

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 11, 2018

Item 1, Report No. 15, of the Committee of the Whole (Public Hearing), which was adopted, as amended, by the Council of the City of Vaughan on April 11, 2018, as follows:

By receiving communication C4, from Mr. Milliken Heisey, Papazian Heisey Myers, King Street, Toronto, dated April 3, 2018.

1 DRAFT PLAN OF SUBDIVISION FILE 19T-18V001 RUTHERFORD LAND DEVELOPMENT CORPORATION / CALDARI DEVELOPMENT CORPORATION VICINITY OF RUTHERFORD ROAD AND JANE STREET

The Committee of the Whole (Public Hearing) recommends:

- 1) That the recommendation contained in the following report of the Deputy City Manager, Planning and Growth Management, dated April 4, 2018, be approved; and
- 2) That the following deputations be received:
 1. Mr. Michael Bissett, Bousfields Inc., Church Street, Toronto, representing the applicant;
 2. Mr. Maurizio Rogato, Tesmar Holdings Inc., Romina Drive, Concord; and
 3. Mr. Richard Lorello, Treelawn Boulevard, Kleinburg.

Purpose

To receive comments from the public and the Committee of the Whole on Draft Plan of Subdivision File 19T-18V001 for the subject lands shown on Attachments #1 and #2, for approval of a Draft Plan of Subdivision consisting of 4 Blocks for High-Rise Mixed-Use development, 1 future development Block and public roads, as shown on Attachment #3.

Recommendation

1. THAT the Public Hearing report for File 19T-18V001 (Rutherford Land Development Corporation / Caldari Land Development Corporation.) BE RECEIVED; and, that any issues identified be addressed by the Development Planning Department in a comprehensive report to a future Committee of the Whole.

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Report Highlights

- To receive comments from the public and the Committee of the Whole on a Draft Plan of Subdivision consisting of 4 Blocks for High-Rise Mixed-Use development, 1 future development Block and public roads, as shown on Attachment #3.
- The Ontario Municipal Board (OMB), on January 25, 2018, provided an Oral Decision to approve, in principle, the Vaughan Mills Centre Secondary Plan as it relates to the RLDC lands, while allowing the Owner to maintain their site-specific Official Plan and Zoning By-law Amendment appeals related to the RLDC lands. The CLDC lands are not located within the Secondary Plan area.
- A technical report to be prepared by the Development Planning Department will be considered at a future Committee of the Whole meeting.

Background

The subject lands are located at the southeast corner of Rutherford Road and Jane Street, shown as “Subject Lands” on Attachments #1 and #2. The lands are currently vacant and comprised of the following:

- 5.7 hectares owned by Rutherford Land Development Corp. (“RLDC lands”) located at the southeast corner of Rutherford Road and Jane Street; and
- 2.2 hectares owned by Caldari Land Development Corp. (“CLDC lands”) located immediately to the south of the RLDC lands.

The subject Draft Plan of Subdivision as shown on Attachment #3 includes 5 Blocks consisting of 4 Blocks for High-Rise Mixed-Use development, 1 Block for future development and public roads.

The site-specific Official Plan and Zoning By-law Amendment applications have been appealed to the Ontario Municipal Board.

The subject Draft Plan of Subdivision application is related to Official Plan and Zoning By-law Amendment Files OP.06.028 and Z.06.075 (Rutherford Land Development Corp.) applicable to the portion of the subject lands owned by RLDC and that are subject to final approval by Ontario Municipal Board (OMB). Vaughan Council on February 3, 2015, considered the Official Plan and Zoning By-law Amendment applications at a Public Hearing. The applications were appealed on February 11, 2014, and remain before the Ontario Municipal Board (OMB). The Official Plan and Zoning By-law Amendment applications do not apply to the CLDC lands.

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The RLDC lands are located within the Vaughan Mills Centre Secondary Plan (VMCSP) area. The OMB on January 25, 2018, by way of an Oral Decision, approved in principle the VMCSP as it applies to the RLDC lands, thereby designating the RLDC lands as “High-Rise Mixed-Use”, “Neighbourhood Park”, and “Green Buffer Area”, subject to specific conditions, including, but not limited to, the following:

- permitting a maximum of 985 dwelling units in Phase 1 of the development (Block 4 on Attachment #3)
- requiring the extension of Caldari Road from Riverrock Gate to Rutherford Road, and
- requiring the implementation of a signalized intersection at Rutherford Road and Caldari Road, as a component of Phase 1 of the development.

Official Plan

The VMCSP designates the RLDC lands as “High-Rise Mixed-Use”, “Neighbourhood Park” and “Green Buffer Area” with a maximum permitted overall density of 4 FSI (Floor Space Index) times the area of the lot and maximum building heights ranging from 22 to 25-storeys. The OMB in its Decision also allowed the Owner to maintain their appeals of the site-specific Official Plan Amendment and Zoning By-law Amendment applications as they relate to the RLDC lands.

The CLDC lands are not located within the VMCSP area and are designated “General Employment” by Vaughan Official Plan 2010 (VOP 2010). The Owner is not seeking to redesignate this portion of the lands. However, the Owner has also appealed the VOP 2010, Schedule 2 (Natural Heritage Network) as it applies to the CLDC lands to the OMB.

Zoning By-law

The RLDC lands are zoned EM1 Prestige Employment Area Zone, as shown on Attachment #2, subject to site-specific Exception 9 (1170) by Zoning By-law 1-88 which permits employment uses. The Owner is proposing to rezone the RLDC lands to RA3(H) Apartment Residential Zone with the Holding Symbol “H” and OS2 Open Space Park Zone with site-specific zoning exceptions to implement the Draft Plan of Subdivision.

The CLDC lands are zoned EM2 General Employment, as shown on Attachment #2, subject to site-specific Exception 9(1032) by Zoning By-law 1-88, which permits employment uses. The Owner of the CLDC lands is not seeking to rezone this portion of the subject lands.

A Prehearing Conference has been scheduled for June 21, 2018, to consider the status

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of any resolution regarding proposed modifications to the VM CSP and the site-specific Zoning By-law in relation to RLDC's site-specific appeal regarding a proposal to increase the permitted density and building heights to permit a maximum of 985 dwelling units in Phase 1 of the development (Block 4 on Attachment #3). In the event that the City and RLDC have resolved aspects of the site-specific appeals in whole, or in part, the Prehearing Conference may be converted to a Settlement Hearing.

A Draft Plan of Subdivision Application has been submitted to implement the proposed development

The Owner has submitted a Draft Plan of Subdivision application for the subject lands shown on Attachments #1 and #2 consisting of:

Block 1 for High-Rise Mixed Use	0.57 ha
Block 2 for High-Rise Mixed Use	0.93 ha
Block 3 for High-Rise Mixed Use	0.34 ha
Block 4 for High-Rise Mixed Use	0.84 ha
Block 5 for Future Development	4.34 ha
<u>Future Rights-of-Way</u>	<u>0.94 ha</u>
Total	7.96 ha

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

- a) Date the Notice of Public Hearing was circulated: March 9, 2018.
- The Notice of Public Hearing was also posted on the City's web-site at www.v Vaughan.ca and Notice Signs were installed on Rutherford Road and Jane Street in accordance with the City's Notice Signs Procedures and Protocols.
- b) Circulation Area: Extended polling area beyond 150 m, as shown on Attachment #1, and to the East Woodbridge Homeowners' Association and the Weston Downs Ratepayers' Association. Notice of the Public Hearing was also sent to those individuals that are parties to the Ontario Municipal Board Hearing regarding the appeal of OPA No. 2 to the City of Vaughan Official Plan 2010 (VOP 2010), specifically the Vaughan Mills Centre Secondary Plan.

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. All written comments that are received will be reviewed by the Development Planning Department as input in the application review process and will be addressed in the final technical report at a future Committee of the Whole meeting.

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Previous Reports/Authority

OP.06.028 and Z.06.075

Analysis and Options

The draft plan of subdivision will be reviewed in consideration of the related Official Plan and Zoning By-law Amendment applications that are before the OMB

The Draft Plan of Subdivision shown on Attachment #3 is required to implement the development proposal that is under consideration through the related Official Plan and Zoning By-law Amendment applications (RLDC lands) and to delineate the proposed development blocks, roads, park and open space blocks, and any other blocks that may be required to be conveyed to a public authority.

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

	MATTERS TO BE REVIEWED	COMMENTS
a.	Conformity with York Region and City Official Plans	<ul style="list-style-type: none">• The application will be reviewed in consideration of the applicable York Region and VOP 2010 policies, specifically the requirements of the VMCSPP and the final OMB Decision / Order regarding the VMCSPP.• The Draft Plan of Subdivision will be reviewed in consideration of the related Official Plan and Zoning By-law Amendment Applications (RLDC lands) currently before the OMB including the appropriateness of the proposed modifications to the “High Density Residential/Commercial”, “Neighbourhood Park”, and “Green Buffer Area” VMCSPP land use designations and policies required to implement the development proposal for the RLDC lands.
b.	Appropriateness of the Proposed Uses and Zoning Exceptions	<ul style="list-style-type: none">• The related Zoning By-law Amendment is before the OMB for approval. The appropriateness of the proposed rezoning of the subject lands to a RA3(H) Apartment Residential Zone with site-specific zoning exceptions that are required to implement the Draft Plan of Subdivision will be reviewed through the related Zoning By-law Amendment application in consideration of the existing and planned surrounding land uses.

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	MATTERS TO BE REVIEWED	COMMENTS
c.	Vaughan Mills Centre Secondary Plan (VMCSP) and the Ontario Municipal Board (OMB)	<ul style="list-style-type: none">• The Official Plan and Zoning By-law Amendment applications related to the RLDC lands were filed with the City of Vaughan in 2005 and revised in December 2006. The review and consideration of the applications was deferred pending the City initiated review of the Jane Street Corridor. These applications were subsequently revised during the VMCSP process.• On February 11, 2014, the Owners appealed the Official Plan Amendment and Zoning By-law Amendment applications to the Ontario Municipal Board, based on the failure of the City to render a decision within the time frames prescribed by the <i>Planning Act</i>. The appeals of the site-specific applications were consolidated with the appeals of the VMCSP by the OMB on April 11, 2014.• The OMB on January 25, 2018, provided an Oral Decision approving the VMCSP, as it relates to the RLDC lands. The OMB decision also allowed the Owner to maintain their site-specific Official Plan and Zoning By-law Amendment appeals as they relate to the RLDC lands.• The CLDC lands are not located within the VMCSP boundaries and are designated “General Employment” by VOP 2010. However, the Owner has appealed the VOP 2010 designation for the CLDC lands to the OMB.

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	MATTERS TO BE REVIEWED	COMMENTS
		<ul style="list-style-type: none"> An OMB Pre-hearing Conference is scheduled for June 21, 2018, at which time the OMB may consider any resolutions of further modifications to the VMCSP, including policies regarding height and density, and the draft Zoning By-law as it relates only to the RLDC lands. The Draft Plan of Subdivision will be reviewed in consideration of the VMCSP policies and the final OMB Decision.
d.	Studies and Reports	<ul style="list-style-type: none"> The Owner has submitted the following studies and reports in support of the development proposal through the related Official Plan and Zoning By-law Amendment applications and the Draft Plan of Subdivision application. The studies and reports are in review and comments will be provided to the applicant for consideration. These plans and reports must be approved to the satisfaction of the City and/or respective public approval authority: <ul style="list-style-type: none"> Planning and Urban Design Rationale Development Concept Report Phasing Plan Draft Official Plan Amendment Draft Zoning By-law Amendment Urban Design Demonstration Plan Pedestrian Level Wind Impact Study Sun/Shadow Study Arborist Report Community Services and Facilities Impact Study

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	MATTERS TO BE REVIEWED	COMMENTS
		<ul style="list-style-type: none"> - Conceptual Site Plan, Elevations, Underground Parking and Landscape Plans - Environmental Impact Study - Phase 1 Environmental Site Assessment - Noise and Vibration Feasibility Study - Servicing and Grading Plans - Functional Servicing and Stormwater Management Report - Geotechnical Study - Transportation Study - Stage 1 and 2 Archaeological Assessment <ul style="list-style-type: none"> • Additional studies/reports may be required as part of the development application review process.
e.	Phasing	<ul style="list-style-type: none"> • The Development Concept and Phasing Plans submitted in support of the applications must be reviewed to consider the potential phasing of the proposed development including the Draft Plan of Subdivision in order to: <ul style="list-style-type: none"> - implement the proposed development in an orderly manner; - evaluate the relationship of the neighbouring uses in the context of the proposed development; and - identify public infrastructure and facilities required to allow the development to proceed.

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	MATTERS TO BE REVIEWED	COMMENTS
f.	Sustainable Development	<ul style="list-style-type: none">• Opportunities for sustainable design, including CEPTD (Crime Prevention Through Environmental Design), LEED (Leadership in Energy and Environmental Design), permeable pavers, bio-swales, drought tolerant landscaping, bicycle racks to promote alternative modes of transportation, walkability, energy efficient lighting, reduction in pavement and roof-top treatment to address the "heat island" effect, green roofs, etc, will be reviewed and implemented through the site plan approval process, if the application is approved.
g.	Future Site Development Application(s)	<ul style="list-style-type: none">• Should the subject application be approved, a Site Development Application(s) will be required for review and approval and will consider, but not limited to, the appropriate building and site design, transition between the proposed development and surrounding land uses, access, internal traffic circulation, parking, landscaping, servicing and grading, pedestrian connectivity, trails, sun, shadow and wind impacts, noise impacts, parks and open space, appropriate amenity area, and barrier free accessibility.• Opportunities to implement TDM (Transportation Demand Management) including car share, plug-ins for electric cars, bicycle storage areas, the provision of Presto transit passes, etc., will be reviewed by the City of Vaughan and York Region.

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	MATTERS TO BE REVIEWED	COMMENTS
h.	Future Draft Plan of Condominium Application	<ul style="list-style-type: none">• A Draft Plan of Condominium (Standard) Application is required to establish the tenure for the proposed buildings, if the subject application is approved.
i.	Environmental Site Assessment	<ul style="list-style-type: none">• The Environmental Site Assessment submitted in support of the proposal must be reviewed to the satisfaction of the Development Engineering Department. The Owner must provide a Record of Site Condition based on the studies of the qualified environmental consultant and the completion of any necessary remediation work. The Record of Site Condition must be acknowledged by the Ministry of the Environment and Climate Change.
j.	Toronto and Region Conservation Authority (TRCA)	<ul style="list-style-type: none">• The subject lands are located within the Toronto and Region Conservation Authority's (TRCA) regulated area, and therefore, must be reviewed to the satisfaction of the TRCA. Matters regarding the establishment of the development limits, building setbacks, and buffer areas; tree preservation areas; geotechnical requirements; servicing; and, the possible dedication/conveyance of open space/valley lands to either the City of Vaughan or the TRCA will be reviewed.
k.	Urban Design and Architectural Control Guidelines	<ul style="list-style-type: none">• The Owner will be required to prepare Urban Design and Architectural Control Guidelines to facilitate the development of the subject lands to the satisfaction of the City.

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	MATTERS TO BE REVIEWED	COMMENTS
I.	Water & Servicing Allocation	<ul style="list-style-type: none">• The availability of water and sanitary servicing capacity for the proposed development must be identified and formally allocated by Vaughan Council, if the proposed development is approved. Should servicing capacity not be available, the use of a Holding Symbol “(H)” will be considered for the subject lands or a portion(s) thereof.
m.	Active Together Master Plan (ATMP)	<ul style="list-style-type: none">• The development proposal shall have regard to the ATMP as it relates to parkland provisions standards and facility provisions.

Financial Impact

Not applicable.

Broader Regional Impacts/Considerations

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 technical report is considered. York Region is a party to the OMB Hearing involving the RLDC's appeals.

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of the subject application will be considered in the technical review of the subject and related applications, together with comments from the public and Vaughan Council expressed at the Public Hearing or in writing, and will be addressed in a comprehensive report to a future Committee of the Whole meeting.

This report was prepared in consultation with the Director of Development Planning and the Interim Senior Manager of Development Planning. For more information, please contact: Clement Messere, Senior Planner, Development Planning Department, Extension 8212.

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Attachments

1. Location Map
2. Context Location Map
3. Draft Plan of Subdivision

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)