

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 29, 2022

Item 7, Report No. 38, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on November 29, 2022.

7. BOWES ROAD INDUSTRIAL LP, DRAFT PLAN OF CONDOMINIUM (STANDARD) FILE 19CDM-22V004, VICINITY OF BOWES ROAD AND HIGHWAY 7

The Committee of the Whole recommends approval of the recommendation contained in the report of the Deputy City Manager, Planning and Growth Management, dated November 22, 2022:

Recommendation

1. THAT Draft Plan of Condominium (Standard) File 19CDM-22V004 (Bowes Road Industrial LP) BE APPROVED, to establish the condominium tenure for two existing multi-unit employment buildings located at 311 Bowes Road, subject to the conditions of Draft Plan of Condominium Approval identified in Attachment 1.

Committee of the Whole (1) Report

DATE: Tuesday, November 22, 2022

WARD: 4

TITLE: BOWES ROAD INDUSTRIAL LP
DRAFT PLAN OF CONDOMINIUM (STANDARD)
FILE 19CDM-22V004
VICINITY OF BOWES ROAD AND HIGHWAY 7

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Draft Plan of Condominium (Standard) File 19CDM-22V004 for the subject lands shown on Attachment 2 to establish the condominium tenure for two existing employment buildings, shown on Attachment 3, subject to the Conditions of Draft Plan of Condominium Approval identified in Attachment 1.

Report Highlights

- The Owner has submitted a Draft Plan of Condominium (Standard) Application to establish condominium tenure for two existing multi-unit employment buildings located at 311 Bowes Road.
- The Development Planning Department supports the Draft Plan of Condominium File 19CDM-22V004, subject to conditions.

Recommendation

1. THAT Draft Plan of Condominium (Standard) File 19CDM-22V004 (Bowes Road Industrial LP) BE APPROVED, to establish the condominium tenure for two existing multi-unit employment buildings located at 311 Bowes Road, subject to the conditions of Draft Plan of Condominium Approval identified in Attachment 1.

Background

The 2.2 ha subject lands (the “Subject Lands”) shown on Attachment 2 are located at the northeast corner of Bowes Road and Rivermede Road. The Subject Lands and surrounding land uses are shown on Attachment 2. The two existing multi-unit employment buildings were built in 1975 (the ‘Development’). The Owner does not propose any new building construction or internal building renovations.

Previous Reports/Authority

No previous City of Vaughan reports are associated with this Application.

Analysis and Options

A Draft Plan of Condominium (Standard) Application was submitted to establish tenure for the Subject Lands

Bowes Road Industrial LP (the ‘Owner’) has submitted Draft Plan of Condominium (Standard) File 19CDM-22V004 (the ‘Application’). The Application proposes to establish the standard condominium tenure for the existing Development, as shown on Attachment 3.

The Application is Consistent and Conforms with Provincial, Region of York and Vaughan Official Plan 2010

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario “shall be consistent” with the Provincial Policy Statement, 2020 (the ‘PPS’). Council’s planning decisions are also required by the *Planning Act* to conform, or not conflict with, the Provincial Growth Plan” A Place to Grow – Growth Plan for the Greater Golden Horseshoe 2019, as amended (the ‘Growth Plan’).

Section 1.3.1 of the PPS, Section 2.2.5 of the Growth Plan and Section 4.3.5 of the York Region Official Plan (‘YROP’) provide for the provision and protection of employment areas. The Draft Plan of Condominium maintains existing employment uses on the Subject Lands.

The Subject Lands are designated “Urban Area” by the York Region Official Plan which permits a wide range of uses, including employment uses. The Development includes two existing multi-unit employment buildings that contribute to the City of Vaughan employment land base. The Subject Lands are within a Stable Employment area and designated as “General Employment” on Vaughan Official Plan Schedule 13 – Land Use. The Application conforms to the York Region and City of Vaughan Official Plans.

A Minor Variance is required or the Development to comply with Zoning By-law 1-88, Exception 9(185)

The Subject Lands are zoned EM2, General Employment Area Zone subject to Exception 9(185) and permits the employment use. The existing multi-unit employments building were built in 1975. The Owner is not proposing any changes to the site, however, through the review of the Application, the following additional zoning exceptions are required to implement the Development:

1. To permit a minimum 0 metre landscape strip along a lot line which abuts a street line.
2. To permit a minimum of 4.08% of the area of the lot to be used for no other purpose than landscaping.

Should Council approve the recommendations in this Report, the Owner shall submit a Minor Variance Application for consideration by the Committee of Adjustment to permit the above noted required variances. The Minor Variance Application must be approved by the Committee of Adjustment, and the decision must be final and binding prior to final registration of the condominium plan. A Condition to this effect is included in the Conditions of Draft Plan of Condominium Approval and included as Attachment 1.

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 don 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, unless transition provisions under By-law 001-2021 apply.

The Subject Lands are zoned EM2, General Employment Zone subject to Exception 14.087 under By-law 001-2021 and permits the employment use. The following additional zoning exceptions are required for the Development:

1. To permit a minimum landscape strip width of 0 metres along a lot line which abuts a street line
2. To permit a minimum of 4.08% of the area of the lot to be used for no other purpose other than landscaping

The Development Planning Department supports the approval of the Application, subject to the comments and conditions outlined in this report

The Development Planning Department supports the approval of the Draft Plan of Condominium (Standard), subject to the comments in this report and conditions included in Attachment 1.

The Development Engineering Department has no objection to the Application, subject to conditions

The Development Engineering Department has no objection to the Application as no changes are proposed to the site or building footprint. Development Engineering has no objection to municipal servicing, site grading, and there are no Environmental Engineering comments as no lands are proposed to be conveyed to the City and the use is not changing to a more sensitive land use.

Prior to registration of the Draft Plan of Condominium, the Owner is required to provide one-way signs, do not enter signs, stop signs, and stop bars, on the Subject Lands for the one-way drive aisles located on the north side of the north building, and the 5-meter drive aisle between the buildings. A Condition to this effect has been included in Attachment 1.

The various utilities have no objection to the Application

Hydro One, Enbridge Gas, Alectra Utilities Corporation, Bell Canada, and Rogers Communications Inc. have no objection to the Application, subject to the Owner coordinating and conveying easements, servicing connections, and locates with the required utility company as deemed necessary to service this development.

Enbridge Gas requires that the Owner enter into a multi-unit condominium easement agreement to ensure continued supply of natural gas to the new individually owned units, and to ensure access for maintenance, repair, and servicing. Conditions to this effect are included in Attachment 1.

Canada Post has no objection to the Application

Canada Post has no objection to the Application and advised that mail delivery will remain as it is currently which is door to door delivery. Canada Post advises that there will be no more than one mail delivery point to each unique address assigned. Any existing postal coding may not apply. The Owner must contact Canada Post to verify postal codes for the Development. The Owner must contact Canada Post if additional units are added or if there is a change in land use. Conditions to this effect are included in Attachment 1.

The Toronto and Region Conservation Authority have no objection to the Application

The Toronto and Region Conservation Authority ('TRCA') have reviewed the Application and advise that the Subject Lands are partially located within the TRCA's Regulated Area, however, since no development or site alteration is proposed, a permit from TRCA pursuant to Ontario Regulation 166/06 would not be required.

The Subject Lands are located within the Well Head Protection Area of Quantity control (WHPA-Q2) per the Source Protection Plan, however, no water balance is required since no development or site alteration is proposed.

Metrolinx has no objection to the Application

Metrolinx does not object to the Application, however, advises that the Application is within the zone of influence for review and comment due to the Subject Lands' adjacency to Metrolinx's Newmarket Subdivision which carries Barrie GO Train service. Metrolinx requires warning clauses to be inserted in all development agreements, offers to purchase and agreements of Purchase and Sale or Lease for each unit which has been included as a condition in Attachment 1.

Other City Departments and Agencies have no objection to the Application

Building Standards, By-law and Compliance, Licensing and Permit Services Department, Environmental Services, Policy Planning and Special Projects, Financial Planning and Development Finance Department, Real Estate Department, Infrastructure Planning and Corporate Asset Management Department, and Emergency Planning have no objection to the Application.

Financial Impact

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

Broader Regional Impacts/Considerations

The York Region Community Planning and Development Services Department has no objection to the Application.

Conclusion

The Development Planning Department supports the Application to create a standard condominium tenure for the existing Development, subject to the Conditions of Draft Approval identified in Attachment 1, as it is consistent with the PPS and conforms to the Growth Plan, the YROP, VOP 2010, and Zoning By-law 1-88.

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

Attachments

1. Conditions of Draft Plan of Condominium Approval File 19CDM-22V004.
2. Context and Location Map.
3. Draft Plan of Condominium.

Prepared by

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Mary Caputo, Senior Manager of Development Planning, ext. 8635.

Nancy Tuckett, Director of Development Planning, ext. 8529.

Approved by



Haiqing Xu, Deputy City Manager,
Planning and Growth Management

Reviewed by



Nick Spensieri, City Manager

ATTACHMENT NO. 1

CONDITIONS OF DRAFT PLAN OF CONDOMINIUM APPROVAL

**DRAFT PLAN OF CONDOMINIUM FILE 19CDM-22V004 (STANDARD)
BOWES ROAD INDUSTRIAL LP (OWNER)
BEING PART OF LOT 3, CONCESSION 2, CITY OF VAUGHAN (CITY)**

THE CONDITIONS OF THE COUNCIL OF THE CITY OF VAUGHAN THAT SHALL BE SATISFIED PRIOR TO THE RELEASE FOR REGISTRATION OF PLAN OF CONDOMINIUM (STANDARD) FILE 19CDM-22V004, ARE AS FOLLOWS:

City of Vaughan

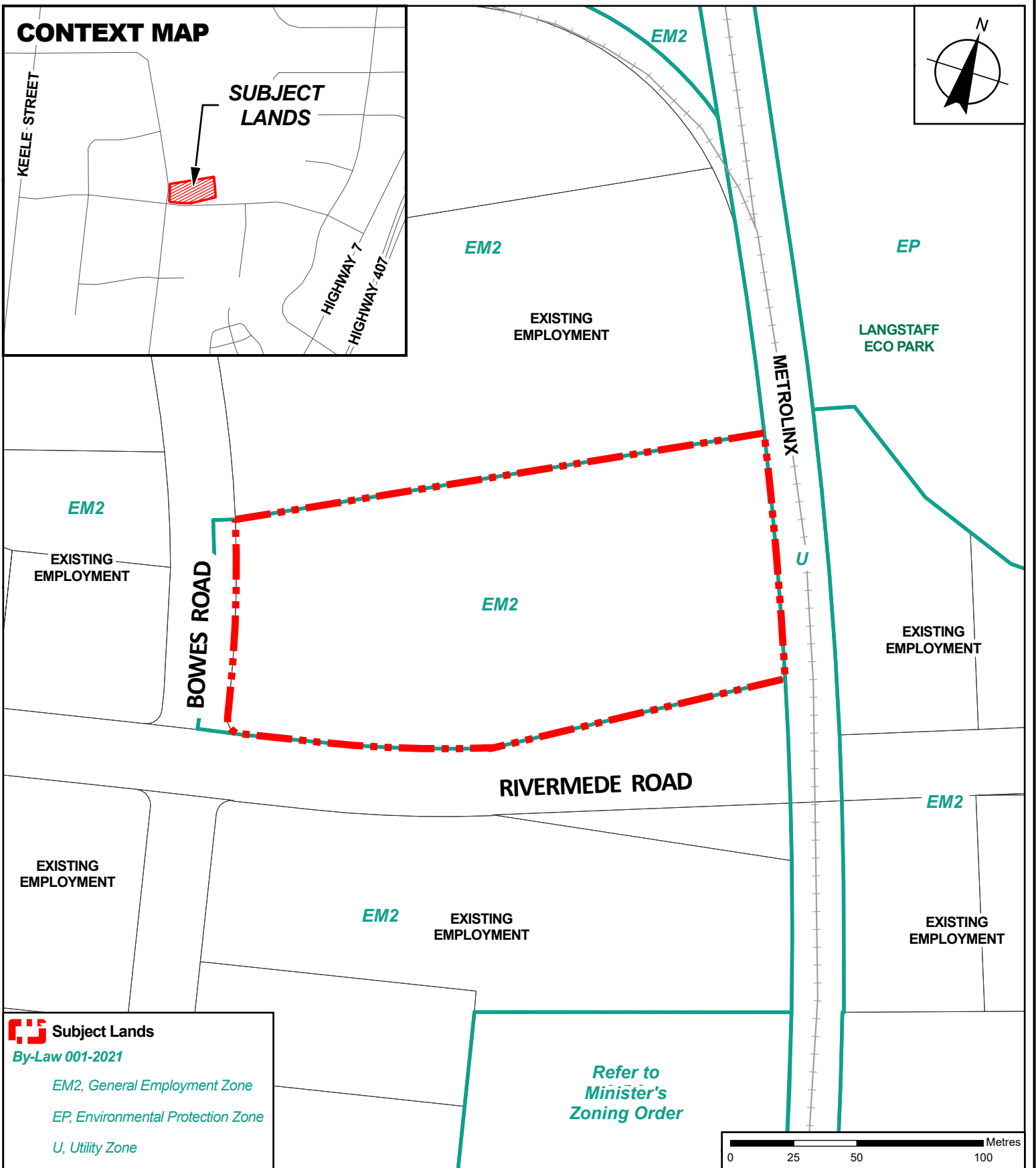
1. The Plan shall relate to a Draft Plan of Condominium, prepared by R-PE Surveying Ltd., Job No. 21-408, Drawing Number 21-408-DR-PL dated August 8, 2022.
2. Prior to the execution of the Condominium Agreement, the Owner shall submit a pre-registered Plan of Condominium to the Vaughan Development Planning Department.
3. The Owner shall enter into a Condominium Agreement with the City of Vaughan, and shall agree to satisfy any conditions that the City may consider necessary.
4. The Condominium Agreement shall be registered on title against the lands to which it applies, at the cost of the Owner.
5. Prior to final approval of the Plan, the Owner shall submit an “as-built” survey to the satisfaction of the Building Standards Department.
6. The “as-built” drawing shall include the one-way signs, do not enter signs, stop sign and stop bar for the one-way drive aisles located on the north side of the north building, and for the 5 meter drive aisle between the buildings.
7. Prior to final approval of the Plan, the Owner, their Solicitor and Land Surveyor shall confirm that all required easements and rights-of-way for utilities, drainage and construction purposes have been granted to the appropriate authorities.
8. Prior to final approval, the Owner shall confirm that they have paid all taxes levied, all additional municipal levies, if applicable, development charges and all financial requirements of this development as may be required to the satisfaction of the Financial Planning and Development Finance Department. The Owner also certifies acknowledgment for responsibility for the payment of all taxes levied to date, both interim and final, and all taxes levied upon the land after execution of the Condominium Agreement, if required, until each unit covered under the Condominium is separately assessed.

9. Prior to final approval of the Plan, the Owner shall obtain approval of a Minor Variance Application from the City of Vaughan Committee of Adjustment and the Decision shall be Final and Binding.
10. The following provisions shall be included in the Condominium Agreement to the satisfaction of the City:
 - a) The Condominium Corporation shall be responsible to regularly clean and maintain all driveway catch basins.
 - b) The Condominium Corporation shall be responsible for snow removal and clearing the Condominium Corporation shall not store or deposit snow from the lands/development onto City of Vaughan owned property.
 - c) The Condominium Corporation shall be responsible for private waste collection services.
11. The Owner and/or its successors shall agree to carry out, or cause to carry out, the warning clauses set out in this memorandum to the satisfaction of the City. Prior to the transfer of any unit with the Plan, the Owner and/or its successors shall submit to the City satisfactory evidence that the appropriate warning clauses required by this agreement have been included in the offer of Purchase and Sale or Lease for such unit.
12. The Condominium Agreement, Condominium Declaration and in all Agreements of Purchase and Sale and/or Lease shall include the following warning clauses:
 - i) Metrolinx and its assigns and successors in interest has or have a right-of-way withing 300 metres from the land the subject hereof. There may be alternations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and /or operations on, over or under the aforesaid right-of-way.
13. Prior to final approval of the plan, the Owner must enter into a multi-unit condominium easement agreement with Enbridge Gas to ensure the continues access for maintenance, repair and servicing of existing customers.

Clearances

14. The City (Vaughan Development Planning Department) shall advise in writing that Conditions 1 to 12 have been satisfied.
15. Enbridge Gas shall advise in writing that Condition 13 has been satisfied.

CONTEXT MAP



Subject Lands
By-Law 001-2021

EM2, General Employment Zone

EP, Environmental Protection Zone

U, Utility Zone

Refer to
Minister's
Zoning Order

Context and Location Map

LOCATION:

311 Bowes Road
Part of Lot 18 Plan 7925
Part of Lot 8 Concession 3

APPLICANT:

Bowes Road Industrial LP



VAUGHAN

Development Planning

Attachment

FILE:
19CDM-22V004

DATE:
November 22, 2022

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