

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:

Haiping 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.

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