

Committee of the Whole (Public Meeting) Report

DATE: Tuesday, March 1, 2022

WARD: 4

**TITLE: 8940 BATHURST STREET LIMITED
OFFICIAL PLAN AMENDMENT FILE OP.21.024
ZONING BY-LAW AMENDMENT FILE Z.21.048
8940 BATHURST STREET
VICINITY OF BATHURST STREET AND NER ISRAEL DRIVE**

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To receive comments from the public and the Committee of the Whole on applications to redesignate and rezone the subject lands to permit 10 and 12-storey residential apartment buildings (593 units), 5 Blocks of 4-storey stacked back-to-back townhouses containing (115 units) for a total of 708 units with a Floor Space Index ('FSI') of 2.61, served by 710 parking spaces within two levels of underground parking, as shown on Attachments 2 to 4.

Report Highlights

- To receive comments from the public and the Committee of the Whole on proposed amendments to the Official Plan and Zoning By-law to facilitate the development of 10 and 12-storey residential apartment buildings and 4-storey stacked back-to-back townhouses containing a total of 708 residential units, 710 parking spaces and 4,648 m² of amenity space
- This report identifies preliminary issues to be considered in a technical report to be prepared by the Development Planning Department at a future Committee of the Whole meeting

Recommendations

1. THAT the Public Meeting report for Official Plan and Zoning By-law Amendment Files OP.21.024, and Z.21.048 (8940 Bathurst Street Limited) BE RECEIVED,

and that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Background

Location: 8940 Bathurst Street (the 'Subject Lands'). The Subject Lands are located at the northwest corner of Bathurst Street and Ner Israel Drive. The Subject Lands and the surrounding land uses are shown on Attachment 1.

Date of Pre-Application Consultation Meeting: November 4, 2020, extended to November 13, 2021

Date applications were deemed complete: January 7, 2022

Previous Development Applications

No Previous development applications have been submitted on the Subject Lands.

Immediately north of the Subject Lands, Official Plan Amendment File OP.13.013 and Zoning By-law Amendment File Z.13.036 (Islamic Shia Ithna-Asheri Jamaat of Toronto) were submitted on October 15, 2013, and were later appealed to the Ontario Municipal Board, now known as the Ontario Land Tribunal ('OLT'). These applications were approved by the OLT on October 17, 2019, to permit a mid-rise mixed-use development which includes 6 and 8-storey apartment buildings with 265 m² of ground floor retail uses, and townhouses units, for a total of 343 units.

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

The Owner has submitted the following applications (the 'Applications') for the Subject Lands, as shown on Attachment 1, to redesignate and rezone the Subject Lands to permit redesignate and rezone the subject lands to permit 10 and 12-storey residential apartment buildings (593 units), 5 Blocks of 4-storey stacked back-to-back townhouses containing (115 units) for a total of 708 units with a Floor Space Index ('FSI') of 2.61 served by 710 parking spaces within two levels of underground parking with 4,648 m² of amenity space (the 'Development'), as shown on Attachments 2 to 4:

1. Official Plan Amendment File OP.21.024 to amend the policies of Vaughan Official Plan 2010 ('VOP 2010') to redesignate the Subject Lands from "Low-Rise Residential" to "Mid-Rise Residential" having a FSI of 2.61 times the area of the lot, to permit building heights of 10 and 12-storeys and five blocks of 4-storey stacked back-to-back townhouse units, as shown on Attachments 2 to 4;
2. Zoning By-law Amendment File Z.21.048 to:
 - a) rezone the Subject Lands from RVM2 Residential Urban Village Multiple Dwelling Zone Two, as shown on Attachment 1 to RA3 Residential

Apartment Zone in the manner shown on Attachment 2 together with the site-specific zoning exceptions identified in the Table 1 of this Report; and,

- b) the Owner shall also be required to amend Zoning By-law 001-2021 to rezone the Subject Lands from RT Townhouse Zone subject to exception 14.729 to the RM3 Multiple Unit Residential Zone together with the site-specific zoning exceptions identified in Table 2 of this Report.

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

- a) Date the Notice of Public Meeting was circulated: February 4, 2022.

The Notice of Public Meeting was also posted on the City's website at www.vaughan.ca and a Notice Sign was installed along Bathurst Street and Ner Israel Drive in accordance with the City's Notice Signs Procedures and Protocols.

- b) Circulation Area: To all property owners within an extended polling radius of the Subject Lands, as shown on Attachment 1, and to the Preserve Thornhill Woods Ratepayers' Association and to anyone on file with the Office of the City Clerk having requested notice.
- c) The following is a summary of written comments received as of February 8, 2022. The comments are organized by theme as follows:

Access, Traffic and Parking

- the Development will increase traffic congestion in the area. Ner Israel Drive is already impacted by Thornhill Woods community traffic and traffic from the Jaffari Community Centre
- Ner Israel Drive and Bathurst Street is a busy intersection. The increased traffic from this development will impact traffic at the intersection
- will there be another vehicular access point onto Bathurst Street, other than Ner Israel Drive, that this Development will have access to?
- the applicant is requesting a reduction in the required number of parking spaces which is concerning and could be rectified by reducing the number of proposed units
- Bathurst Street between Highway 407 and Rutherford Road is very busy during the morning and evening rush hour. This development would add to the existing traffic congestion
- this private development may limit pedestrian access to Bathurst Street

Density, Built Form and Building Design

- will the design of the buildings be upscale?
- will the dwelling units be condominium or rental?
- what will the impact be on property values and car insurance rates?
- townhouses and low-rise buildings would be more appropriate for this area

Parkland and Privately Owned Public Open Space

- will the public be able to use any of the proposed private amenity areas?
- Ohr Menachem Park does not have designated parking, people park on the City streets. This development will increase street parking.

Servicing Impacts

- how will the Development impact sanitary servicing?

Construction Impacts

- will the proposed Developments at 9000 Bathurst Street, 8940 Bathurst Street, and 8905 Bathurst Street in Richmond Hill be built at the same time?
- there could potentially be 6 apartment buildings constructed in the Bathurst Street and Ner Israel Drive area.

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

Previous Reports/Authority

No previous reports

Analysis and Options

An amendment to VOP 2010 is required to permit the development

Official Plan Designation:

- “Community Area” on Schedule 1 – Urban Structure by VOP 2010
- “Low-Rise Residential” on Schedule 13 – Land Use by VOP 2010
- This designation permits single detached, semi-detached and townhouse dwellings at a maximum building height of 3-storeys with no prescribed FSI
- An amendment to VOP 2010 is required to redesignate the Subject Lands to “Mid-Rise Residential” and to add stacked back-to-back townhouse dwellings as a built form to facilitate the proposed Development

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

Zoning:

- “RVM2 Urban Village Multiple Dwelling Zone Two” by Zoning By-law 1-88
- This zone does not permit the mid-rise apartment buildings with heights of 10 and 12-storeys or the stacked back-to-back townhouse units
- The Owner proposes to rezone the Subject Lands to “RA3 Residential Apartment Zone”, as shown on Attachment 2, together with the following site-specific zoning exceptions:

Table 1

	Zoning By-law 1-88 Standard	RA3 Residential Apartment Zone Requirement	Proposed Exceptions to the RA3 Residential Apartment Zone Requirement
a.	Minimum Front Yard (Bathurst Street)	7.5 m	4 m
b.	Minimum Exterior Side Yard (Ner Israel Drive)	7.5 m	4.8 m
c.	Minimum Rear Yard	7.5 m	3.0 m
d.	Minimum Lot Area	67 m ² /unit x 708 units = 47,436 m ²	18,000 m ²
e.	Definition of a "Lot"	Means a parcel of land fronting on a street	Means a parcel of land fronting onto a public or private street
f.	Definition of a "Street"	Means a street or highway being a Provincial Highway or under the jurisdiction of the Regional Municipality of York, the Municipality of Metropolitan Toronto, or assumed by the city or being constructed under an Agreement with the City.	Also includes a private road
g.	Definition of "Stacked Back-to-Back Townhouse Unit"	Not defined	Stacked Back-to-Back Townhouse Dwelling – Means a dwelling containing four or more dwelling units, divided by vertical common walls and a common rear wall, and the individual dwelling units do not have rear yards. Each dwelling unit is accessed by an independent entrance.
h.	Permitted Uses	Stacked back-to-back townhouse dwellings are not permitted	Permit additional use of Stacked back-to-back townhouse dwellings
i.	Minimum Parking Requirements	Residential 1.5 spaces/unit x 708 units = 1,062 spaces	Residential 0.8 spaces/unit x 708 units = 567 spaces

	Zoning By-law 1-88 Standard	RA3 Residential Apartment Zone Requirement	Proposed Exceptions to the RA3 Residential Apartment Zone Requirement
		<p>Visitor 0.25 spaces/unit x 708 units = 177 spaces</p> <p>Total Parking Required = 1,239 spaces</p>	<p>Visitor 0.2 spaces/unit x 708 units = 142 spaces</p> <p>Total Parking Provided = 710 spaces (567 residential parking spaces and 143 visitor parking spaces)</p>
j.	Minimum Amenity Area	<p>19 Studio Unit x 15 m²/unit = 285 m²</p> <p>384 One Bedroom Unit x 20 m²/unit = 7,680 m²</p> <p>260 Two Bedroom Unit x 55 m²/unit = 14,300 m²</p> <p>45 Three Bedroom Unit x 90 m²/unit = 4,050 m²</p> <p>Total required amenity area = 26,315 m²</p>	Provide a total amenity area of 4,600 m ²

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 ("By-law 001-2021"). 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 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 conformity with both By-law 001-2021 and Zoning By-law 1-88, as amended.

The Subject Lands are zoned "RT Townhouse Zone, subject to site-specific exception 14.729 in By-law 001-2021, as shown on Attachment 1. This zone does not permit the Development. The Owner proposes to rezone the Subject Lands to RM3 Multiple Residential Zone, together with the site-specific exceptions shown in Table 2.

Table 2

	By-law 001-2021 Standard	RM3 Multiple Unit Residential Zone Requirement	Proposed Exceptions to the RM3 Multiple Unit Residential Zone Requirement
a.	Definition of a "Lot"	Means a parcel of land which can be conveyed as a separate parcel pursuant to the provisions of the <i>Planning Act</i>	Means the Subject Lands shall be deemed to be one lot regardless of the number of buildings or structures erected and regardless of any conveyances, consents, subdivisions, easements, or condominiums, or other permissions granted
b.	Definition of "Lot Line, Front"	Means the lot line that abuts the road. In the case of a corner lot or through lot, the front lot line shall be determined as follows: i. In the case of a corner lot with two or more street lines or unequal lengths, the lot line which is the shorter of the two lot lines shall be deemed to be the front lot line; ii. In the case of corner lot with tow street lines of equal lengths, or a through lot, the lot line that abuts the sider road or abuts a Regional or Provincial Road or highway shall be deemed to be the font lot line. In the case of both roads being under the same jurisdiction or of the same width, the City may designate either street line as the front lot line; iii. For the purpose of this definition, the lot line forming a site triangle shall not be deemed to be the shortest lot line.	Means the front lot line shall be deemed to be Bathurst Street

	By-law 001-2021 Standard	RM3 Multiple Unit Residential Zone Requirement	Proposed Exceptions to the RM3 Multiple Unit Residential Zone Requirement
c.	Permitted Uses	<ul style="list-style-type: none"> - Apartment Dwelling - Block Townhouse Dwelling - Podium Townhouse Dwelling - Retirement Residence - Supportive Living Facility - Community Garden - Urban Square - Temporary Sales Office - Home Occupation - Short-term Rental 	Permit additional use of a Dwelling, Multiple-Unit Townhouse
d.	Parking Requirements	<p><u>Residential</u> 1 space/unit x 708 units = 708 spaces</p> <p><u>Visitor</u> 0.2 spaces/unit x 708 units = 142 spaces</p> <p>Total Required = 850 spaces</p>	<p><u>Residential</u> 0.8 spaces/unit x 708 units = 567 spaces</p> <p><u>Visitor</u> 0.2 spaces/unit x 708 units = 142 spaces</p> <p>Providing a total of 710 spaces (567 residential parking spaces and 143 visitor parking spaces)</p>
e.	Minimum Landscape Strip	3 m abutting a street line	1 m adjacent to a street line and shall include hard and soft landscaping including raised planter boxes, patios, mechanical structures (e.g. exhausts and intakes etc.) pedestrian access, sidewalks, and access driveways shall be permitted across the said strip
f.	Encroachment Requirements	Unless otherwise expressly required by By-law 001-2021, no portion of any required yard shall be permitted to be encroached or otherwise obstructed by any building	Exterior stairways, porches, patio, and balconies which are covered or uncovered, with at least one side open with or without a foundation may extend into the

	By-law 001-2021 Standard	RM3 Multiple Unit Residential Zone Requirement	Proposed Exceptions to the RM3 Multiple Unit Residential Zone Requirement
		structure or feature or part thereof except where a portion of a building, structure or feature is permitted to encroach into a required yard, in accordance with Table 4-1 of By-law 001-2021. Where a type of yard is not identified in Table 4-1, an encroachment is not permitted in that yard	required front yard a maximum of 3.5 m for Block D (Attachment 2), may encroach into the required interior yard a maximum of 2 m, and may encroach into the required rear yard a maximum of 1.5 m
g.	Below Grade Parking Structures	1.8 m from the street line	0.5 m from the street line
h.	Minimum Amenity Area	<p>For multiple-unit townhouse dwelling and podium townhouse dwelling, the minimum amenity area requirement shall be 10 m² for the first eight units, and additional 8 m² of amenity area shall be required for each additional unit.</p> <p>10 m² x 8 units = 80 m² 8 m² x 107 units = 856 m²</p> <p>For apartment dwellings, the minimum amenity area requirement shall be 8 m² per unit for the first eight units and an additional 5 m² of amenity area per unit shall be required for each additional unit</p> <p>8 m² x 8 units = 64 m² 5 m² x 585 units = 2,925 m²</p> <p>Total Required Amenity Space = 3,925 m²</p>	6.3 m ² per unit x 708 units = 4,460.4 m ²
i.	Minimum Lot Area	65 m ² /unit x 708 units = 46,020 m ²	18,000 m ²

	By-law 001-2021 Standard	RM3 Multiple Unit Residential Zone Requirement	Proposed Exceptions to the RM3 Multiple Unit Residential Zone Requirement
j.	Minimum Front Yard	7.5 m	4 m
k.	Minimum Rear Yard	7.5 m	3 m
l.	Minimum Exterior Side Yard	7.5 m	4.8 m
m.	Podium and Tower Requirements	Minimum Podium Height = 10.5 m Maximum Podium Height = 20 m Minimum Tower step-back = 3 m Maximum tower floor plate = 850 m ² Minimum tower separation = 30 m Minimum tower setback from any rear lot line and interior side lot line = 12.5 m	These provisions shall not apply
n.	45-Degree Angular Plane Requirements	A 45-degree angular plane shall be required and shall be applied from the rear lot line. This provision shall apply where the RM3 Zone abuts any other Residential Zone except another RM2 or RM3 Zone	This provision shall not apply

Additional zoning exceptions may be identified to both Zoning By-law 1-88 and By-law 001-2021 through the detailed review of the Applications and will be considered in a technical report to a future Committee of the Whole meeting.

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

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Conformity and Consistency with Provincial	<ul style="list-style-type: none"> The Applications will be reviewed for consistency and conformity with the Provincial Policy Statement, 2020 (the 'PPS'), A Place to Grow: Growth Plan for the Greater Golden

	MATTERS TO BE REVIEWED	COMMENT(S)
	Policies, York Region and City Official Plan Policies	Horseshoe, 2019, as amended (the 'Growth Plan') and the policies of the York Region Official Plan, 2010 ('YROP') and VOP 2010
b.	Appropriateness of Amendments to VOP 2010 and Zoning By-laws	<ul style="list-style-type: none"> The appropriateness of the amendments to VOP 2010 and zoning exceptions identified in Tables 1 and 2 will be reviewed in consideration of compatibility with surrounding land uses (existing and proposed), built form, lot coverage, setbacks, parking, access, maneuverability, landscaping, and the City-wide urban design guidelines
c.	Studies and Reports	<ul style="list-style-type: none"> The Owner submitted studies and reports in support of the Applications available on the city's website at https://maps.vaughan.ca/planit/ (PLANit Viewer) and must be approved to the satisfaction of the City or respective approval authority. Additional studies and/or reports may be required as part of the application review process
d.	Allocation and Servicing	<ul style="list-style-type: none"> The availability of water and sanitary servicing capacity for the Development must be identified and allocated by Vaughan Council, if the applications are approved. If servicing allocation is unavailable, the lands will be zoned with a Holding Symbol "(H)", which will be removed once servicing capacity is identified and allocated to the lands by Vaughan Council
e.	Urban Design Guidelines	<ul style="list-style-type: none"> The Development will be reviewed in consideration of the City of Vaughan City-wide Urban Design Guidelines, the Block 10 Langstaff Woods Urban Design Guidelines, and the Thornhill Woods Community Architectural Design Guidelines
f.	Design Review Panel ('DRP')	<ul style="list-style-type: none"> The DRP must review the Applications prior to proceeding to the Committee of the Whole
g.	Public Agency/Municipal Review	<ul style="list-style-type: none"> The Applications must be reviewed by York Region and the Toronto and Region Conservation Authority and external public agencies and utilities, City of Richmond Hill, and the Public, Separate, and French School Boards
h.	Sustainable Development	<ul style="list-style-type: none"> The Applications will be reviewed in consideration of the City of Vaughan's Policies and Sustainability Metrics Program. The Development shall achieve a minimum Bronze score of 42

	MATTERS TO BE REVIEWED	COMMENT(S)
i.	Parkland Dedication	<ul style="list-style-type: none"> The Applications will be reviewed in consideration of the requirements of the <i>Planning Act</i> and the City of Vaughan's Parkland Dedication Policy
j.	Section 37 of the <i>Planning Act</i> , VOP 2010 and City Guidelines (Bonusing for Increases in Height or Density)	<ul style="list-style-type: none"> The Applications will be subject to and reviewed in consideration of the City's bonusing for increases in building height and/or density (Section 37 of the <i>Planning Act</i>) policies of VOP 2010, and the City's Guidelines for the Implementation of Section 37 of the <i>Planning Act</i>, whereby Council may authorize an increase in building height and/or density in return for community benefits As of the date of this report the in-effect Section 37 policies are subject to amendment via the <i>COVID-19 Economic Recovery Act</i>, 2020; however, those amendments are not yet in effect. These amendments to the <i>Planning Act</i> made through the <i>COVID-19 Economic Recovery Act</i>, 2020 propose to replace the current Section 37 policy regime with a new authority known as a Community Benefit Charge ('CBC'), which charge shall not exceed an amount equal to the prescribed percentage of the value of the land Should the two-year transition period regarding the CBC regime pass (from the date of proclamation which as of August 7, 2020 has not yet occurred) or should the City pass a CBC By-law under the amendments to the <i>Planning Act</i> (which have not yet been proclaimed to come into effect) prior to the approval of any Zoning By-law Amendment for the Subject Lands, the CBC By-law would be the applicable mechanism used to collect community benefits (and not the City's existing Section 37 policies and guidelines)
k.	Affordable Housing	<ul style="list-style-type: none"> The Applications will be reviewed in consideration of Provincial, Regional and City policies to ensure that the development provides an appropriate level, range and mix of unit sizes and types to meet the City's affordable housing goals
l.	Required Applications	<ul style="list-style-type: none"> The Owner is required to submit a Site Development and Draft Plan of Condominium Applications should the Official Plan and Zoning By-law Amendments be approved

	MATTERS TO BE REVIEWED	COMMENT(S)
m.	Public Parkland and Publicly Accessible Privately Owned Spaces	<ul style="list-style-type: none"> ▪ The Owner is required to submit a revised Community Services and Facilities Impact Study and to consider the opportunity for providing public parkland and/or privately-owned publicly accessible space (POPS) on the Subject Lands

Financial Impact

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

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. The Owner has requested exemption of Regional Approval for Official Plan Amendment File OP.21.024. At the time of the preparation of this report, exemption from York Region approval was not confirmed.

Conclusion

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

For more information, please contact Carol Birch, Planner, Development Planning Department, ext. 8485.

Attachments

1. Context and Location Map
2. Proposed Zoning and Conceptual Site Plan
3. Landscape Plan
4. Building Elevations

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