

## Committee of the Whole (2) Report

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**DATE:** Tuesday, June 18, 2024

**WARD(S):** 5

**TITLE:** 2701382 ONTARIO INC.

**DRAFT PLAN OF CONDOMINIUM (STANDARD)**

**FILE 19CDM-24V004**

**30 & 50 UPPER MALL WAY**

**VICINITY OF BATHURST STREET AND CLARK AVENUE WEST**

**FROM:**

Haiqing Xu, Deputy City Manager, Planning and Growth Management

**ACTION:** DECISION

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### **Purpose**

To seek approval from the Committee of the Whole for Draft Plan of Condominium (Standard) File 19CDM-24V004 for the subject lands shown on Attachment 1. The owner is proposing to establish the condominium tenure for the residential portions of the 30 and 35-storey mixed-use apartment buildings consisting of 761 residential units currently under construction (Attachment 2), subject to the Conditions of Draft Plan of Condominium Approval in Attachment 4 (the "Conditions").

### **Report Highlights**

- The Owner has submitted a Draft Plan of Condominium (Standard) Application to establish a standard condominium tenure for the residential portions of the mixed-use apartment buildings currently under construction.
- The Draft Plan of Condominium (Standard) consists of the area dedicated to the residential units, amenity area, underground parking and locker units that is consistent with the approved Site Development Files DA.18.107 and DA.21.035.
- The Draft Plan of Condominium conforms to Vaughan Official Plan 2010 and complies with Zoning By-law 001-2021.
- The Development Planning Department supports the proposed Draft Plan of Condominium File 19CDM-24V004, subject to the Conditions.

## **Recommendations**

1. THAT Draft Plan of Condominium (Standard) File 19CDM-24V004 (2701382 Ontario Inc.) BE APPROVED, to establish condominium tenure for the residential portion as shown on Attachment 2, subject to Conditions of Draft Approval in Attachment 4.
2. THAT Council's approval of the Draft Plan of Condominium (Standard) File 19CDM-24V004 (2701382 Ontario Inc.) subject to the Conditions of Draft Approval set out in Attachment 4 be for a period of three years (no less than three years) from the date on which approval was given, and the approval shall lapse at the expiration of that time period.
3. THAT Draft Plan of Condominium (Standard) File 19CDM-24V004 and Related Site Development File DA.21.035 (2701382 Ontario Inc.) be allocated servicing capacity from the York Sewage Servicing/ Water Supply System for a total of 3 residential units (7 persons equivalent). The allocation of said capacity may be redistributed (at the discretion of the City) in accordance with the City's Servicing Allocation Policy if the development does not proceed to registration and/or building permit issuance within 36 months.

## **Background**

Location: 30 & 50 Upper Mall Way (the "Subject Lands") located at the south end of the existing Promenade Mall. The Subject Lands and the surrounding land uses are shown on Attachment 1.

Council, on October 23, 2019, approved Site Development File DA.18.107 to permit 30 and 35-storey mixed-use apartment buildings connected by a 7-storey podium with a total of 729 units with retail at grade and a 23-storey mixed-use building comprised of office, hotel and retail uses. Revised Site Development File DA.21.035 was submitted which amended File DA.18.107 to include the 30 and 35-storey mixed-use apartment buildings connected by a 7-storey podium but increased the total number of residential units from 729 to 757. The approved site plan is shown on Attachment 3. Through Draft Plan of Condominium File 19CDM-24V004, the Owner has increased their residential units further from 757 to 761 (4 additional units including 1 guest suite). Allocation for 3 additional units is captured in Recommendation 3 above. The 1 additional guest suite unit does not require allocation.

### ***A Draft Plan of Condominium (Standard) Application has been submitted to permit the proposed condominium.***

The Owner has submitted a Draft Plan of Condominium (the "Application") for the Subject Lands to establish the standard condominium tenure for the residential portion of the under construction mixed-use apartment buildings, as shown on Attachment 2.

The Application includes 761 residential units, 678 parking spaces for the residential units both at grade and within the 3-level underground parking garage, the amenity area for the development including landscaped area and bicycle storage. The 7,456 m<sup>2</sup> of non-residential GFA and 152 visitor parking spaces are excluded from the Application.

### **Previous Reports/Authority**

Previous reports related to the Application can be found at the following links:

[October 7, 2019, Committee of the Whole Promenade Limited File DA.18.107](#)

### **Analysis and Options**

***The Development is consistent with the Provincial Policy Statement and conforms to the Growth Plan, YROP, VOP 2010 and PCSP.***

#### Provincial Policy Statement, 2020 (“PPS”)

The PPS provides direction on matters of Provincial interest related to land use planning and development and include building strong, healthy communities with an emphasis on efficient development and land use patterns, wise use and management of resources, and protecting public health and safety.

The Subject Lands are within a Settlement Area and the Delineated Built-Up Area of the Built Boundary of York Region. The Proposed Development facilitates a compact urban form through the intensification of underutilized lands in the City’s established Settlement Area where full municipal services exist. The compact urban form, the ability to utilize existing municipal infrastructure, and the opportunity to provide housing with varying unit sizes facilitate a higher density development that capitalizes on the transportation infrastructure investments, consistent with the PPS. Staff are satisfied that the Proposed Development is consistent with the PPS.

#### A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the ‘Growth Plan’)

The Growth Plan provides a framework for implementing the Province’s vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2041. The premise of the Growth Plan is building compact, vibrant and complete communities, developing a strong competitive economy, protecting and wisely using natural resources, and optimizing the use of existing and new infrastructure to support growth in a compact and efficient form.

The Subject Lands are within an Intensification area, in proximity to higher order transit facilities and a Major Transit Station Area (“MTSA”). The Growth Plan defines a MTSA as the area within an approximate 500 to 800 m of a transit station. The Subject Lands front onto Bus Rapid Transit (“BRT”) Station MTSA and bike lane routes along Centre Street. The Development shown on Attachment 2 conforms to the Growth Plan.

### York Region Official Plan 2022 (“YROP”)

The YROP designates the Subject Lands ‘Urban Area’, which permits a wide range of residential, commercial, industrial, and institutional uses. The Subject Lands are located within the Disera-Promenade BRT PMTSA #57. Regional Centres and MTSA’s are focal points for the highest densities and most intensive development. The Proposed Development, which conforms to the YROP, provides for a denser and more intense development on a parcel of the land in close proximity to existing transit facilities.

### Vaughan Official Plan 2010 (“VOP 2010”)

VOP 2010 sets out the municipality’s general planning goals and policies that guide future land use. The Subject Lands are identified in VOP 2010 as follows:

- “Primary Centre” on Schedule 1 – “Urban Structure” of VOP 2010
- “PMSTA #57 – Disera-Promenade BRT Station” on Schedule 1C – “Protected Major Transit Station Areas” of VOP 2010 with Density Target of 200 people and jobs per hectare
- “High-Rise Mixed-Use” on Schedule 13 – “Land Use” of VOP 2010
- “Promenade Mall Secondary Plan” on Schedule 14A - “Areas Subject to Secondary Plans”
- “Community Commercial Mixed-Use” – “Land Use” of VOP 2010, Volume 2, Secondary Plan 11.16 Promenade Centre Secondary Plan (“PCSP”) Area Specific with site-specific policy to permit the high-rise mixed-use apartment towers up to a maximum height of 35-storeys.

The Application would create the condominium tenure for the residential portion of the previously approved high-rise mixed-use apartment towers shown on Attachment 3 as consistent with the PPS, and conforms with the Growth Plan, YROP, VOP 2010 and PCSP.

***On October 20, 2021, Council adopted the new Comprehensive Zoning By-law 001-2021 (“CZB”). The OLT ordered the CZBL into force by its order on December 28, 2022, and as corrected on March 28, 2023, with exceptions.***

The Application is transitioned under Section 1.6 of the CZBL and has been reviewed under Zoning By-law 1-88.

***No Amendments to Zoning By-law 1-88 are required for this Application.***

#### Zoning:

- RA5 High Density Residential Town Centre and C5 Community Commercial Zone subject to Exception 9(480)
- The Application complies to Zoning By-law 1-88

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

The Draft Plan of Condominium (Standard) shown on Attachment 2 is consistent with the existing development on the Subject Lands (Attachment 3). The Development

Planning Department supports the approval of the Application shown on Attachment 2, subject to the Conditions.

### **Financial Impact**

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

### **Operational Impact**

***The Development Engineering ("DE") Department has no objection to the Application.***

The DE Department has reviewed the Application and has no objection, subject to the Conditions.

### **Sewage and Water Allocation**

Since the previous approvals (Site Development Files DA.18.107 and DA.21.035), there has been an increase in unit count from 757 units to 761 units (4 additional units including 1 guest suite) which is permitted by the in-effect zoning by-law. An additional servicing capacity allocation resolution is needed to capture the increase in 3 units (excluding the guest suite which does not require allocation). A recommendation to this effect is included in the recommendation section of this report.

***Other City Departments and agencies have no objections to the Application subject to Conditions identified in Attachment 4.***

Financial Planning and Development Finance, Alectra, Bell, Canada Post and Enbridge have no objections to the Application subject to the Conditions.

***Other City Departments and agencies have no objection to the Application.***

Rogers Communications, Hydro One, York Region, Toronto and Region Conservation Authority, York Catholic District School Board, Vaughan Emergency Planning, Vaughan Real Estate Department, Policy Planning and Environmental Sustainability Department, Zoning Section and Building Standards have no objection to the Application.

### **Broader Regional Impacts/Considerations**

York Region has no objection to the approval of the Application.

### **Conclusion**

The Development Planning Department is satisfied the Application to create a standard condominium tenure is consistent with the PPS, conforms with the Growth Plan, YROP and VOP 2010, complies with Zoning By-law 1-88 as amended, is consistent with the approved site plan -and is appropriate for the development of the Subject Lands. Accordingly, the Development Planning Department can recommend approval of the Application, subject to the recommendations in this report and the Conditions.

**For more information**, please contact Margaret Holyday, Senior Planner, at extension 8216.

## **Attachments**

1. Context and Location Map
2. Draft Plan of Condominium (Standard) File 19CDM-24V004
3. Approved Site Plan File DA.21.035
4. Conditions of Draft Plan of Condominium Approval File 19CDM-24V004

## **Prepared by**

Margaret Holyday, Senior Planner, ext. 8216

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

Nancy Tuckett, Director of Development Planning, ext. 8529