

Committee of the Whole (Public Hearing) Report

DATE: Tuesday, September 22, 2020

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:

Nick Spensieri, Deputy City Manager, Infrastructure Development

ACTION: DECISION

Purpose

To receive comments from the public and the Committee of the Whole on Official Plan and Zoning By-law Amendment Files OP.19.016 and Z.19.040 (Chabad Lubavitch of Southern Ontario) for the subject lands shown on Attachment 1. The Owner seeks approval to permit the development of a tiered 3 to 12-storey residential building with 125 units, a Floor Space Index of 1.83 times the area of the lot, 1,175 m² of Gross Floor Area within the proposed residential building devoted to a Place of Worship (the social hall), 33 surface parking spaces and 204 parking spaces located within a 2 level underground parking garage as shown on Attachments 2 to 4.

Report Highlights

- To receive input from the public and the Committee of the Whole on a proposed tiered 3 to 12-storey residential building with 125 units, a Floor Space Index of 1.83 times the lot area, 1,175 m² of Gross Floor Area within the proposed residential building devoted to a Place of Worship (the social hall), 33 surface parking spaces and 204 parking spaces located within a 2 level underground parking garage
- Official Plan and Zoning By-law Amendments are required to permit the proposed development
- A technical report will be prepared by the Development Planning Department to be considered at a future Committee of the Whole meeting

Recommendations

1. THAT the Public Hearing 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 a future Committee of the Whole meeting.

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 and surrounding land uses are shown on Attachment 1.

The Subject Lands are currently developed with a Place of Worship (4,151.4 m²), known as the Chabad Flamingo Synagogue. The proposed tiered 3 to 12-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 would remain within the existing building and a 1,175 m² expansion of the Place of Worship (the social hall) extends into the 2nd and 3rd floors of the proposed residential building.

Official Plan and Zoning By-law Amendment Applications have been submitted to permit the Development

The Owner has submitted the following applications (the 'Applications') to permit a tiered 3 to 12-storey residential building with 125 units, a FSI of 1.83 times the area of the lot, 1,175 m² GFA within the proposed residential building devoted to a Place of Worship (the social hall), 33 surface parking spaces and 204 parking spaces within 2 a level underground parking garage (the 'Development') as shown on Attachments 2 to 4:

1. Official Plan Amendment File OP.19.016 to amend Vaughan Official Plan 2010 ('VOP 2010'), specifically to redesignate the Subject Lands from "Low-Rise Residential" to "Mid-Rise Residential" with a maximum permitted FSI of 1.83 times the area of the lot and a building height of 12-storeys.
2. Zoning By-law Amendment File Z.19.040 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.

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

- a) Date the Notice of Public Hearing was circulated: August 28, 2020.

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

b) Circulation Area: 300 m radius from the Subject Lands and to the Rosedale North Ratepayers Association.

c) Comments received:

The Development Planning Department has received written comments from the following individuals:

- Dr. D. Segall, Flamingo Rd., email dated January 24, 2020
- K. Kofsky, Highcliffe Dr., email dated January 27, 2020
- S. Zibman, email dated January 28, 2020
- S. Schreiber, email dated January 28, 2020
- S. Zibman, email dated January 29, 2020
- G. Nazari, email dated January 30, 2020
- Y. Choi, email dated February 3, 2020
- R. Mor, Highcliffe Dr., email dated February 4, 2020
- J. Bortz, Worth Blvd., email dated February 24, 2020
- J. Ginsberg, email dated May 6, 2020
- Fern, Stephen, Lisa, Michael Lutwak and Z. Barzalai, Flamingo Rd., dated May 23rd, 2020
- Helen Chun, Worth Blvd, email dated July 1, 2020

The following is a summary of the comments provided in the written correspondence received to date:

Privacy, Shadow and View

- the Development will have adverse shadow impact on adjacent properties
- the Development will overlook the backyards of neighbouring properties

Access, Traffic, Parking

- the Development will generate an increase of on-street parking on Flamingo Road and Highcliffe Drive during events and times of worship for the existing Synagogue
- the existing driveway on Bathurst Street is not designed to support traffic generated from the Synagogue and the Development
- the existing driveway access point for the Development is too close to the Bathurst Street and Flamingo Road intersection
- the Development should not be built in a congested area
- the Development will limit parking capacity and access to the Synagogue
- the existing public pedestrian access abutting the Subject Lands will make it easy for residents and visitors of the Development to park on Highcliffe Drive

Density, Built Form and Building Design

- the Development is too large and too high

- the Development does not fit into the urban context of the neighbourhood comprised of detached houses
- the increased density to the neighbourhood will place a strain on existing local facilities, such as parks, tennis courts and community centres

Construction

- exhaust and fumes from the building will have an adverse impact on adjacent residential development
- it is unclear how noise, vibration and dust during the construction period will be mitigated and managed
- there will be impacts to the foundations of adjacent homes during shoring and excavation of the Subject Lands

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

As a response to resident's comments, the Owner is in the process of revising the Development and has provided the Development Planning Department with a draft site plan as shown on Attachment 5.

The revisions include the following:

- a second 'right-in/right-out' driveway access to Bathurst Street (subject to York Region approval)
- a ramp to the underground parking garage from Bathurst Street
- reduction in building mass and terracing of the south side of the building
- increased setback from the existing residential development to the south, from 8.7 m to 20 m
- a reduction in the number of units from 125 to 92
- a reduction in FSI from 1.83 to 1.74
- added a terrace on the 3rd floor and along east side of the building

Previous Reports/Authority

Not applicable.

Analysis and Options:

Amendments to the Vaughan Official Plan 2010 are required to permit the Development

The Subject Lands are designated "Low-Rise Residential" by VOP 2010 and permits "Low-Rise" buildings such as detached, semi-detached, townhouse, and institutional buildings with a maximum height of 3-storeys.

The Owner proposes to redesignate the Subject Lands to "Mid-Rise Residential", to permit a tiered 3 to 12-storey residential building with 125 units, an FSI of 1.83 times the lot area and a 1,175 m² expansion of the Place of Worship (the social hall).

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", together with the following site-specific zoning exceptions:

Table 1:

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirement	Proposed Exceptions to the RA3 Apartment Residential Zone Requirements
a.	Minimum Number of Required Parking Spaces	<u>Residential</u> 125 units @ 1.5 space/unit = 188 parking spaces 125 units @ 0.25 visitor parking/unit = 32 parking spaces <u>Institutional</u> 4,151.4 m ² + 1,175 m ² = 5,326.4 m ² @ 11 spaces/100 m ² = 586 parking spaces Total parking required = 806 parking spaces	<u>Residential</u> 80 units @ 0.85 spaces/1-bedroom unit = 68 parking spaces 34 units @ 0.95 spaces/2-bedroom unit = 33 parking spaces 11 units @ 1.15 spaces/ 3-bedroom units = 13 parking spaces <u>Visitor/Institutional</u> 123 parking spaces Total parking proposed = 237 parking spaces
b.	Minimum Front Yard (Flamingo Road)	7.5 m	7.4 m
c.	Minimum Exterior Side Yard (Bathurst Street)	7.5 m	3.5 m

	Zoning By-law 1-88 Standard	RA3 Apartment Residential Zone Requirement	Proposed Exceptions to the RA3 Apartment Residential Zone Requirements
d.	Minimum Amenity Area	<p>80 1-bedroom units @ 20 m² per unit = 1,600 m²</p> <p>34 2-bedroom units @ 55 m² per unit = 1,870 m²</p> <p>11 3-bedroom units @ 90 m² per unit = 990 m²</p> <p>Total Amenity Area Required = 4,460 m²</p>	Total amenity area proposed = 797 m ²
e.	Minimum Landscape Width Abutting a Residential Zone	2.4 m	1 m (Along south property line)
f.	Minimum Landscape Strip Abutting a Street Line	6 m	3.5 m (Bathurst Street)
g.	Minimum Landscape Strip Around the Periphery of Outdoor Parking Area	3 m	1 m
h.	Screening of Outdoor Parking Area	An outdoor parking area shall be screened from the street and shall consist of either a landscaped earthen berm, or an evergreen hedgerow, and shall have a minimum height of 1.2 metres.	This provision shall not apply

Additional zoning exceptions may be identified through the detailed review of the Applications and will be considered at 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	COMMENTS
a.	Consistency and Conformity with Provincial Plans and Official Plans	<ul style="list-style-type: none"> ▪ The Development will be reviewed for consistency and conformity with the applicable policies of the <i>Provincial Policy Statement, 2020</i> ('PPS'), <i>A Place to Grow: The Growth Plan for the Greater Golden Horseshoe 2019</i> (the 'Growth Plan'), and the York Region Official Plan ('YROP') policies ▪ Any decision with respect to the Development made on or after May 1, 2020, shall be consistent with the revised PPS, 2020
b.	Conformity with Vaughan Official Plan ('VOP 2010')	<ul style="list-style-type: none"> ▪ The Application to redesignate the Subject Lands from "Low-Rise Residential" to "Mid-Rise Residential" having a maximum FSI of 1.83 and a maximum building height of 12-storeys will be reviewed in consideration of VOP 2010, Volume 1 policies, including but not limited to the following: <ul style="list-style-type: none"> – Low-Rise Residential – Mid-Rise Residential specifically, Section 9.2.2.3 "Mid-Rise Residential" – Place of Worship Policies within OPA 210 (Thornhill Community Plan) – Regional Intensification Corridors – The Urban Structure set out in VOP 2010
c.	Appropriateness of the Proposed Rezoning and Site-Specific Zoning Exceptions	<ul style="list-style-type: none"> ▪ The appropriateness of the proposed zoning and exceptions to Zoning By-law 1-88 will be reviewed in consideration of the surrounding existing and planned land uses, with particular consideration given to land use compatibility, built form, building height and setbacks, adequate parking, pedestrian and vehicular accessibility, and the appropriate development standards
d.	Studies and Reports	<ul style="list-style-type: none"> ▪ The following studies and reports were submitted in support of the Applications and must be approved to the satisfaction of the City and/or respective public approval authority:

	MATTERS TO BE REVIEWED	COMMENTS
		<ul style="list-style-type: none"> - Planning Justification Report - Arborist Report - Tree and Preservation Report - Stormwater Management and Functional Servicing Reports - Phase1 Environmental Site Assessment ('ESA') - Community Service and Facility Study - Noise and Vibration Study - Urban Design Brief - Traffic Impact Study - Parking Study - Sun Shadow Study - Geotechnical Report - Geohydrology Report - Pedestrian Level Wind Study <ul style="list-style-type: none"> ▪ The studies/reports are available on the City's website at https://maps.v Vaughan.ca/planit/ (PLANit Viewer) ▪ Additional studies/reports may be required as part of the application review process
e.	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 is unavailable, the Subject Lands may be zoned with a Holding Symbol "(H)", which will be removed once servicing capacity is identified and allocated to the Subject Lands by Vaughan Council
f.	Parkland Dedication	<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 Parkland Policy, should the Applications be approved ▪ The final value of the cash-in-lieu of parkland dedication will be determined by the Real Estate Department

	MATTERS TO BE REVIEWED	COMMENTS
g.	Site Development Application	<ul style="list-style-type: none"> ▪ The Owner is required to submit a Site Development Application to permit the Development. Further details related to the proposal will be evaluated and addressed through the Site Development approval process
h.	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 Development approval process, should the Applications be approved ▪ In accordance with the City of Vaughan's Sustainability Metrics Program, the Development must achieve a minimum Bronze Threshold Application Score
i.	Urban Design Guidelines & Design Review Panel ('DRP')	<ul style="list-style-type: none"> ▪ The Development will be reviewed in consideration of the Council approved City-wide Urban Design Guidelines ▪ On February 28, 2019, a preliminary design concept was considered by the Vaughan Design Review Panel ('DRP'), The Owner must address the comments to the satisfaction of the Development Planning Department. The revised proposal must be reviewed by the DRP prior to final consideration of the Site Development Application

	MATTERS TO BE REVIEWED	COMMENTS
j.	Transportation, Parking and Access	<ul style="list-style-type: none"> ▪ The Owner has submitted a Traffic Impact Study and a Parking Study, prepared by Crozier Consulting Engineers in support of the Applications ▪ The Subject lands are located on Bathurst Street, which is under the jurisdiction of York Region, and Flamingo Road is under the jurisdiction of the City of Vaughan ▪ The Development Engineering ('DE') Department will be required to review the submitted traffic impact and parking studies provided and approve the design of the access/egress driveway onto Flamingo Road ▪ York Region must review the submitted traffic impact study and will identify and approve any required road widenings
k.	Section 37 (Density Bonusing) the <i>Planning Act</i> , VOP 2010 and City Guidelines	<ul style="list-style-type: none"> ▪ The Development will be subject to and reviewed in consideration of the City's bonusing for increases in building height and 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
l.	York Region	<ul style="list-style-type: none"> ▪ The Subject Lands are located on a Regional Rapid Transit Corridor as identified on Map 11 of YROP 2010 and abuts an existing York Region Transit bus stop on the southeast corner of Bathurst Street and Flamingo Road ▪ The Development will be evaluated for elements of 'transit-oriented-design' to ensure compatibility to planned and existing transit infrastructure along the Bathurst Street corridor ▪ York Region shall confirm if a road widening is required to achieve the planned right-of-way width for Bathurst Street along the frontage of the Subject Lands

	MATTERS TO BE REVIEWED	COMMENTS
		<ul style="list-style-type: none"> York Region must approve the driveway, location and design.

Financial Impact

There are no 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 or comments received from York Region will be addressed through the technical report to Council.

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.

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 technical report at a future Committee of the Whole meeting.

For more information, please contact: OluwaKemi Apanisile, Planner, Development Planning Department, Extension. 8210.

Attachments

1. Location Map
2. Site Plan & Proposed Zoning
3. Landscape Plan
4. Elevations
5. Revised Draft Site Plan

Prepared by

OluwaKemi Apanisile, Planner, ext. 8210

Mary Caputo, Senior Planner, ext. 8635

Nancy Tuckett, Senior Manager of Development Planning ext. 8529

Mauro Peverini, Director of Development Planning, ext. 8407

Approved by

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Nick Spensieri, Deputy City Manager,
Infrastructure Development

Reviewed by

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Jim Harnum, City Manager