

Committee of the Whole (Public Meeting) Report

DATE: Tuesday, April 5, 2022

WARD(S): 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 receive comments from the public and the Committee of the Whole on applications to amend the Official Plan and Zoning By-law to permit the development of a 5-storey residential building addition to the existing synagogue containing 30 dwelling units, having a Floor Space Index of 1.0 times the area of the lot, 1,222 m² of Gross Floor Area within the proposed residential building devoted to a Place of Worship (the social hall), 495 m² of amenity space and 154 parking spaces located at grade and within 1 level of underground parking, as shown on Attachments 2 to 6.

Report Highlights

- The Owner proposes a 5-storey residential building addition to the existing synagogue containing 30 dwelling units, a Floor Space Index of 1.0 times the area of the lot, 1,222 m² of additional GFA devoted to a Place of Worship (the social hall), 495 m² of amenity space and 154 parking spaces located at grade and within 1 level of underground parking
- Official Plan and Zoning By-law Amendments are required to permit the proposed development
- This report identifies preliminary issues to be considered in a comprehensive 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.19.016 and Z.19.040 (Chabad Lubavitch of Southern Ontario) 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: 8001 Bathurst Street (the 'Subject Lands'). The Subject Lands and the surrounding land uses are shown on Attachment 1.

Date of Pre-Application Consultation Meeting: September 6, 2018

Date applications were deemed complete: January 14, 2020

Original Development Proposal

The Owner on December 24, 2019 submitted Official Plan and Zoning By-law Amendment Files OP.19.016 and Z.19.040 (the "Applications") to permit the development of a tiered 3 to 12-storey residential building containing 125 dwelling units, a Floor Space Index (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 a 2 level underground parking garage (the "Original Development Proposal"), as shown on Attachments 7 (Original Site Plan) and 8 (Original Rendering).

The Committee of the Whole (Public Meeting) on September 22, 2020, considered the applications. At this meeting the following comments were received:

- 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 Proposal

The Owner on December 20, 2021, revised the Original Development Proposal as a response to the comments received from the statutory Public Meeting, City Departments and external commenting agencies. 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
- 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

Official Plan Amendment 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, shown on Attachment 1, to permit the development of a 5-storey residential building addition to the existing synagogue containing 30 dwelling units, 1,222 m² of additional GFA devoted to a Place of Worship (the social hall), 495 m² of amenity space and 154 parking spaces located at grade and within 1 level of underground parking having an FSI of 1.0 times the area of the lot (the 'Development'), 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, containing 30 dwelling units, a Place of Worship and its associated uses 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.

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

- a) Date the Notice of Public Meeting was circulated: March 11, 2022.

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

- b) Circulation Area: To all property owners within 300 m of the Subject Lands and to the Flamingo Ratepayers' Association and to anyone on file with the Office of the City Clerk having requested notice.
- c) No comments have been received as of (March 15, 2021) by the Development Planning Department.

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 and be reviewed and addressed by the Development Planning Department in a future technical report to the Committee of the Whole.

Previous Reports/Authority

The following is a link to the previous public meeting report regarding the Subject Lands:

[September 22, 2020, Committee of the Whole Public Meeting \(Item 4, Report 42\)](#)

Analysis and Options

An Amendment to VOP 2010 is required to permit the Development

Official Plan Designation:

- “Regional Intensification Corridor” on Schedule 1 – Urban Structure by VOP 2010
- “Low-Rise Residential” on Schedule 13 – Land Use by VOP 2010
- This designation permits, detached, semi-detached, townhouse, and institutional buildings with a maximum building height of 3-storeys
- The “Low-Rise Residential” designation does not permit a 5-storey residential building, therefore, a site-specific amendment to VOP 2010 is proposed to facilitate the Development on the Subject Lands

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

Zoning:

- “R2 Residential Zone” by Zoning By-law 1-88
- This Zone does not permit the Development
- The Owner proposes 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 Zone Requirement	Proposed Exceptions to the RA3 Requirement
a.	Minimum Front Yard	7.5 m	7.4 m (Flamingo Road)
b.	Minimum Exterior Side Yard	7.5 m	3.5 m (Bathurst Street)
c.	Minimum Landscape Width Abutting a Residential Zone	2.4 m	1 m (Along the south property line)
d.	Minimum Landscape Strip Abutting a Street Line	6 m	3.5 m (Bathurst Street)
e.	Minimum Landscape Strip Around the Periphery of Outdoor Parking Area	3 m	1 m
f.	Screening of Outdoor Parking Area	An outdoor parking area shall be screened from the street and shall consist of either a	This provision shall not apply

	Zoning By-law 1-88 Standard	RA3 Zone Requirement	Proposed Exceptions to the RA3 Requirement
		landscape earthen berm, or an evergreen hedgerow, and shall have a minimum height of 1.2 m	
g.	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 m ² x 11 spaces/100 m ² = 591 parking spaces Total Parking Required = 644 parking spaces	Surface Parking 73 parking spaces P1 81 parking spaces Provide a total of 154 parking spaces
h.	Minimum Amenity Area	27 One Bedroom Unit x 20 m ² /unit = 540 m ² 3 Three Bedroom Unit x 90 m ² /unit = 270 m ² Total required amenity area = 810 m ²	Provide a total amenity area of 495 m ²

Additional zoning exceptions may be identified through the detailed review of the Applications and will be considered at a comprehensive report to a future Committee of the Whole meeting.

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

The Subject Lands are zoned I1 Institutional One by the City of Vaughan Comprehensive Zoning By-law 001-2021 ('By-law 001-2021'). 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 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. 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.

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 Policies, York Region and City Official Plan Policies	<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 Horseshoe, 2020, 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-law	<ul style="list-style-type: none"> ▪ The appropriateness of the amendments to VOP 2010 will be reviewed in consideration of the proposed land use designation, building height and density ▪ The appropriateness of the rezoning and site-specific exceptions will be reviewed in consideration of but not limited to, land use compatibility, pedestrian, barrier free and vehicular accessibility, building height and setbacks, built form, adequate parking, appropriate development standards and the existing and planned surrounding land uses
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.v 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

	MATTERS TO BE REVIEWED	COMMENT(S)
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
f.	Public Agency/Municipal Review	<ul style="list-style-type: none"> The Applications must be reviewed by York Region and external public agencies and utilities, and the Public, Separate, and French School Boards
g.	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, bioswales, drought tolerant landscaping, energy efficient lighting, reduction in pavement etc., will be reviewed and implemented through the Site Plan process, if the Applications are approved In accordance with the City of Vaughan's Sustainability Metrics Program, the Development must achieve a minimum Bronze Threshold Application Score at the Site Development Application stage
h.	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
i.	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, 2020</i>; 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, 2020</i> 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

	MATTERS TO BE REVIEWED	COMMENT(S)
		<ul style="list-style-type: none"> 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)
j.	Future Site Development Application	<ul style="list-style-type: none"> The Owner is required to submit a Site Development Application to permit the Development. The Site Development Application will be required to review, but not limited to, pedestrian and barrier free accessibility, site design, and building elevations and materials, upgraded flankage elevations, snow storage areas, tree protection, servicing, grading and storm water management, the location and allocation of the parking spaces, garbage and waste storage, among other matters, if the Applications are approved

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. York Region has determined that the proposed Official Plan Amendment application is a matter of local significance and does not adversely affect Regional planning policies or interest. York Region, on February 28, 2020, exempted the Official Plan Amendment Application from approval by the Regional Committee of the Whole and Council. Any additional issues or comments received from the York Region will be addressed through the comprehensive report to Council.

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of the Applications will be considered in the comprehensive 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 OluwaKemi Apanisile, Planner, Development Planning Department, Extension. 8210.

Attachments

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

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