherford Properties Inc.) be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 340 residential units (758 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."

A condition to this effect is included in the Recommendations of this report.

Development Charges are applicable to the Development

The Financial Planning and Development Finance Department requires the Owner to pay all applicable development charges in accordance with the City of Vaughan, Region of York, York Region District School Board and York Catholic District School Board Development Charge By-laws. A standard condition to this effect will be included in the implementing Site Plan Agreement.

The Environmental Services Department, Waste Management Division has no objection to the Development, subject to conditions

The Environmental Services Department, Waste Management Division has no objection to the Development, subject to the Owner addressing site plan, floor plan and other relevant plans and details associated with waste management and the Waste Collection Design Standards Submission Form. The future condominium corporation will be responsible for waste collection. Conditions to this effect will be included in the Site Plan Agreement and are included in Attachment 1.

Snow removal is the responsibility of the future condominium corporation

The Owner and future condominium corporation will be responsible for snow removal from the Subject Lands. A condition to this effect will be included in the Site Plan Agreement and is included in Attachment 1.

The Real Estate Services and Parks Development Departments have no objections to the Development

The Real Estate Services and Parks Development Departments have no objection to the Development. The Owner acknowledges that cash-in-lieu of parkland shall be paid in accordance with Section 42 of the *Planning Act* and conform to the City's Cash-in-Lieu of Parkland Policy. A standard condition to this effect will be included in the implementing Site Plan Agreement. The submitted CSFS must be approved to the satisfaction of the Parks Development Department. A condition to this effect is included in Attachment 1.

The Forestry Operations Division has no objection to the Development, subject to conditions

The Forestry Operations Division of the Transportation Services, Parks and Forestry Operations Department has no objection to the Development subject to the following conditions in Attachment 1:

a) updating the TIPP to reflect the all the municipal trees to be removed in order to establish the required tree compensation amount;

b) contacting the Forestry Operations Division for a Private Property Tree Removal and Protection Permit (Construction/Infill) is required for the removal/injury to trees (over 20 cm DBH) on the Subject Lands or municipally owned trees of any size and trees located within 6 m of the Subject Lands, in accordance with By-Law 052-2018; and

c) informing the Forestry Operations Division once the tree protection measures have been installed for inspection and approval according to City specifications.

The Fire and Rescue Services Department has no objection to the Development

The Fire and Rescue Services Department has no objection to the Development, subject to adequate provisions for fire safety and protection being provided in accordance with the Ontario Building Code.

The various utilities have no objection to the Development, subject to conditions

Hydro One, Alectra Utilities Corporation, Enbridge Gas, Bell Canada, Rogers Communications and Canada Post have no objections to the Development, subject to the Owner coordinating servicing connections, easements and locates with the note utilities prior to the commencement.

Financial Impact

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

Broader Regional Impacts/Considerations

York Region advised that the proposed height and density in the Official Plan Amendment does not align with the planned intensification hierarchy in YROP 2010. It is a regional interest to ensure appropriate levels of intensification occurs within all intensification areas. It is in the Region's interest to ensure adequate road and water and wastewater service capacity is available to accommodate the planned population and jobs. The cumulative impacts of unplanned development, through site specific amendments, is not planned growth and the potential to impact the ability to service area where the growth is intended to occur. York Region planning staff are of the opinion that local planning staff are best able to determine compatibility. The final building height, density and number of units will be determined by the City. York Region also advise that the proposed Zoning By-law Amendment is considered a matter of local significance and has no comments on the proposed Zoning By-law Amendment.

York Region has reviewed the documents and drawings submitted in support of the Development. Prior to undertaking any work within the regional right-of-way of Rutherford (e.g., grading, servicing, landscaping etc.), and/or encroaching within the regional right-of-way of Rutherford Road (with crane swing, hoarding, tiebacks, excavation etc.), the Owner must satisfy the requirements of York Region and be in receipt of a Site Plan Approval and a Road Occupancy Permit.

Conclusion

Official Plan and Zoning By-law Amendment Files OP.11.012 and Z.11.043, and Site Development File DA.11.114 have been reviewed in consideration of the applicable Provincial policies, the policies of YROP 2010 and VOP 2010, the requirements of Zoning By-law 1-88, comments from City Departments and external public agencies and the surrounding area context. The Development shown on Attachments 5 and 6 is consistent with the policies of the PPS, conforms to the Growth Plan and YROP 2010 and meets the intent of VOP 2010. The Development is appropriate and compatible with the existing and permitted uses in the surrounding area. Accordingly, the Development Planning Department can support the approval of the Applications subject to the Recommendations in this report.

For more information, please contact: Judy Jeffers, Planner, at extension 8645.

Attachments

1. Conditions of Site Plan Approval.
2. Communications.
3. Context and Location Map.
4. Vaughan Official Plan 2010, Schedule 13 - Land Use.
5. Proposed Zoning and Site Plan.
6. Building Elevations.
7. Original Submission - December 19, 2011.

Prepared by

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Mary Caputo, Senior Planner, ext. 8635
Nancy Tuckett, Director of Development Planning, ext. 8529

Approved by



Haiqing Xu, Deputy City Manager,
Planning and Growth Management

Reviewed by



Nick Spensieri, City Manager

ATTACHMENT 1 – CONDITIONS OF SITE PLAN APPROVAL
SITE DEVELOPMENT FILE DA.11.114
WEST RUTHERFORD PROPERTIES INC.

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1. THAT prior to the execution of the Site Plan Agreement:

   a) The Development Planning Department shall approve the final site plan, building elevations, lighting, landscape plan, landscape details, landscape cost estimate, arborist report, tree preservation plan and tree compensation plan, sustainability performance metrics as well as requiring the development to go before the City's Design Review Committee.

   b) The implementing Official Plan for Official Plan Amendment File OP.11.012 and the implementing zoning by-law for Zoning By-law Amendment File Z.11.043 shall be in full force and effect.

   c) The Parks, Forestry and Horticulture Operations shall approve the arborist report, tree inventory and preservation plan and tree compensation plan. The City shall require separate compensation for City-owned trees that are removed in accordance with the Council adopted Tree By-law 052-2018 and the City's Replacement Tree Requirements Policy.

   d) The Owner shall acknowledge that a Private Property Tree Removal and Protection Permit shall be required for the removal or injury to trees (over 20 cm diameter at breast height ('DBH') in accordance with the Council adopted Tree By-law 052-2018. The Owner shall not remove trees without written approval by the City.

   e) The Owner shall provide written authorization from the abutting property owner to the west at 3800 Rutherford Road prior to the removal of any trees to the satisfaction of the City.

   f) The Parks Development Department shall approve the Community Services and Facilities Study.

   g) The Development Engineering ('DE') Department shall approve the final site plan, servicing plan, grading plan including the retaining wall and retaining wall details, erosion and sediment control plan, Environmental Noise Report, Functional Servicing and Stormwater Management Report, and Traffic Impact Study including a Transportation Demand Management.

   h) The Owner is required to provide the consent of the adjacent landowner at 3800 Rutherford Road and submit the 65R plan for the road dedication for the Proposed New Municipal Road. The entirety of the Proposed New Municipal Road shall be required for the first phase of the Development.

i) A Phase Two Environmental Site Assessment ('ESA') Report and a Letter of Reliance for the use of the Phase One - ESA Report and Phase Two – ESA Report shall be prepared and approved to the satisfaction of the DE Department.

j) A registered agreement on title between the Owner and the owner of 3800 Rutherford Road for providing and the maintaining a full encloser for the loading area and garbage compactors for the commercial use (currently No Frills) at 3800 Rutherford Road in order for the Subject Lands to meet the Class 4 designation pursuant to the Ministry of the Environment, Conservation, and Parks Noise Guideline NPC-300 (Stationary and Transportation Sources - Approval and Planning) shall be required to the satisfaction of the Development Engineering Department.

k) The Environmental Services Department, Solid Waste Management Operations shall approve the site plan, floor plan and other relevant plans and details associated with waste management and the Waste Collection Design Standards Submission Form.

l) The Owner shall satisfy all requirements from York Region, including providing any required easements and widenings to York Region, and any other required agency or the City.

m) The Owner shall satisfy all requirements from Hydro One, Alectra Utilities Corporation, Enbridge Gas, Bell Canada, Rogers Communications and Canada Post**.**

2. THAT the Site Plan Agreement shall include the following provisions and/or warning clauses, to the satisfaction of the City:

a) "The Owner shall acknowledge that a four percent (4%) community benefits charge on the appraised value of the Subject Lands shall be levied and be payable to the City prior to the issuance of the first Building Permit in accordance with the Community Benefits Charge By-law 202-2022."

b) "Retaining walls and acoustic fences and subsurface infrastructure shall be included on the final Plan of Condominium and that the declaration of the future condominium corporation shall provide that the future condominium corporation shall maintain and manage the retaining walls and acoustic fences and subsurface infrastructure."

c) "The on-site refuse and recycling collection and snow removal shall be the responsibility of the future condominium corporation."

d) "The Owner shall provide the Subject Lands with its own centralized mail receiving facility to the satisfaction of Canada Post".

e) "The Owner shall contact the Forestry Operations Division of the Transportation Services, Parks and Forestry Operations Department once the tree protection measures have been installed for inspection and approval according to City specifications."

f) "The Owner shall contact the Forestry Operations Division for a Private Property Tree Removal and Protection Permit (Construction/Infill) for the removal/injury to trees (over 20 cm DBH) on the Subject Lands or municipally owned trees of any size and trees located within 6 m of the Subject Lands in accordance with Tree By-law 052-2018."

g) The entirety of the Proposed New Municipal Road shall be dedicated as a public highway without monetary consideration and free of all encumbrances to the City for the first phase of the Development. The road allowance within this Plan shall be named to the satisfaction of the City and York Region.

h) "The Owner shall agree to notify both the Ministry of Tourism, Culture and Sport and the City of Vaughan Development Planning Department immediately in the event that:

    i) archaeological resources are found on the property during grading or construction activities, to which the Owner must cease all grading or construction activities; and

    ii) where human remains are encountered during grading or construction activities, the Owner must cease all grading or construction activities. The Owner shall contact York Region Police, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services."

i) "The Owner shall include the following warning clauses as a schedule in all Offers of Purchase and Sale, or Lease for all lots/blocks within the entire Development:

    i) "Purchasers and/or tenants are advised that despite the inclusion of noise control features within both the development area and the individual building units, noise levels, including those from commercial and/or construction activities, may be of concern and

occasionally interfere with some activities of the dwelling occupants."

ii) "The maintenance of the noise attenuation features, or fencing shall not be the responsibility of the City or York Region. Retaining walls and acoustic fences and subsurface infrastructure shall be included on the final Plan of Condominium and that the declaration of the future condominium corporation shall provide that the future condominium corporation shall maintain and manage the retaining walls and acoustic fences and subsurface infrastructure."

iii) "Purchasers and/or tenants are advised that the surrounding open space or stormwater facility may be left in a naturally vegetated condition and receive minimal maintenance."

iv) "Purchasers and/or tenants are advised that local or primary or collector streets may be subject to public transit bus traffic in the future.""

ATTACHMENT 2 – COMMUNICATIONS

Deputations and Communications received:

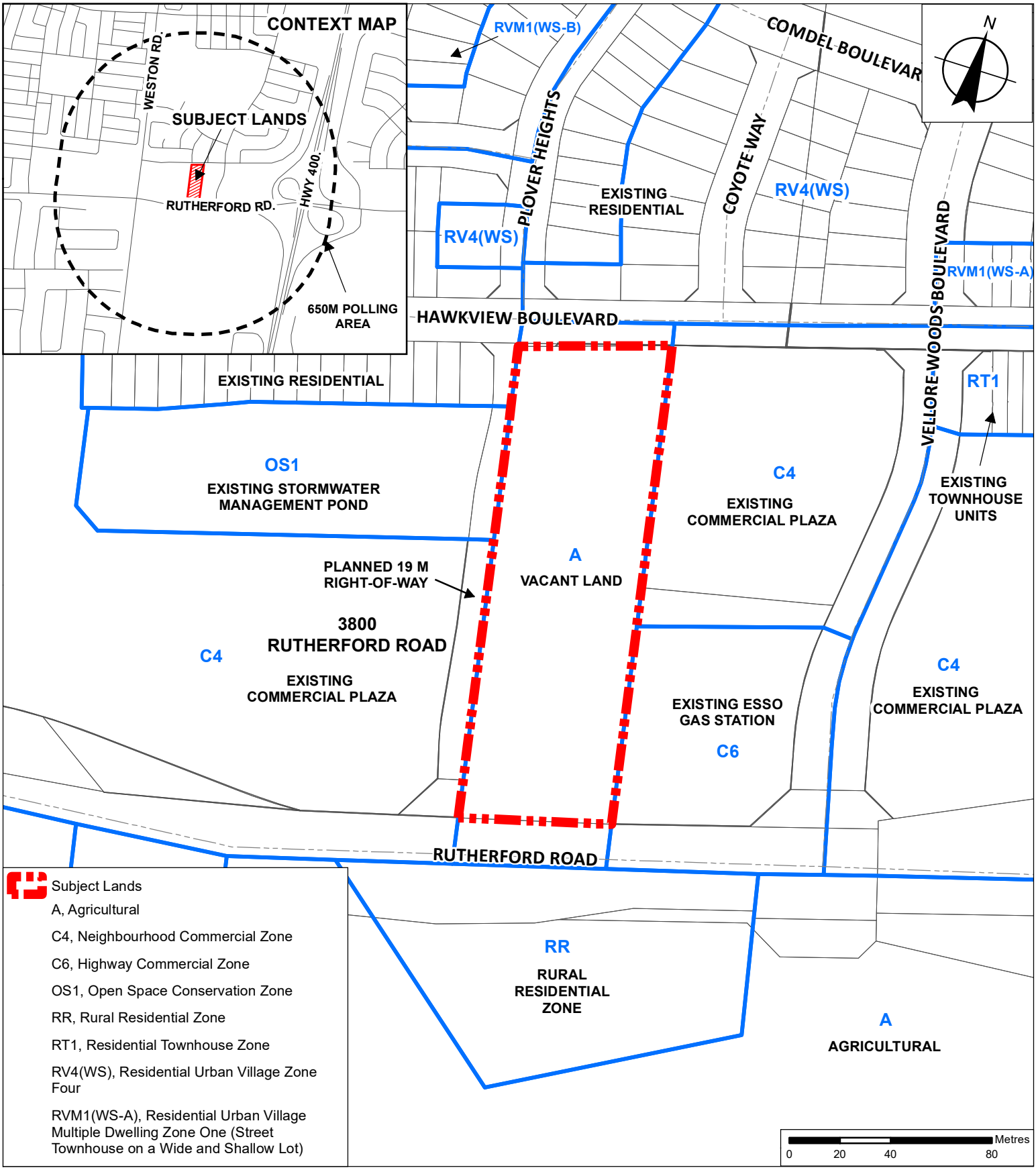
- Sabrina Zhang, Hawkview Boulevard, Woodbridge
- Elvira Caria, Vellore Woods Ratepayers' Association, Bunting Drive, Vaughan
- Mary Ciampa, Shadetree Crescent, Woodbridge, and Communication C17, dated September 13, 2021

Public Meeting Communications received:

- C2 Saeid Javdani, Hawkview Boulevard, Woodbridge, dated August 27, 2021
- C3 Anna D'Amico, Hawkview Boulevard, Woodbridge, dated August 26, 2021
- C4 Paul Lawson, Johnswood Crescent, Woodbridge, dated August 31, 2021
- C8 Andy and Sofia Ioannou, Moraine Drive, Woodbridge, dated September 8, 2021
- C12 Voula Cicchelli, dated September 12, 2021
- C14 Vellore Woods Residents, dated September 12, 2021
- C15 Hussein EL-Masri, Lichen Court, Vaughan, dated September 13, 2021
- C16 Juanita Ramirez, Plover Heights, Vaughan, dated September 13, 2021
- C34 Kristi Barnes, dated September 13, 2021
- C36 Rosemary and Bryan Santos, dated September 13, 2021
- C37 Lucy Miceli, Plover Heights, Vaughan, dated September 13, 2021
- C38 Camille Azzolin, dated September 13, 2021
- C39 Avgoustina Tchoutkina, Woodbridge, dated September 13, 2021
- C42 Julia, dated September 13, 2021
- C43 Ryan Rai, dated September 13, 2021
- C44 Andrea Azzolin, dated September 14, 2021
- C45 Laurie Zuccaro, dated September 14, 2021
- C46 Suzan McMillen, dated September 14, 2021
- C47 Liz Nam, dated September 14, 2021
- C49 Susan Sidiropoulos, dated September 14, 2021
- C51 Lesley McNerney, dated September 13, 2021
- C53 Maria Tomljenovic, dated September 14, 2021
- C54 Rossana Campoli-Apa, dated September 14, 2021
- C55 Lucas Apa, dated September 14, 2021
- C56 Jacob Apa, dated September 14, 2021
- C57 Kaiden Apa, dated September 14, 2021
- C58 Lorenzo Apa, dated September 14, 2021

Council Meeting Communications received:

- C10. Tony Bonello, Sunview Drive, Woodbridge, dated September 15, 2021
- C11. Angela Pisan, dated September 15, 2021
- C12. Nadia Conforti Paolella, dated September 14, 2021
- C13. Elias Mathioudakis, dated September 14, 2021
- C14. Sandra Debrito and Gerald Wheeler, dated September 14, 2021
- C16. Peter Ro, dated September 15, 2021



Context and Location Map

LOCATION: 3660 Rutherford Road
Part of Lot 16, Concession 5

APPLICANT:
West Rutherford Properties Inc.

VAUGHAN
Development Planning

Attachment

FILES:
OP.11.012, Z.11.043 and DA.11.114

DATE:
November 22, 2022

3

Document Path: N:\GIS_Archive\Attachments\OP\2010-2014\OP.11.012_Z.11.043\OP.11.012_Z.11.043_CW_1_Context&LocationMap.mxd

Created on: 11/4/2022



Vaughan Official Plan 2010, Schedule 13 - Land Use

LOCATION:
3660 Rutherford Road
Part of Lot 16, Concession 5

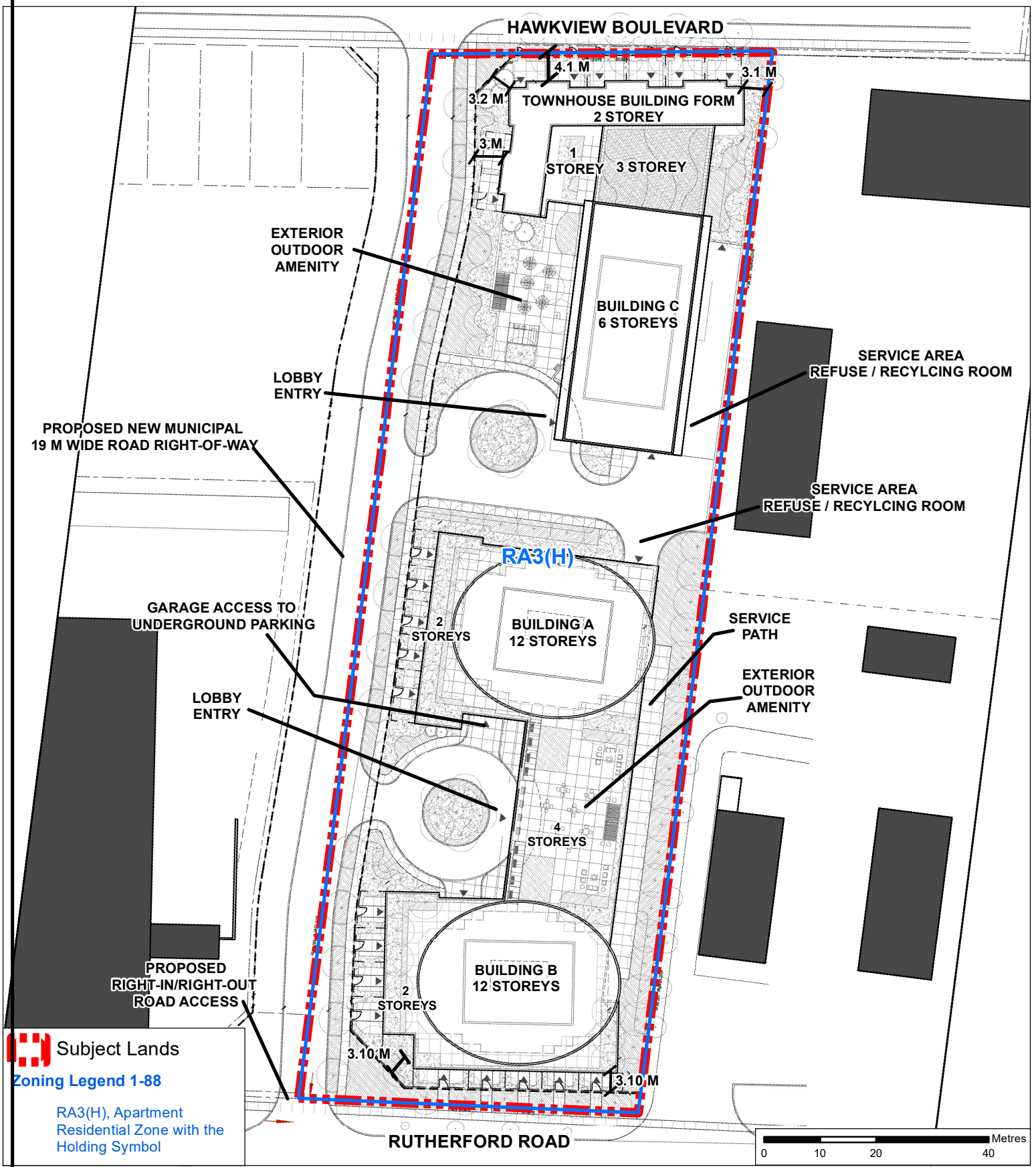
APPLICANT:
West Rutherford Properties Inc.

Attachment
4

FILES:
OP.11.012, Z.11.043 and DA.11.114

DATE:
November 22, 2022

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Proposed Zoning and Site Plan

LOCATION: 3660 Rutherford Road
Part of Lot 16, Concession 5

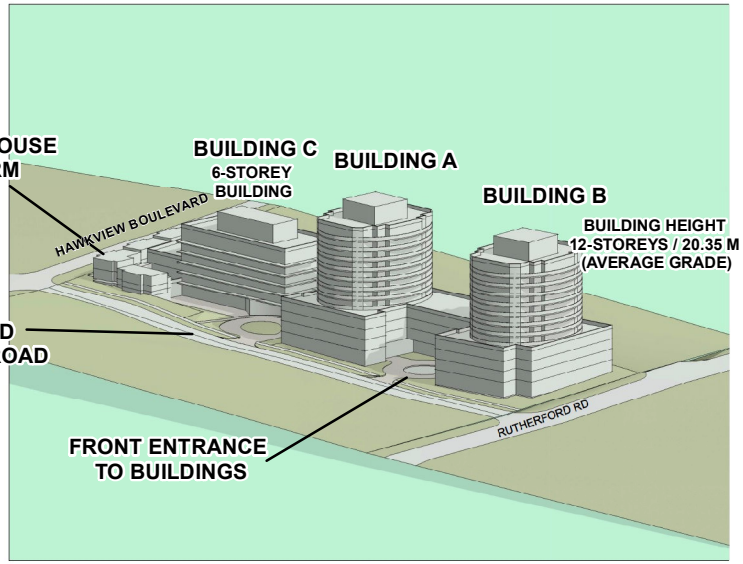
APPLICANT:
West Rutherford Properties Inc.

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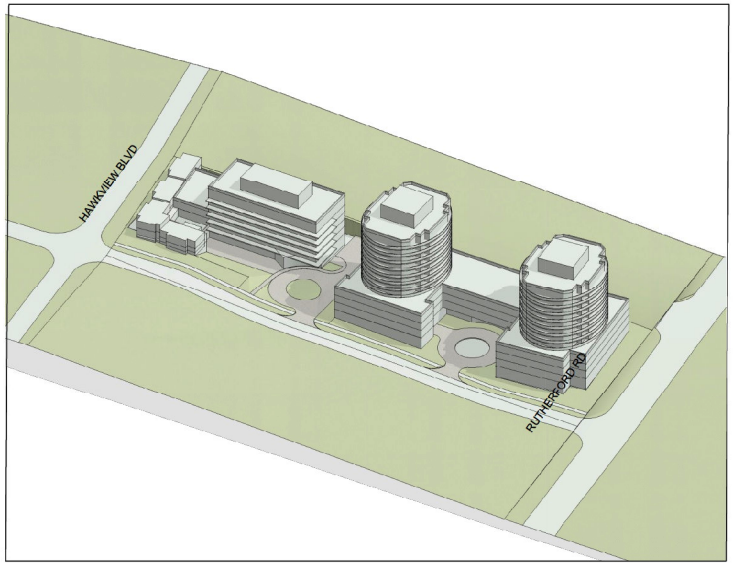
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DATE:
November 22, 2022
5

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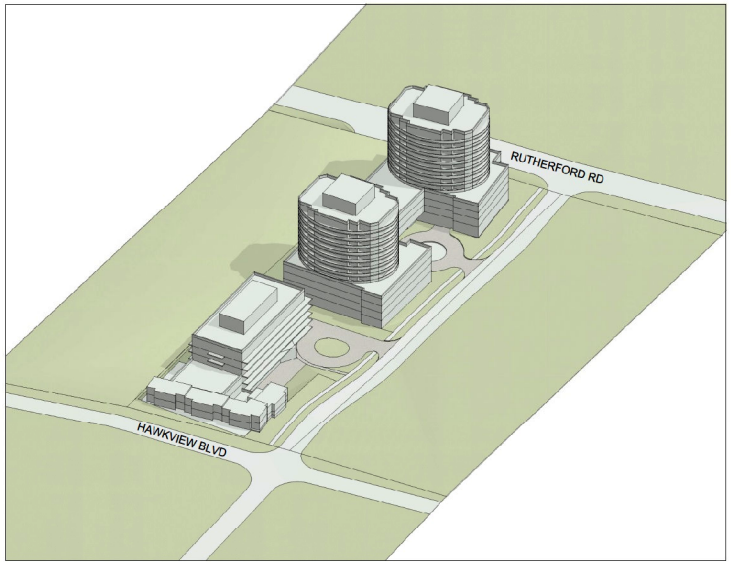
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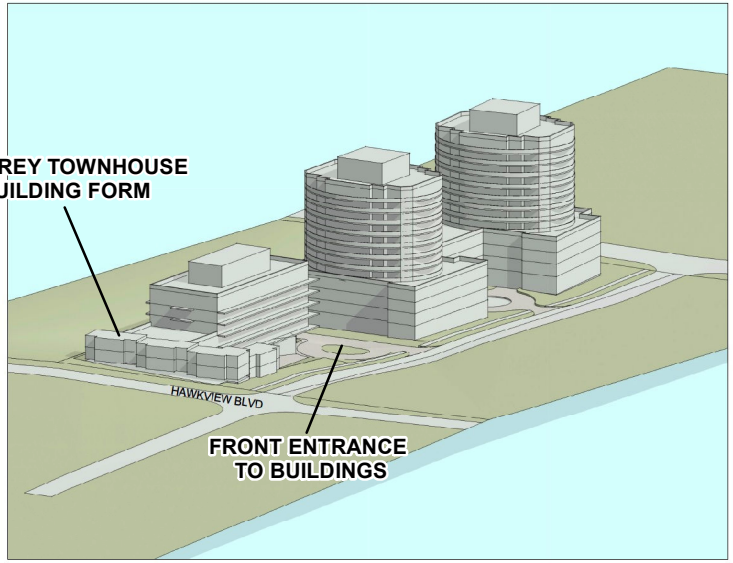
WEST ELEVATION



WEST ELEVATION



NORTH-WEST ELEVATION



NORTH ELEVATION

Not to Scale

Building Elevations

LOCATION: 3660 Rutherford Road
Part of Lot 16, Concession 5

APPLICANT:
West Rutherford Properties Inc.

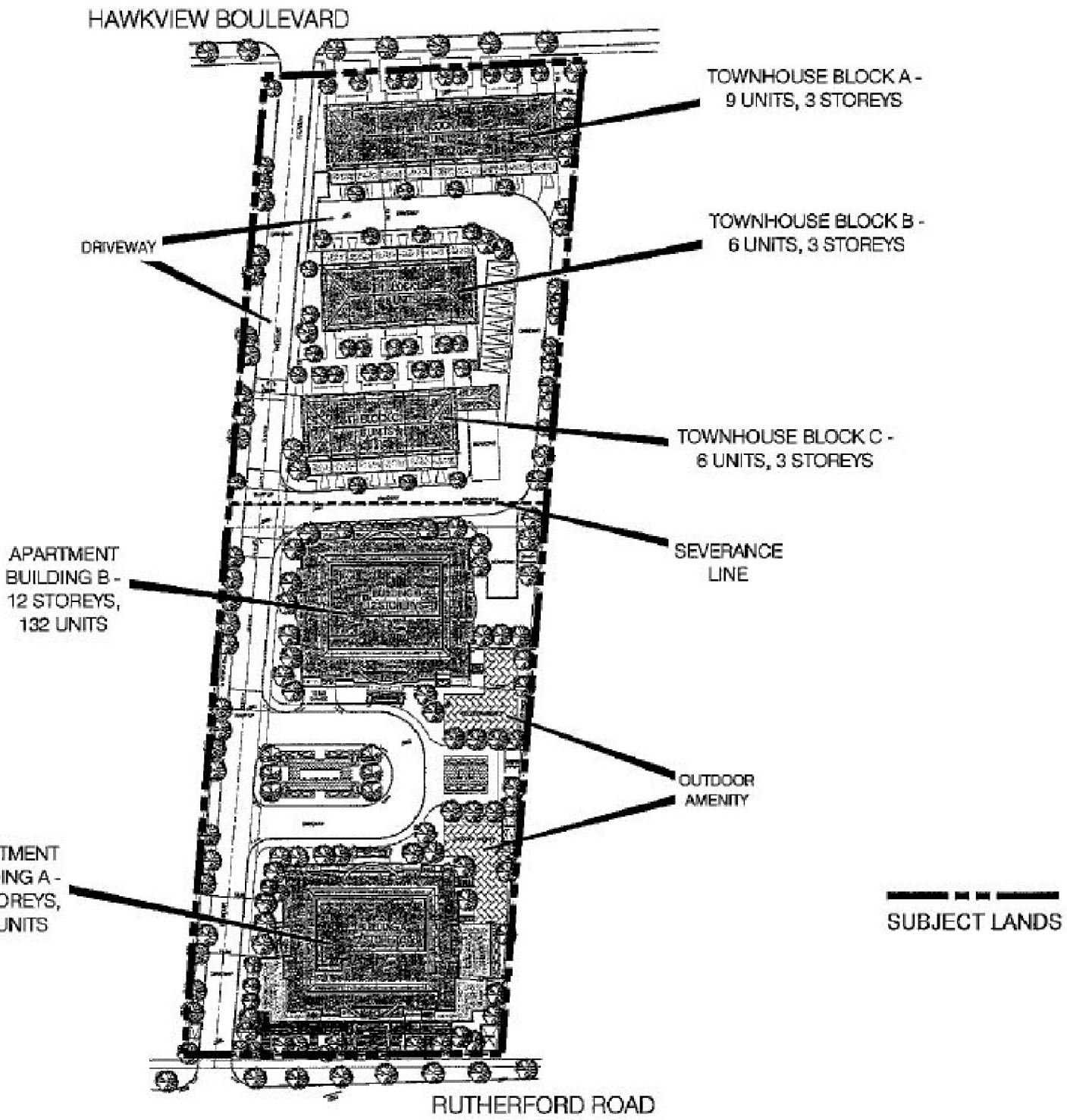
VAUGHAN
Development Planning

Attachment 6

FILES:
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DATE:
November 22, 2022

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NOT TO SCALE

Original Submission - December 19, 2011

LOCATION: 3660 Rutherford Road
Part of Lot 16, Concession 5

APPLICANT:
West Rutherford Properties Inc.

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DATE:
November 22, 2022

7

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