

Committee of the Whole (1) Report

DATE: Tuesday, September 13, 2022 **WARD:** 5

TITLE: CHABAD LUBAVITCH OF SOUTHERN ONTARIO
OFFICIAL PLAN AMENDMENT FILE OP.19.016
ZONING BY-LAW AMENDMENT FILE Z.19.040
8001 BATHURST STREET
SOUTHEAST CORNER OF BATHURST STREET AND
FLAMINGO ROAD

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for applications to redesignate and rezone the Subject Lands shown on Attachment 1, to permit the development of a 5-storey residential building containing 30 dwelling units, with a Floor Space Index ('FSI') of 1.0 times the area of the lot, 1,222 m² of additional space within the residential building devoted to a Place-of-Worship (the social hall), 495 m² of amenity space and 156 parking spaces located at grade and within 1 level of underground parking, as shown on Attachments 2 to 6.

Report Highlights

- The Owner proposes to redesignate and rezone the subject lands to permit a 5-storey residential building with 30 dwelling units, 1,222 m² of additional space devoted to a Place of Worship (the social hall) and 495 m² of amenity space.
- Official Plan and Zoning By-law Amendments are required to permit the development.
- The Development Planning Department supports the approval of the applications as they are consistent with the Provincial Policy Statement 2020, conforms to the Growth Plan for the Greater Golden Horseshoe 2019, as amended, the York Region Official Plan 2010, and is compatible with the existing and planned land uses in the surrounding area.

Recommendations

1. THAT Official Plan Amendment File OP.19.016 (Chabad Lubavitch of Southern Ontario) BE APPROVED, to amend the City of Vaughan Official Plan 2010, Volume 1, to redesignate the Subject Lands from “Low-Rise Residential” to “Mid-Rise Residential” with a maximum permitted FSI of 1.0 times the area of the lot and a maximum building height of 5-storey, together with site-specific amendments;
2. THAT Zoning By-law Amendment File Z.19.040 (Chabad Lubavitch of Southern Ontario.) BE APPROVED, to amend Zoning By-law 1-88 to rezone the Subject Lands from “R2 Residential Zone” to “RA3 Apartment Residential Zone” in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 1 of this report;
3. THAT the Holding Symbol “(H)” be placed on the Subject Lands and that the Subject Lands zoned with the Holding Symbol “(H)” shall be used only for:
 - a) The institutional use legally existing as of the date of the enactment of this By-law; and/or
 - b) Site grading, site servicing, shoring and excavation and foundations works.
4. THAT the Holding Symbol “(H)” shall not be removed from the Subject Lands or any portion thereof, until the following conditions are addressed to the satisfaction of the City:
 - a) A Site Plan is approved to the satisfaction of the City, addressing comments from internal City Departments and external agencies;

- b) Through provisions under section 37 of the *Planning Act*. The Owner is to enter into an affordable housing agreement with the city that is registered on land title securing the 30 dwelling units as affordable as defined by York Region Affordable Housing Measuring and Monitoring Guidelines update, CHMC and to the City's satisfaction; and,
 - c) Until the future site plan application associated with files OP.19.016 and Z.19.040 are allocated servicing capacity from the York Sewage Servicing/ Water Supply System for a total of 30 residential apartments units (66 people).
5. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the City of 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.

Background

The subject lands (the 'Subject Lands') are municipally known as 8001 Bathurst Street and are located on the southeast corner of Bathurst Street and Flamingo Road. The Subject Lands are 2.2 acres (0.89 ha) in area and are currently developed with a Place-of-Worship (4,151.4 m²), known as the Chabad Flamingo Synagogue. The proposed 5-storey residential building will be attached to the south side of the existing Place-of-Worship building, replacing the majority of the existing surface parking area. The Place-of-Worship will remain within the existing building with a 1,222 m² expansion of its social hall into the 2nd floor of the proposed residential building.

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

Chabad Lubavitch of Southern Ontario (the 'Owner') has submitted the following applications (the 'Applications') to permit a 5-storey residential apartment building consisting of 30 dwelling units, with a Floor Space Index (FSI) of 1.0 times the area of the lot, 1,222 m² of additional space within the proposed residential building devoted to a Place-of-Worship (the social hall), 495 m² of amenity space and 156 parking spaces located at grade and within 1 level of underground parking as shown on Attachments 2 to 6:

1. Official Plan Amendment File OP.19.016 to amend the policies of VOP 2010, Volume 1, to redesignate the Subject Lands from "Low Rise Residential" to "Mid-Rise Residential" to permit a 5-storey residential building with an FSI of 1.0 times the area of the lot and restrict the use of small-scale- convenience retail in the manner shown in Attachment 2.
2. Zoning By-law Amendment File Z.19.040 to amend Zoning By-law 1-88 to rezone the Subject Lands from "R2 Residential Zone" to "RA3 Apartment Residential

Zone” in the manner shown on Attachments 2, together with the site-specific zoning exceptions identified in Table 1 of this Report.

Original Development Proposal

The Owner on December 24, 2019, submitted the original Official Plan and Zoning By-law Amendment applications to permit the development of a tiered 3 to 12-storey residential building containing 125 dwelling units, an FSI of 1.83 times the area of the lot, 1,175 m² of Gross Floor Area within the proposed residential building devoted to the Place-of-Worship (the social hall), 33 surface parking spaces and 204 parking spaces within 2 levels of underground parking (the “Original Development Proposal”), as shown on Attachment 7 - Original Development Proposal (September 22, 2020 Original Public Meeting).

The Committee of the Whole (Public Meeting) on September 22, 2020, considered the Original Development Proposal. At this meeting, the following comments were received from members of the public:

- privacy, shadow and viewing concerns onto adjacent properties
- access issues, increase in traffic, parking capacity limitations
- density, built form compatibility, building design and height concerns
- construction impacts onto the existing homes

Revised Development Proposal

The Owner on December 20, 2021, revised the Applications as a response to the comments received from City Departments, external commenting agencies and the Public regarding the original development proposal at the first statutory Public Meeting held on September 22, 2022. The revised proposal included the following revisions:

- reduction in building height from 12 to 5-storeys
- reduction in residential dwelling units from 125 to 30 units
- minor increase in social hall expansion (addition) from 1,175 m² to 1,222 m²
- reduced FSI from 1.83 to 1.0 times the area of the lot
- reduced parking spaces from 237 to 154 spaces
- reduced amenity space from 797 m² to 495 m²

Second Public Meeting and Public Notices was provided in accordance with the Planning Act and Council’s Notification Protocol

It was determined that a second Public Meeting would be required due to the number of changes contemplated in the Revised Development Proposal. On March 11, 2022, the City circulated a Notice of Public Meeting (the ‘Notice’) to all property owners within 300 m of the Subject Lands (extended polling area) and to the Flamingo Ratepayer’s. A copy of the Notice was also posted on the City’s website at www.vaughan.ca and revised notice signs were installed on the Subject Lands in accordance with the City’s Notice Signs Procedures and Protocols.

The second Public Meeting for the Revised Development Proposal was considered by the Committee of the Whole on April 5, 2022. Vaughan Council on April 26th ratified the recommendation of the Committee of the Whole to receive the Public Meeting report of April 5, 2022, and to forward a comprehensive technical report to a future Committee of the Whole meeting. The following deputations and written submissions were received at the second Public Meeting:

Deputations:

- Kevin Bechard, Weston Consulting, Millway Avenue, representing the Owner
- Edgardo Szulstein, Trafalgar Square
- Naomi Shacter, Highcliffe Drive
- Jeff Springer, Highcliffe Drive
- Tatiana Bramnik, Highcliffe Drive

Written Submissions:

- Helen, Worth Boulevard, dated March 18, 2022
- J. Vasilou and Family, Trafalgar Square, dated March 23, 2022
- Iris Glesinger, dated March 31, 2022
- Ade Taetlbum, dated March 31, 2022
- William Vasiliou, dated April 1, 2022
- Luigi Ognibene, Jan-Sil Developments, Keele Street, dated April 4, 2022
- Dana Nahum, dated April 4th, 2022
- Anet Mor, dated April 4, 2022
- Jeff Springer, dated April 5th
- Edgardo Szulstein, Trafalgar Square, dated April 5, 2022
- Anet Mor, *Flaminog Ratepayer's Association*, date April 25, 2022

The following is a summary of, and response to, the comments provided in the deputations and written submissions of the second Public Meeting of April 5, 2022, and written submissions received by the Development Planning Department:

a) Built Form and Building Design

- the children's playground area is too close to Bathurst Street and will create an unsafe environment for the Children
- underground parking ventilation system will release exhaust fumes onto adjacent properties

Response

Staff does not consider the location of the outdoor playground as unsafe. The playground will be located along the west side of the existing building and will be buffered by a 3.6 m landscaping strip including fencing. An additional separation of 11 m will also be provided between the road right-of-way where vehicular traffic is located. Further safety measures may also be explored through the detailed site development stage if approval is granted for the Official Plan and Zoning By-law Amendment.

The ventilation system will be adequately screened with landscaping and will be located 6.5 m from the south property line. Exhaust fumes from the vents will be dispersed in a similar manner to the exhaust generated by the throughway traffic on Bathurst Street.

b) Parking and Traffic

- The proposed onsite parking capacity is insufficient for the proposed Development and uses contemplated will require additional onsite parking.
- Access to parking spaces on the Subject Lands will be restricted on specific religious days and holidays, therefore creating on-street parking concerns on neighbouring local streets
- The Development should have a 2nd access off of Bathurst Street.
- The Development will increase traffic volume on neighbouring local streets.

Response

A Traffic Impact Study and a Parking Study prepared by C. F. Crozier & Associates Inc. dated December 2019 and updated December 2021, have been submitted in support of the Applications to assess traffic impacts to the adjacent road network, and required parking for the proposed Development.

The proposed parking supply of 156 vehicular parking spaces is appropriate. The proposed residential, visitor and the social hall parking fulfill the new Comprehensive Zoning By-law 001-2021 parking requirements. The parking reduction for the Place of Worship use is supported by parking surveys in the Parking Study as submitted with the Applications.

The Parking Study shows that Saturday survey results (peak demand of 17 spaces) are similar to the Wednesday survey results (peak demand of 18 spaces). In addition, Saturday is also a peak for residential visitors.

Staff agrees that parking should be provided on-site at all times and does not support parking restrictions on specific religious holidays. However, access to on-site private parking is a matter that goes beyond the City's jurisdiction. Restricting public street parking on local abutting streets would limit parking capacity in the immediate area. The proposed Development is adjacent to a Bus Rapid Transit (BRT) line. Use of alternative modes of transportation including the BRT line is anticipated to grow, therefore reducing automobile dependency and creating a less car dependent community.

Based on Development Transportation Engineering's review of the Applications, the proposed Development overall is anticipated to have minimal impact to the road network. However, the Traffic Impact Study as prepared and submitted by the Applicant requires approval by the Region of York.

c) Municipal Servicing Improvement

- Jan-Sil Properties Ltd. believes the Development will benefit from servicing improvements Jan-Sil Properties Ltd. paid for. Front-end servicing improvements

and upgrades should therefore be paid proportionately to Jan-Sil Properties Ltd. Payment should occur either in advance of Applications proceeding or as a condition of approval.

Response

Development Engineering has reviewed a request from Jan-Sil Properties Ltd. seeking the recovery of upfront costs as it relates to the Subdivision Agreement for Jan-Sil Properties Limited and Golfwood Properties Limited Bathurst Street/Flamingo Road Cost Sharing (City File 19T-88055).

Based on the review of the conditions in the registered agreement and internal discussion with Staff, Development Engineering has concluded that under the existing Subdivision Agreement for the Jan-Sil Properties development file 19T-88055, there is no mechanism (i.e., best-efforts clause or otherwise) for the City to impose conditions of approval on the above noted development Applications. Accordingly, Development Engineering does not support the request.

The Development Planning Department on September 2nd, 2022 emailed a non-statutory courtesy notice of this Committee of the Whole meeting to those individuals requesting notice of further consideration of the application.

Previous Reports/Authority

1st Public Meeting September 22, 2020

[September 22, 2020, Committee of the Whole \(Public Meeting\) Report, Item 4 Report No. 42 ratified by Council on September 29, 2020](#)

2nd Public Meeting April 5, 2022

[April 5, 2022, Committee of the Whole \(Public Meeting\) Report, Item 4, Report No. 17, ratified by Council on April 26, 2022](#)

Analysis and Options

The Applications are consistent with the Provincial Policy Statement, 2020

In accordance with Section 3 of the Planning Act, all land use decisions in Ontario “shall be consistent” with the Provincial Policy Statement, 2020 (‘PPS’). The PPS provides policy direction on matters of provincial interest related to land use planning and development. The PPS is applied Province-wide and provides for appropriate development while ensuring public health and safety, and the quality of the natural and built environment are protected. The PPS also recognizes that local context and character is important.

The Development is consistent with the policies of the PPS, specifically the following:

- 1.1.3.2 - Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land resources

- 1.1.3.3 - Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification
- 1.1.3.4 - appropriate development standards should be promoted which facilitate intensification, redevelopment, and compact form, while avoiding or mitigating risks to public health and safety
- 1.4.3 - planning authorities shall provide for an appropriate range and mix of housing types, directed to appropriate levels of infrastructure and public service facilities
- 1.6.6 - promoting intensification and redevelopment within settlement areas to optimize the use of land where existing municipal sewage services and municipal water services are available and feasible for accommodating growth

The Development is within proximity to two bus routes. York Region Transit ('YRT') (Route 88) is a local bus service that provides connections to Finch Subway Station in the City of Toronto. A bus stop for the route is located on Bathurst Street immediately adjacent to the Subject Lands. Viva Orange is a bus rapid transit ('BRT') line that provides connections to the Promenade Mall and the Vaughan Metropolitan Centre ('VMC') in Vaughan. A bus stop for this line is located south of the Subject Lands at Atkinson Avenue. The Development is transit supportive as required by the PPS.

The Development will add to the range and mix of housing types in the community and will efficiently utilize the Subject Lands along a corridor where transit is well established, and intensification is encouraged by the York Region Official Plan 2010 ('YROP') as discussed below.

The Development optimizes the use of land by providing a mix of housing within an established urban environment that will utilize existing municipal water and sanitary servicing connections located on Worth Boulevard.

In consideration of the above, the Development is consistent with the PPS.

The Applications conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended

The Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 ('Growth Plan') as amended is intended to guide decisions on a wide range of issues, including economic development, land-use planning, urban form, and housing. The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe including; directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. The Planning Act requires that Council's decisions conform to, or do not conflict with, the Growth Plan.

The built form would utilize the Subject Lands more efficiently, make use of existing infrastructure and provide housing supportive of the Growth Plan objectives. Section 2.2.1 directs growth to settlement areas and locations with existing or planned transit to

achieve complete communities, to provide a range of housing options with connections to existing or planned municipal water and wastewater systems.

The Development fronts onto Bathurst Street, where YRT bus Route 88 and BRT line Viva Orange exists. A bus stop for Route 88 is located directly along Bathurst Street. A bus stop for Viva Orange is located roughly 575 m south, at Atkinson Avenue. Route 88 provides local service along Bathurst Street and Steeles Avenue to Finch Subway Station. The Viva Orange line provides rapid bus service across Vaughan to Promenade Mall, VMC and the Highway 7 corridor. The Development's proximity to transit will contribute to creating a complete transit-oriented development where pedestrian connectivity is a priority.

In consideration of the above, the Development conforms to the Growth Plan.

The Applications conform to the York Region Official Plan 2010

The York Region Official Plan, 2010 ('YROP') guides economic, environmental and community building decisions across York Region. The Subject Lands are designated "Urban Area" and are located on a "Regional Corridor" on Map 1 - Regional Structure of the YROP. Section 5.0 of the YROP states that "intensification within the Urban Area will accommodate a significant portion of the planned growth in the Region." Section 5.3.3 of the YROP identifies "local infill" as a municipal intensification strategy to meet York Regional intensification targets to 2031.

Bathurst Street is identified as a "Regional Rapid Transit Corridor" on Map 11 - Transit Network and "Cycling Facilities on Regional Roads and Right-of-Ways" on Map 10 - Regional Cycling Network of YROP. The Development will be oriented towards Bathurst Street where YRT bus Route 88 and BRT line currently serve the corridor.

Section 3.5.4 of the YROP 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." The Development will diversify the range of housing types found in the community, while utilizing a density and compact urban form that is transit supportive. Dwelling units will also be affordable and contribute to creating inclusive community.

Sections 5.4.1, 5.4.3, 5.4.5, and 5.4.28 of the YROP guides that development along "Regional Corridors" consist of compact built-form that is both transit-oriented and pedestrian friendly. The Development represents a compact built form that will add to the diverse building stock in the community. "Regional Corridors" are encouraged to have a greater intensity of development. The Development represents a level of residential intensification that complements the surrounding low-rise residential development. The 5-storey residential building addition to the existing Place of Worship (Synagogue) will front onto Bathurst Street and contribute to the urbanization of the corridor as stipulated in the YROP policies.

On this basis, the Development conforms to the YROP.

An amendment is required to VOP 2010 to permit the Development. The Development Planning Department supports the proposed amendment

The Subject Lands are located on a “Regional Intensification Corridors” on Schedule 1 – Urban Structure of VOP 2010. The Subject Lands are designated “Low-Rise Residential” by VOP 2010. The “Low-Rise Residential” designation permits residential uses and the following building types: detached houses, semi-detached houses, townhouses, and public and private institutional buildings.

An amendment to VOP 2010 is required through a land use redesignation. The land use redesignation will increase the FSI to 1.0 times the area of the lot and allow for mid-rise buildings. The Development Planning Department can support the proposed amendment for the following reasons:

- The massing and built form of the Development has been reduce in scale to conform with the surrounding urban environment.
- The Development will be oriented towards Bathurst Street therefore contributing to the urbanization of the “Regional Intensification Corridors” as identified in Schedule 1 of VOP 2010.
- It is located along a Regional Intensification Corridor
- The Development will facilitate an appropriate setback based on the proposed built-form. Pursuant to Section 9.2.3.5 c) of VOP 2010 the Development satisfies the minimum separation of 7.5 m from low-rise residential uses and is well within the 45-degree angular plane measure from the abutting property line.
- The Development would provide appropriate, transit-supportive intensification along a Regional Rapid Transit Corridor as define in Schedule 10 of VOP 2010.

The Owner is required to enter into Agreement ensuring the 30 dwelling units remain affordable

The Development is subject to policy 10.1.2.11 of VOP2010 where “Council reserves the right to select community benefits based on local community needs, the nature of the development application, any Implementation Guidelines or Plans adopted by Council and the policies of this Plan”.

Guidelines for the Implementation of Section 37 of the Planning Act

Under the ‘Application Process’ Council may exempt certain non-profit or public facilities where such facilities provide a demonstrable public benefit, such as social housing, or affordable rental housing, from contribution of additional community benefits under the Section 37 Policy.

The Development will contain 30 dwelling units that will be held in ownership by the owner (Chabad Lubavitch of Southern Ontario), the same owner of the existing Place of

Worship on the Subject Lands. The residential units will be conjoined with the Place of Worship and will be held as a non-profit entity.

In order to ensure affordability, the Owner will be required to enter into an agreement ensuring the 30 dwelling units remain below the average Canada Mortgage and Housing Corporation (CMHC) rents in the York Region Census Metropolitan Area (CMA) for a minimum of 20 years. The creation of the agreement and its registration on title will be a condition to lifting of the “(H)” on the Subject Lands.

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

The Subject Lands are zoned “R2 Residential Zone” by Zoning By-law 1-88, which does not permit the Development. The Owner is proposing to rezone the Subject Lands to “RA3 Apartment Residential Zone” as shown on Attachment 2, together with the following site-specific zoning exceptions identified in Table 1:

Table 1:

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirement	Proposed Exceptions to the RA3 Apartment Residential Zone Requirement
a.	Maximum Building Height	44 m	18.0 m residential building 5.3 m Mechanical penthouse)
b.	Minimum Front Yard	15 m institutional building	7.4 m (Flamingo Road)
c.	Minimum Exterior Side Yard	7.5 m residential building 15 m institutional building	3.5 m (Bathurst Street)
d.	Minimum Interior Side Yard for Institutional Use	15 m	13.5 m to east property line
e.	Minimum Rear Yard	7.5 m	1.1 m (staircase) to the south property line
f.	Permitted Yard Encroachment and Restrictions	Canopies shall not project more than 0.5 m into a required yard	Canopies may encroach no more than 0.5 m into the proposed 3.5 m exterior side facing Bathurst Street
g.	Setback to a Sight Triangle	7.5 m to the front or exterior yard (Institutional use)	6.2 m
h.	Minimum Landscape Width Abutting a Residential Zone	2.4 m	1.1 m (Along the south property line)

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirement	Proposed Exceptions to the RA3 Apartment Residential Zone Requirement
i.	Minimum Landscape Strip Abutting a Street Line	6 m	3.5 m (Bathurst Street) 2 m (Highcliffe Drive)
j.	Parking and Access Requirements for Multiple Family Dwellings	A strip of land not less than three (3) metres in width around the periphery of an outdoor parking area An outdoor parking area shall be screened from the street and shall consist of either a landscape earthen berm, or an evergreen hedgerow, and shall have a minimum height of 1.2 m	A strip of land not less than one (1) metres in width around the periphery of an outdoor parking area and shall be used for no other purpose than landscaping; but not prevent the provision of access driveways across the said strip; Wooden fence having a minimum height of 1.6 m shall be permitted as screening along the south property line facing the outdoor parking area
k.	Minimum Parking Requirements	<u>Residential</u> 1.5 spaces/unit x 30 units = 45 parking spaces <u>Visitor</u> 0.25 spaces/unit x 30 units = 8 parking spaces <u>Institutional</u> 5373.4 m² x 11 spaces/100 m² = 591 parking spaces Total Parking Required = 644 parking spaces	<u>Residential</u> 0.86 spaces/units x 30 units = 26 parking spaces <u>Visitor</u> 0.23 spaces/unit x 30 units = 7 parking spaces <u>Institutional</u> 5373.4 m² x 2.28 spaces/ 100 m² = 123 parking spaces Total Parking Provided = 156 parking spaces
l.	Parking Space Requirement	Surface of all loading spaces and related driveways, parking spaces	Outdoor parking areas, aisles and driveways shall be surfaced with hot-mix

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirement	Proposed Exceptions to the RA3 Apartment Residential Zone Requirement
		and maneuvering areas shall be paved with hot-mix asphalt or concrete.	asphalt; interlock or concrete and shall be provided with adequate drainage
m.	Minimum Amenity Area	3 Bachelor Units X 15 m ² /unit = 45m ² 24 One Bedroom Unit x 20 m ² /unit = 480 m ² 3 Three Bedroom Unit x 90 m ² /unit = 270 m ² Total required amenity area = 795 m ²	Provided a total amenity area of 495 m ²
n.	Loading Space Requirement	Loading and unloading shall not be permitted between a building and a street	Shall not apply

Minor modifications may be made to the zoning exceptions identified in Table 1 prior to the enactment of an implementing Zoning By-law, as required through the future review of the Site Development Application upon submission.

The Development Planning Department can support the site-specific zoning exceptions in Table 1 to implement the Development as follows:

- The zoning exceptions will facilitate a Development of a mid-rise, built-form that will animate the street and appropriately intensifies the Subject Lands in accordance with the land use and built-form vision and Policies of VOP 2010.
- Exceptions to the setbacks and landscape provisions are required in order to create the urban built form that is contemplated on the Subject Lands.
- The land intensification will be supported by the Bus Rapid Transit (BRT) and York Region transit that has been established on Bathurst Street.
- While not reviewed under By-law 001-2021, the on-site parking supply of 156 spaces complies with By-law 001-2021 and takes into accounts other modes of transportation.

- The zoning exceptions will facilitate a development that will bring affordable and diverse housing options to the community therefore aligning with the VOP 2010 policies and vision.

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 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. Transition policy 1.6.3.3 of By-law 001-2021 exempts the Owner from demonstrating conformity to By-law 001-2021 as the application for the Development was filed and deemed complete (January 14, 2020) prior to the enactment of By-law 001-2021.

Holding Symbol “(H)” shall be placed on the Subject Lands

The Development Planning Department supports the Development subject to a Holding Symbol “(H)” being placed on the Subject Lands shall be used only for:

1. The institutional use legally existing as of the date of the enactment of this By-law; and/or
2. Site grading, site servicing, shoring and excavation and foundations work.

The Holding Symbol “(H)” shall not be removed from the Subject Lands or any portion thereof, until the following conditions are addressed to the satisfaction of the City:

1. A site plan is approved to the satisfaction of the City addressing comments from internal city departments and external agencies;
2. Through provisions under section 37 of the *Planning Act* the Owner is to enter into an affordable housing agreement with the city that is registered on land title securing the 30 dwelling units as affordable as defined by York Region Affordable Housing Measuring and Monitoring Guidelines update, CHMC and to the City’s satisfaction; and
3. Until the future site plan application associated with files OP.19.016 and Z.19.040 is allocated servicing capacity from the York Sewage Servicing/ Water Supply System for a total of 30 residential apartments units (66 people)

Conditions to this effect are included in the Recommendations of this report.

The Planning Act permits Vaughan Council to pass a resolution to permit the Owner to apply for a Minor Variance application, if required, within two years of a Zoning By-law coming into full force and effect

Section 45 (1.3) of the *Planning Act* restricts a landowner from applying for a Minor Variance Application to the Committee of Adjustment within two years of the day on which a Zoning By-law was amended. The *Planning Act* also permits Council to pass a resolution to allow an Owner to apply for a Minor Variance application(s) within two years of the passing of the zoning by-law amendment.

Should Council approve Zoning By-law Amendment File Z.19.040, the Development Planning Department has included a Recommendation to permit the Owner to apply for Minor Variance application(s), if required, in advance of the two-year moratorium in order to address minor zoning deficiencies that may arise through the finalization and construction of the Development.

The Development Planning Department supports the Development
Conceptual Site Plan

The Owner has submitted a conceptual site plan in support of the Applications. The exceptions provided in the contemplated Zoning By-law amendment is based on the conceptualized site plan. The residential building extends along the south face of the existing Place of Worship (institutional building). The 5-storey expansion will have a south facing entrance for residential purposes and a 2nd public entrance along Bathurst Street. The Development will include 3,268 m² of new residential uses and 1,222 m² of additional institutional use on the Subject Lands.

The existing driveway access from Flamingo Road will be retained and used to support vehicular access to the Development. The Subject Lands will be serviced with 74 at grade parking spaces and 82 parking spaces located within a 1 level of underground parking. Six short-term bicycle stalls will be provided at surface level and 24 long-term stalls within the underground parking level. P1 level. Pedestrian connectivity will be provided throughout the site by creating access points to Bathurst Street, Flamingo Road and Highcliffe Drive.

Conceptual Landscape

The Landscape Plan shown on Attachment 3 consists of a variety of trees including deciduous, coniferous, and ornamental. Several existing trees will also be retained through the Development. Planters and shrubs will be incorporated into the landscape plan and will be placed along the periphery of the Subject Lands. A 2 m high decorative metal screening and wooden fencing will be established along the south property line. Landscaping along Bathurst Street will be treated with raised metal planters with flower perennials and terraced concrete retaining wall planters to address the grade difference between the road right-of-way and the Subject Lands.

Development Planning Staff has reviewed the Arborist report prepared by 'The MBTW Group dated January 20, 2019 and revised November 11, 2021. The Owner will be required to enter into a Tree Protection Agreement as per the City of Vaughan Council

enacted By-law 052-2018. Twelve trees are contemplated for removal in order to facilitate the Development. The future Tree Protection Agreement will require a line of credit for the removal of these identified trees. Development Planning Staff has also noted that a minimum of 12 trees will need to be replanted on the Subject Lands or a cash-in-lieu contribution in order to compensate for the impact to the tree canopy. Further requirements will be defined upon review of the final landscape plan if the proposal advances to the Site Development stage which is part of a condition of lifting the “(H)”.

Building Elevations

The 5-storey residential expansion to the existing Place-of-Worship will have a total height of 23.3 m including the mechanical penthouse. As shown in Attachments 4 to 6, the Development will incorporate similar building materials used for the existing Place-of-Worship including brick-finishes to ensure design compatibility. Glass balcony and vision glass will also be incorporated into the exterior façade.

The Development Engineering (‘DE’) Department supports the Development, subject to conditions.

Sewage and Water Allocation

The availability of servicing capacity will be assessed through a future Site Development Application. Sewer and Water Servicing capacity will be allocated by Council resolution through the future Site Development file for the Development of the Subject Lands. Until such time where sewer and water servicing capacity are allocated for the contemplated development a Holding Symbol “(H)” provision will be placed on the Subject Lands.

Sanitary Sewer Network

The existing Place of Worship building is serviced by an internal 150 mm dia. sanitary sewer. This sewer drains east and connects to a 200 mm dia. sanitary sewer located on Highcliffe Drive.

The Development includes the existing Place-of-Worship, which is accounted for as 50 persons per hectare, and apartment units, which account for a population density of 2.5 persons per unit as per the City of Vaughan’s Engineering Design Standards. A unit sewage flow rate of 370 L/person/day was applied to the equivalent population for the existing Place-of-Worship and proposed residential building addition. Infiltration and a peaking factor were applied to the unit sewage flow to obtain the total sanitary design flow for the current and proposed buildings. The results in the Functional Servicing & Stormwater Management Report (FSRSWM Report), dated May 13, 2022 as prepared by C.F. Crozier & Associates Inc. are acceptable.

Storm Sewer Network

The proposed service connections have been sized to accommodate the peak flow rates. The Development proposes controlling the post-development peak flow rates to below pre-development conditions. Additionally, treatment train mechanisms, including an existing grassed swale, roof drains, and proposed Oil and Grit Separators’ (OGS), are proposed for water quality treatment.

Water Supply Network

The existing Place of Worship is serviced by a 200 mm PVC water service which splits into a 100 mm dia. domestic service and a 200 mm dia. fire line. The Development results in a peak hourly flow of 1.24 L/s and an estimated fire demand of 183.3 L/s, which is well below the determined available flow rate of 354.1 L/s. Therefore, the existing servicing connection will be utilized for the proposed building addition, while the internal watermain layout will need to be designed prior to the detailed design (Site Development) stage.

Groundwater Discharging

The Owner will require future approvals and or permits for any temporary and permanent dewatering system that is required for the Development and shall enter into an agreement and/or permit to obtain permission for the discharge of ground water as required by the City. The installation of any proposed services within the City right-of way after acceptance of the Site Servicing Plan and a Development Agreement being entered into with the DE Department may be required and shall be acceptable to the City. Where excavation and shoring is required for the Development, the Owner shall enter into an agreement and/or permit as required by the City or York Region, including an Encroachment Agreement/permit any payment of associated fees. These agreements shall be executed prior the approval of the future Site Development Application.

Environmental Noise Feasibility Study

The City will require an updated Noise Impact Study with site specific warning clauses and the detailed design of any noise attenuation features prior to the issuance of site plan approval. Warning clauses should be registered on title to make future occupants are aware of the potential noise situation. This will be addressed further at the Site Plan Development stage.

The Financial Planning and Development Finance Department has reviewed the Applications and have no objection at this stage.

The Financial Planning and Development Finance Department will provide detailed comments for the proposal if the proposal advances to the Site Plan Development stage.

Fire and Rescue Services has no objection to the Development

Vaughan Fire and Rescue Service has no objection to the Development subject to the Owner satisfying all Building Code requirements and providing a minimum level of fire safety and protection at the building construction stage of development.

The Policy Planning and Environmental Sustainability Department have no objection to the Development

The Policy Planning and Environmental Sustainability Department have no objection to the Development as the Subject Lands are not located in proximity to any natural features and/or hazards. Further comments will be provided if the proposal advances to the Site Development stage.

The Parks Planning Department and Office of Infrastructure Development Real Estate Services have no objection to the Development, subject to cash-in-lieu of parkland being satisfied

The Parks Planning Department and the Office of Infrastructure Development, Real Estate Services have no objection to the Development, providing the Owner pay to Vaughan by way of a certified cheque(s), cash-in-lieu of the dedication of parkland at a rate of 1 ha per 500 units or at a fixed unit rate, prior to the issuance of a building permit, in accordance with the *Planning Act* and the City's Cash-in-lieu of Parkland Policy. A condition to this effect will be included in a future Site Plan Agreement, if the proposal advances to the Site Development stage which is part of a condition of lifting the "(H)".

The School Boards have no objection to the Development

The York Region District School Board and York Region Catholic School Board have no comments or concerns with respect to the Development. No comments were received from the Conseil Scolaire de District Catholique Centre Sud.

Canada Post has no objection to the Development, subject to the Owner providing a centralized mail receiving facility

Canada Post has no objection to the Development, subject to the Owner providing the building with its own centralized mail receiving facility. Conditions capturing Canada Post's requirements will be provided if the application advances to the Site Development stage which is part of a condition of lifting the "(H)".

The utility providers have no objection to the Development

The utility providers including, Enbridge Gas Distribution and Alectra Utilities Corporation have no objection to the Development, subject to the Owner providing any easements for the Development at no cost to the utility provider, if required.

Financial Impact

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

Broader Regional Impacts/Considerations

York Region has reviewed the Development and advises that the Applications are considered a matter of local significance. The Owner submitted a request to York Region for regional exemption of the Official Plan Amendment application from York Region approval in accordance with the YROP 2010 and By-law A-0265-199-017. On February 28, 2020, York Region provided City staff with written notice authorizing the exemption from regional approval of the Official Plan Amendment application. This allows the Official Plan Amendment to come into full effect should Vaughan Council adopt the amendment and the required appeal period expires. York Region has no objection to the approval of the Applications.

York Region requests that servicing capacity be allocated prior to final approval and should be based on existing capacity assignments otherwise additional regional infrastructure based on conditions of future capacity assignments may be required.

The York Region also states that affordable rental housing is a priority. York Region encourages the Owner to pursue affordable rental housing in coordination with the Region and the City of Vaughan. This has since been established as the Owner has committed to ensuring the Development remains affordable. This will be secured through an affordable housing agreement that will be registered on title.

Conclusion

The Development Planning Department is satisfied the Applications are consistent with the PPS, conforms to the Growth Plan and the York Region Official Plan. The proposed amendments to VOP 2010 and Zoning By-law 1-88 are appropriate for the development of the Subject Lands. The Development utilizes an intensified compact built form, is compatible with the surrounding area, adds a diverse range of affordable housing options to the community and is in close proximity to an existing public transit facility.

On this basis, the Development Planning Department can support the approval of the Applications, subject to the Recommendations of this report.

For more information, please contact OluwaKemi (Kemi) Apanisile, Planner, Development Planning Department, ext. 8210

Attachments

1. Context and Location Map
2. Proposed Official Plan Designation, Zoning and Conceptual Site Plan
3. Landscape Plan
4. Building Elevations - West and North
5. Building Elevations - East and South
6. Rendering
7. Original Development Proposal (September 22, 2020 Original Public Meeting)

Prepared by

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Approved by

A handwritten signature in black ink, appearing to read 'Haiqing'.

Haiqing Xu, Deputy City Manager,
Planning and Growth Management

Reviewed by

A handwritten signature in black ink, appearing to read 'Nick Spensieri'.

Nick Spensieri, City Manager