

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 15, 2016

Item 1, Report No. 39, of the Committee of the Whole (Public Hearing), which was adopted without amendment by the Council of the City of Vaughan on November 15, 2016.

Councillor Carella declared an interest with respect to this matter as he is an officer of a not-for-profit corporation in the vicinity of the subject property, and did not take part in the discussion or vote on the matter.

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**OFFICIAL PLAN AMENDMENT FILE OP.16.007
ZONING BY-LAW AMENDMENT FILE Z.16.019
DRAFT PLAN OF SUBDIVISION FILE 19T-16V004
GEMINI URBAN DESIGN (W) CORP.
WARD 2 - VICINITY OF RUTHERFORD ROAD AND REGIONAL ROAD 27**

The Committee of the Whole (Public Hearing) recommends:

- 1) That the recommendation contained in the following report of the Deputy City Manager, Planning & Growth Management, Director of Development Planning, and Senior Manager of Development Planning, dated November 1, 2016, be approved;
- 2) That a community meeting be organized with the applicant, residents, appropriate City staff, and Regional Councillors to address issues raised;
- 3) That the following deputations be received:
 1. Mr. Jim Levac, Glen Schnarr & Associates Inc., Kingsbridge Garden Circle, Mississauga, representing the applicant; and
 2. Mr. Richard Lorello, Treelawn Boulevard, Kleinburg; and
- 4) That the following Communications be received:
 - C3 Mr. Joe Balderston, Brutto Consulting, Edgeley Boulevard, Vaughan, dated October 31, 2016;
 - C4 Mr. Tony Di Benedetto, Di Benedetto Lane, Woodbridge, dated October 28, 2016; and
 - C7 Ms. Joan MacIntyre, Malone Given Parsons Ltd., Renfrew Drive, Markham, dated October 31, 2016.

Recommendation

The Deputy City Manager, Planning & Growth Management, Director of Development Planning, and Senior Manager of Development Planning recommend:

1. THAT the Public Hearing report for Files OP.16.007, Z.16.019 and 19T-16V004 (Gemini Urban Design (W) Corp.) BE RECEIVED; and, that any issues identified be addressed by the Vaughan Development Planning Department in a comprehensive report to the Committee of the Whole.

Contribution to Sustainability

The contribution to sustainability such as site and building design initiatives will be determined when the technical report is considered.

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Economic Impact

This will be addressed when the technical report is completed.

Communications Plan

- a) Date the Notice of Public Hearing was circulated: October 7, 2016. The Notice of Public Hearing was also posted on the City's web-site at www.vaughan.ca and a Notice Sign was installed on the property in accordance with the City's Notice Sign Procedures and Protocol.
- b) Circulation Area: 150 m of the subject lands and to the West Woodbridge Homeowners' Association and the Kleinburg and Area Ratepayers' Association
- c) Comments Received:

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 Vaughan 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.

Purpose

To receive comments from the public and the Committee of the Whole on the following applications for the subject lands shown on Attachments #1 and #2, to facilitate the development of 100 three-storey freehold townhouse units within 16 blocks and 1 (one) single-family detached dwelling. The proposed residential development would be served by a privately owned and maintained common element condominium road, through a future Condominium Corporation, having one access from Rutherford Road, while also providing twenty-six visitor parking spaces and a common amenity area noted as a "tot lot".

The development proposal consists of two separate phases to accommodate the required sanitary servicing. The first phase would consist of 76 townhouse units located towards the rear half of the subject site. The units in the first phase would rely on a temporary septic system containing a septic bed for sanitary servicing. This septic system is proposed to be located along the front portion of the site near Rutherford Road. Once municipal sanitary lines are extended along Rutherford Road, the septic system would be decommissioned and removed, thereby allowing the first phase to receive municipal servicing and the second phase of the development to proceed. The second phase of the proposed development consists of 24 townhouses and 1 detached dwelling, which would be located on the lands previously occupied by the septic system.

Major elements of the proposed development, including the visitor parking spaces and tot lot, would be constructed through the first phase of development. Each phase would be registered as separate common element condominiums with the second condominium having reciprocal access to the visitor parking spaces, tot lot, community mailbox, and internal road, as shown on Attachments #3 to #6. The subject applications include:

1. Official Plan Amendment File OP.16.007 to amend the policies of Vaughan Official Plan 2010 (VOP 2010) respecting the design and compatibility criteria for new development within lands identified by VOP 2010 as "Community Area", including lot configuration and size, built form, and physical character with the surrounding developments. An amendment is also required to permit the servicing on an interim septic system.

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2. Zoning By-law Amendment File Z.16.019 to rezone the subject lands from RR Rural Residential Zone to RT1 Residential Townhouse Zone (freehold townhouse units), together with the following site-specific zoning exceptions to the RT1 Zone standards of Zoning By-law 1-88:

	Zoning By-law 1-88 Standard	RT1 Residential Townhouse Zone Requirements	Proposed Exceptions to the RT1 Residential Townhouse Zone Requirements
a.	Frontage on a Public Street	A lot must front onto a public street	Permit a freehold lot to front onto a private common element condominium road
b.	Permitted Uses	Street Townhouse Dwellings	Permit a Single Family Detached Dwelling
c.	Minimum Lot Frontage	6 m / unit	5.4 m / unit
d.	Minimum Lot Depth	27 m / unit	22 m / unit
e.	Minimum Lot Area	162 m ² / unit	122 m ² / unit
f.	Maximum Number of Units in a Row	6	7 Units (Blocks 1, 4, 5, 6, 7, 9, 11, 13 and 15) 8 Units (Block 2)
g.	Minimum Exterior Side Yard Setback	4.5 m	2 m
h.	Minimum Interior Side Yard Setback	3.5 m	1.25
i.	Minimum Rear Yard Setback	7.5 m	5 m

The applicant has submitted a conceptual site plan in support of the proposal, as shown on Attachment #4. As the site plan submitted is conceptual, additional information regarding the concept may be required (dimensions, etc.). As such, other zoning exceptions may be identified through the detailed review of the application and will be considered in a technical report to a future Committee of the Whole meeting.

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3. Draft Plan of Subdivision File 19T-16V004, as shown on Attachment #3, consisting of one 2.52 ha block (Block 1) for the proposed residential development and a second 0.6 ha block (Block 2) for a road widening that has been submitted for technical reasons to create a block within a future Registered M-Plan. This would then allow a future Draft Plan of Condominium (Common Elements) application to be processed to provide for the condominium tenure of the common elements (internal road, visitor parking spaces and landscape amenity area) under the *Planning Act*, and proposed site development shown on Attachments #3 to #6.

Background - Analysis and Options

Location	<ul style="list-style-type: none">6061 and 6079 Rutherford Road, located on the south side of Rutherford Road, west of Regional Road 27 and Simmons Street, shown as “Subject Lands” on Attachments #1 and #2.
Official Plan Designation	<ul style="list-style-type: none">The subject lands are designated “Low-Rise Residential” by Vaughan Official Plan 2010 (VOP 2010), and are located within a “Community Area” as identified in Schedule 1- “Urban Structure” of VOP 2010. This designation permits townhouse dwelling units with a maximum permitted height limit of 3-storeys. There is no associated density provision.VOP 2010 identifies compatibility criteria for new developments in a “Community Area”, which directs that new development be designed to respect and reinforce the physical character of the established neighbourhood within which it is located. In addition, new development in a “Community Area”, within established development areas shall pay particular attention to local lot patterns, size and configuration, and existing building types with similar setbacks.The proposed development is located on Rutherford Road, a major arterial road, that contains larger residential lots to the east and designated employment to the west. The proposal does not address the compatibility criteria for new development within an existing “Community Area”. New development must be designed to respect and reinforce the existing physical character and uses of the surrounding area as they relate to lot configuration and size, built form and physical character of the surrounding development.Section 9.2.3.2 in VOP 2010 provides the following development criteria for townhouse dwellings: that one block of townhouses shall consist of no more than six attached residential dwellings; that townhouse dwellings shall front onto a public street; and, that blocks of townhouses that are not separated by a public street shall have a minimum facing distance of 18 m.

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Official Plan- Servicing, Transportation and Transit	<ul style="list-style-type: none"> ▪ The proposal does not meet the development criteria in Section 9.2.3.2 of VOP 2010, as follows: Blocks 1, 4, 5, 6, 7, 8, 11, 13 and 15 consists of seven dwelling units in a row; and Block 2 consists of 8 units. All townhouse blocks either have frontage or access from a private road; and, the minimum facing distance proposed the Blocks is 17 m. Section 10.2.1.7 of VOP 2010 permits minor variations from numerical standards (excluding FSI, height and environmental standards), which will be reviewed for appropriateness. ▪ The proposal does not conform to the compatibility and development criteria of the Official Plan. Therefore, an amendment to VOP 2010 is required. ▪ Section 8.2.1.3 of VOP 2010 states that all development in the Urban Area of the City shall be serviced by municipal water, sanitary sewers, storm sewers and other utilities. As the proposal involves an interim septic system to service the first phase of development, conformity to the policy, which is derived from Provincial and Regional policy, is required. The proposal for an amendment to this policy may not be possible due to legislative requirements (e.g. Provincial Policy Statement requirements). Additional justification on how the proposed servicing scheme conforms to provincial, regional and city policy will be required. ▪ Schedule 9 – Future Transportation Network of VOP 2010 identifies the intersection of Rutherford Road and the CPR line for a future Grade Separation. ▪ Schedule 10 – Major Transit Network of VOP 2010 identifies the subject lands are located on a “Regional Transit Priority Network”, and in the vicinity of an intersection identified for a Proposed GO Station on a Proposed Commuter Rail Line.
Zoning	<ul style="list-style-type: none"> ▪ The subject lands are zoned RR Rural Residential Zone by Zoning By-law 1-88, and permit only detached dwellings on lots with a minimum frontage of 45 m and lot area of 400 m². ▪ The Owner is proposing to rezone the subject lands from RR Rural Residential Zone to RT1 Residential Townhouse Zone in order to permit freehold townhouse units, together with the site-specific zoning exceptions to the RT1 Zone identified in the Purpose section of this report. ▪ The Owner has submitted a Zoning By-law Amendment Application to implement the proposed zoning and exceptions to facilitate the proposed development.
Surrounding Land Uses	<ul style="list-style-type: none"> ▪ Shown on Attachment #2.

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Preliminary Review

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

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Conformity with Provincial policies, Regional and City Official Plans	<ul style="list-style-type: none"> ▪ The applications will be reviewed in consideration of the applicable Provincial policies (eg. Planning Act, Provincial Policy Statement and Growth Plan policies on sewage, water and stormwater) and the Regional and City Official Plan policies, particularly the policies in VOP 2010 respecting the design and compatibility criteria for new development in a “Community Area”. The policies respecting servicing, sewage, water and stormwater, and the identification of the general area for grade separation and a potential GO Station will also be addressed.
b.	Appropriateness of the Proposed Rezoning and Site-Specific Zoning Exceptions	<ul style="list-style-type: none"> ▪ The appropriateness of the proposed rezoning to facilitate the development of 100 freehold townhouse dwelling units and one single family detached dwelling on the subject lands as shown on Attachments #4 to #6, will be reviewed in consideration of the existing and planned surrounding land uses, with particular consideration given to land use, lot size and configuration, transition, built form compatibility, building setbacks and traffic impact.
c.	Review of Low-Rise Residential Development	<ul style="list-style-type: none"> ▪ On October 20, 2015, Vaughan Council adopted a motion for the Vaughan Policy Planning and Environmental Sustainability Department to undertake a review of Low-Rise Residential development and policies in VOP 2010, including, but not limited to, matters such as: <ul style="list-style-type: none"> - Ability to ensure compatibility of new development with the character, form and function of existing surrounding areas - Ensuring appropriate built form and site organization - Context sensitive approaches that respond to unique areas such as heritage districts and older established neighbourhoods ▪ As a result of this resolution, Vaughan Council considered an options report by the Vaughan Policy Planning and Environmental Sustainability Department on March 1, 2016, identifying design guidelines and possible policy amendments for Low-Rise Residential development. On March 22, 2016, Vaughan Council received the “General Low Rise Residential Infill Guidelines” and the draft “Townhouse Infill Guidelines” set out in the report and recommended that they be distributed to stakeholders for comment and that such comments be received no later than May 31, 2016.

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		<ul style="list-style-type: none"> ▪ The applications will be reviewed in consideration of the principles of the Low-Rise Residential review.
e.	Studies and Reports	<ul style="list-style-type: none"> ▪ The Owner has submitted the following studies and reports in support of the applications, which must be approved to the satisfaction of the City or respective public approval authority: <ul style="list-style-type: none"> - Planning Justification Report - Functional Servicing and Stormwater Management Report - Communal Sewage Treatment and Disposal System Design - Transportation Study - Community Services and Facilities Impact Study - Noise and Vibration Feasibility Study - Urban Design and Sustainability Brief - Arborist Report - Tree Inventory and Preservation Plan - Conceptual Site Plan and Landscape Plan - Stage 1 and 2 Archaeological Assessment - Phase 1 Environmental Site Assessment
f.	External Agencies- Toronto and Region Conservation Authority, Canadian Pacific Railway and Metrolinx	<ul style="list-style-type: none"> ▪ The applications have been circulated to the Toronto and Region Conservation Authority (TRCA), Canadian Pacific Rail (CPR) and Metrolinx for review, comment and approval where required.
g.	Draft Plan of Subdivision File 19T-16V004	<ul style="list-style-type: none"> ▪ Draft Plan of Subdivision File 19T-16V004 has been submitted for technical reasons under the <i>Planning Act</i> to create a block within a future Registered M-Plan. This would then allow a future Draft Plan of Condominium (Common Elements) application to be processed to facilitate the condominium tenure of the common elements (private road, internal walkway, and visitor parking spaces); the creation of individual lots for townhouse dwelling units through site plan and part lot control applications; and, for conveyance of the road widening. These matters will be reviewed in consideration of the surrounding land uses and to implement any draft plan of subdivision conditions.

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h.	Conceptual Site Plan / Future Site Development Application	<ul style="list-style-type: none"> ▪ A future Site Development Application is required to facilitate the proposed development shown on Attachments #4 to #6, should the subject applications be approved. The following matters, but not limited to, will be considered through the review of the Site Development Application and will also be considered through the review of the Conceptual Site Plan provided with the subject applications as shown on Attachment #4: <ul style="list-style-type: none"> - pedestrian and barrier free accessibility - proper vehicular (including service vehicles such as fire and garbage trucks) turning movements on the proposed private road - appropriate site design and building materials, orientation of units and upgraded elevations for units facing Rutherford, and visible flankage elevations, landscaping, amenity area, snow storage, environmental sustainability, stormwater management, and servicing and grading - the relationship between the facing distance of each townhouse block in order to maximize daylight, enhance landscaping and ensure privacy - the number of units for each townhouse block, on Attachment #4 - accessibility and location of the proposed residential visitor parking spaces - the relationship of the proposed built form, building setbacks and design with the immediate neighbourhood and site
i.	Future Draft Plan of Condominium Application	<ul style="list-style-type: none"> ▪ A future Draft Plan of Condominium Application is required to create a Condominium Corporation to address the tenure of the common elements (i.e. private road, internal sidewalk, visitor parking, and common landscaped amenity areas), if the subject applications are approved.
j.	Sustainable Development	<ul style="list-style-type: none"> ▪ Opportunities for sustainable design, including CPTED (Crime Prevention Through Environmental Design), LEED (Leadership in Energy and Environmental Design), permeable pavers, bio-swales, drought tolerant landscaping, energy efficient lighting, reduction in pavement etc., will be reviewed and implemented through the site plan approval process, if the subject applications are approved.
k.	Cash-in-Lieu of Parkland	<ul style="list-style-type: none"> ▪ The Owner will be required to pay to the City of Vaughan, cash-in-lieu of the dedication of parkland, prior to the issuance of a Building Permit, in accordance with the <i>Planning Act</i> and the City of Vaughan's Cash-in-lieu Policy, should the subject applications be approved. The final value of the cash-in-lieu of parkland dedication will be determined by the Office of the City Solicitor, Real Estate Department.

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l.	Allocation and Servicing	<ul style="list-style-type: none"> ▪ The availability of water and sanitary servicing capacity for the proposed development must be identified and allocated by Vaughan Council, if the proposed development is approved. If servicing is unavailable, the lands will be zoned with a Holding Symbol “(H)”, which will be removed once servicing capacity is identified and allocated to the lands by Vaughan Council. ▪ A septic system containing a septic bed for sanitary servicing is being proposed for the first phase of the proposed development. This septic system is proposed to be located along the front portion of the site near Rutherford Road. Once municipal sanitary lines are extended along Rutherford Road the septic system would be decommissioned and removed, thereby allowing the second phase of the development to proceed, which would be located on the lands previously occupied by the septic system. Staff have identified concerns with this proposed approach and note that such an approach must be further examined and justified in the context of Provincial, Regional and City policy.
m.	Phase 1 ESA	<ul style="list-style-type: none"> ▪ The Vaughan Development Engineering and Infrastructure Planning Department has reviewed the Phase 1 ESA (Environmental Site Assessment) in support of the applications. The Phase 1 ESA recommended a Phase 2 subsurface investigation to assess the source and nature of imported materials onsite. As such, the Owner is required to undertake a Phase 2 ESA investigation to address the areas of potential environmental concern. The report must be submitted to the City for review and approval.
n.	Road Widening and Access	<ul style="list-style-type: none"> ▪ Based on the topography of the subject site, a planned rail grade separation, and the planned upgrade of Rutherford Road, there are potential sight line and safety issues with respect to vehicles exiting/entering the proposed development. This portion of Rutherford Road has been identified for a future road widening, grade separation related to future planned road improvements and a rail bridge, and therefore, York Region must confirm and approve the final planned road right-of-way width, any road improvements and approve the proposed final driveway access location and design on Rutherford Road.
o.	Noise Attenuation	<ul style="list-style-type: none"> ▪ The subject lands are located adjacent to the CPR rail corridor, which is a source of noise and vibration that will need to be addressed. The DEIP Department will review the Noise and Vibration Feasibility Study to determine the appropriate measures that will be required to mitigate these matters.

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p.	Topography/Grading	▪ Additional details on existing and proposed grades inclusive of geotechnical information and reports must be provided to properly assess the proposal.
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Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

The applicability of these applications to the Term of Council Service Excellence Strategy Map (2014-2018) will be determined when the technical report is considered.

Regional Implications

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.

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of the applications will be considered in the technical review of the applications, 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.

Attachments

1. Context Location Map
2. Location Map
3. Draft Plan of Subdivision File 19T-16V004
4. Conceptual Site Plan
5. Conceptual Landscape Master Plan
6. Typical Elevations (Rendering)

Report prepared by:

Clement Messere, Senior Planner, ext. 8409

Councillor Carella declared an interest with respect to the foregoing matter as he is an officer of a not-for-profit corporation in the vicinity of the subject property, and did not take part in the discussion or vote on the matter.