

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 25, 2024

Item 8, Report No. 25 of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 25, 2024.

**8. 2701382 ONTARIO INC. DRAFT PLAN OF CONDOMINIUM
(STANDARD) FILE 19CDM-24V004 - 30 & 50 UPPER MALL WAY
VICINITY OF BATHURST STREET AND CLARK AVENUE WEST**

The Committee of the Whole recommends approval of the recommendations contained in the following report of the Deputy City Manager, Planning and Growth Management, dated June 18, 2024:

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.

Committee of the Whole (2) Report

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

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 m² 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

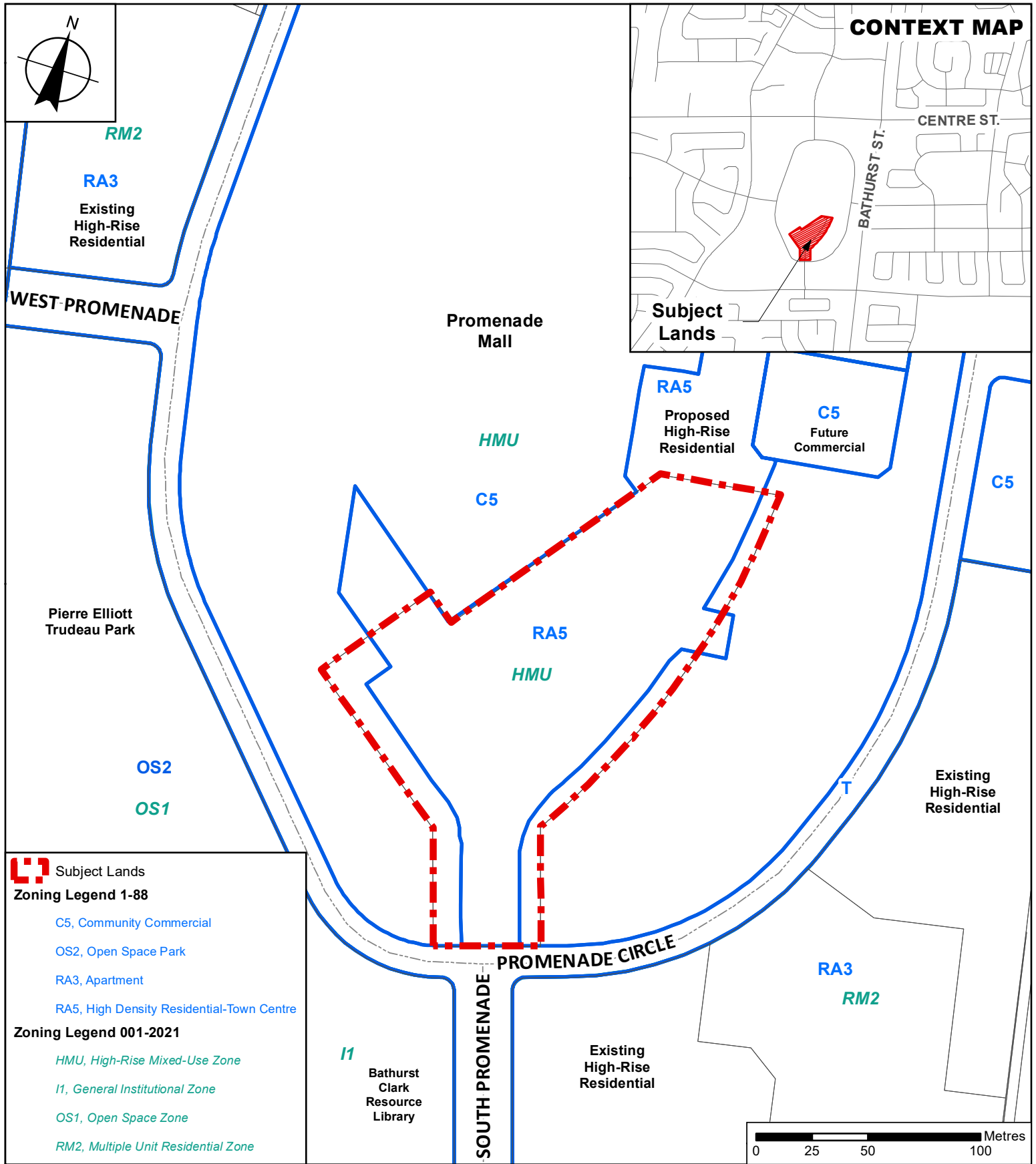
1. Context and Location Map
2. Draft Plan of Condominium (Standard) File 19CDM-24V004
3. Approved Site Plan File DA.21.035
4. Conditions of Draft Plan of Condominium Approval File 19CDM-24V004

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



Context and Location Map

LOCATION:
30 and 50 Upper Mall Way
Part of Lot 4, Concession 2

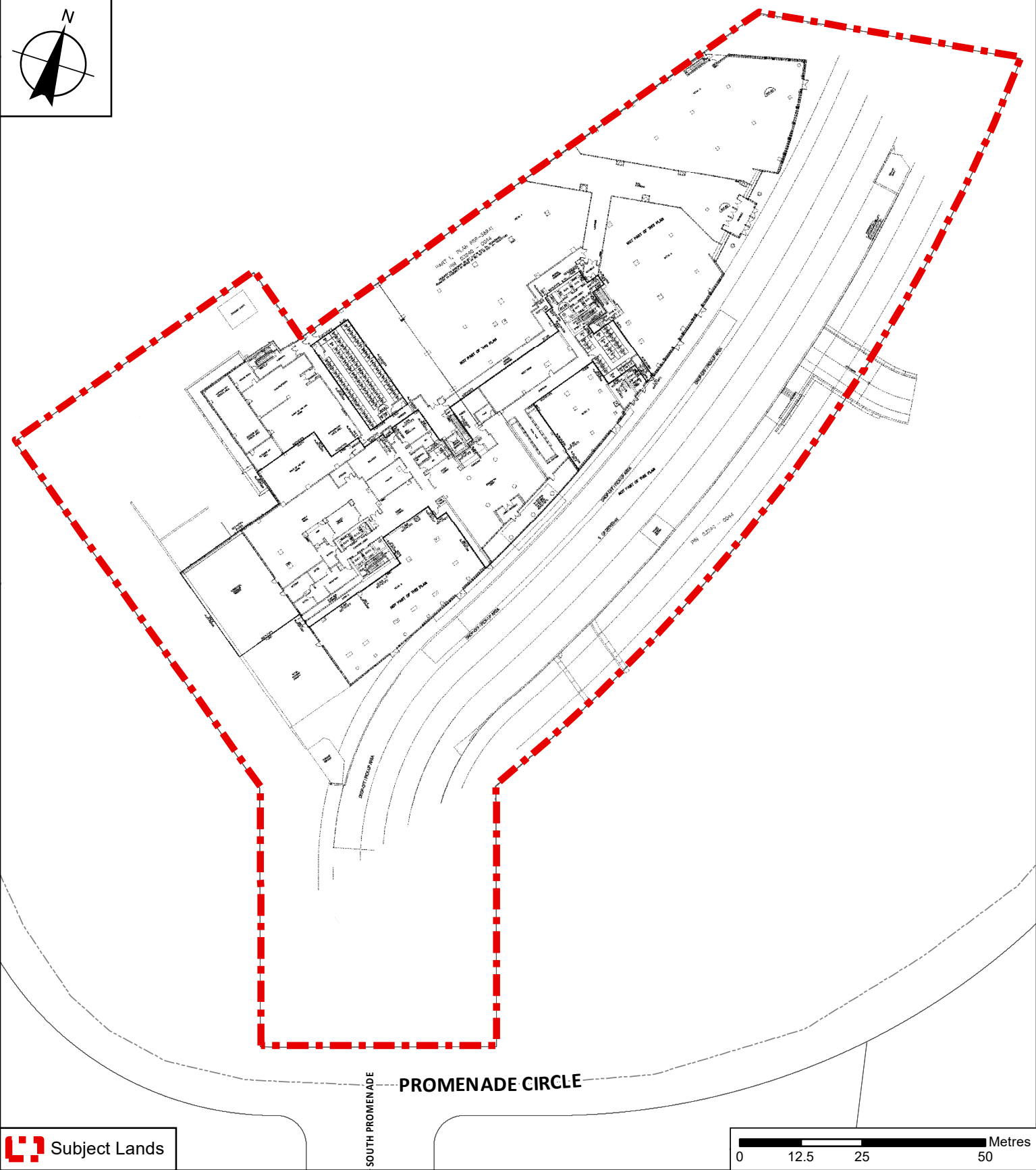
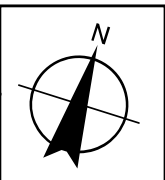
APPLICANT:
2701382 Ontario Inc.




Attachment

FILE:
19CDM-24V004
RELATED FILE:
DA.18.107 & DA.21.035
DATE: June 18, 2024

1



 Subject Lands

Draft Plan of Condominium (Standard) File 19CDM-24V004

LOCATION:
30 and 50 Upper Mall Way
Part of Lot 4, Concession 2

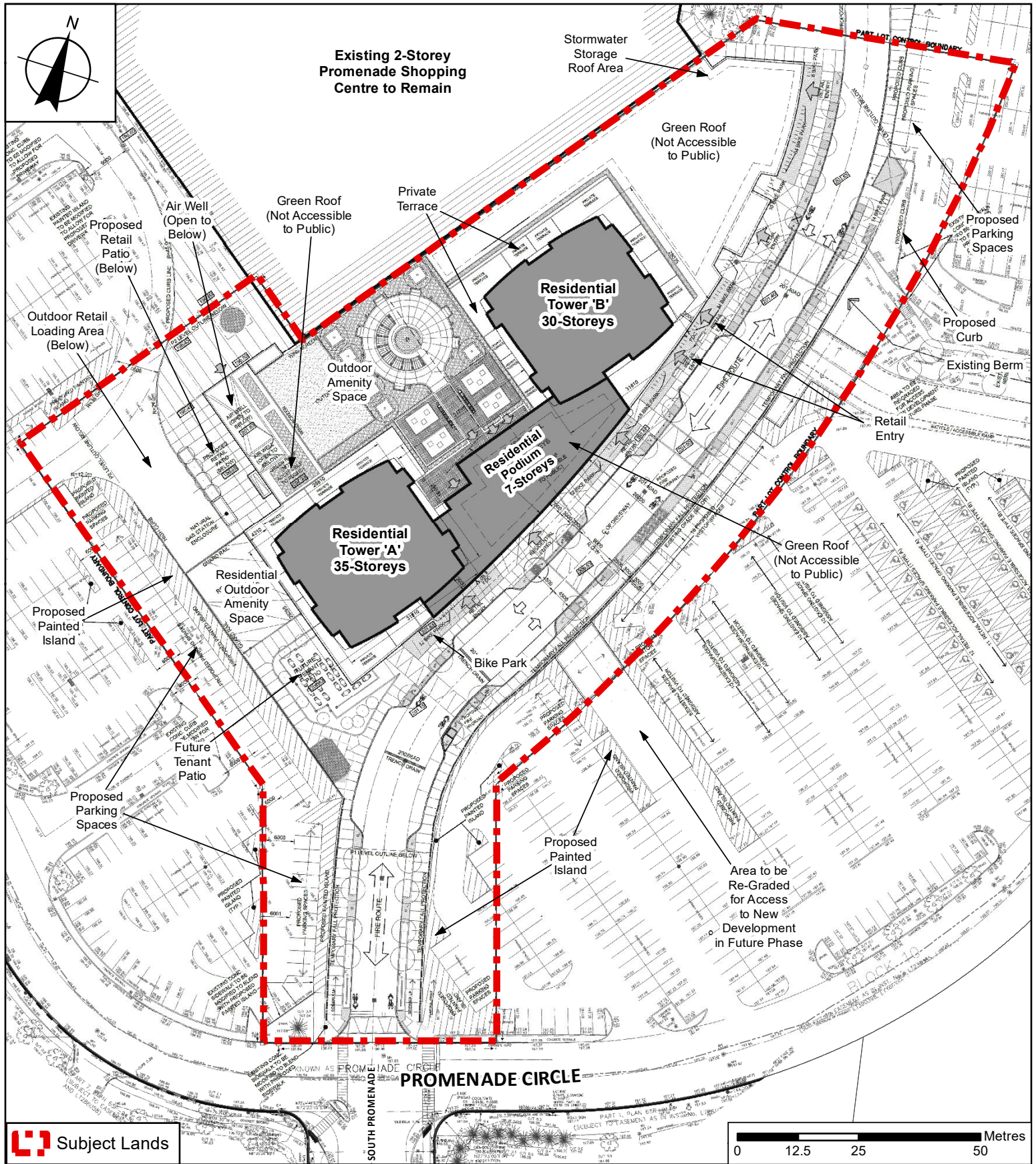
APPLICANT: 2701382 Ontario Inc.




Attachment

FILE:
19CDM-24V004
RELATED FILE:
DA.18.107 & DA.21.035
DATE: June 18, 2024

2



 Subject Lands

Approved Site Plan File DA.21.035

LOCATION:
30 and 50 Upper Mall Way
Part of Lot 4, Concession 2

APPLICANT: 2701382 Ontario Inc.



Attachment

FILE:
19CDM-24V004
RELATED FILES:
DA.18.107 & DA.21.035
DATE: June 18, 2024

3

ATTACHMENT 4

CONDITIONS OF DRAFT PLAN OF CONDOMINIUM APPROVAL

FILE 19CDM-24V004

**DRAFT PLAN OF CONDOMINIUM (STANDARD) FILE 19CDM-24V004 (the “PLAN”)
2701382 ONTARIO INC. (the “OWNER”)
CITY OF VAUGHAN (the “CITY”)**

THE CONDITIONS OF THE COUNCIL OF THE CITY OF VAUGHAN THAT SHALL BE SATISFIED PRIOR TO THE RELEASE FOR REGISTRATION OF THE PLAN OF CONDOMINIUM (STANDARD) FILE 19CDM-24V004, ARE AS FOLLOWS:

City of Vaughan

1. The Owner shall prepare the final Plan generally on the basis of the Draft Plan of Condominium, prepared by Schaeffer Dzaldov Purcell Ltd. Ontario Land Surveyors Job No. 18-910-20, dated March 12, 2024.
2. That the Owner enters into a Condominium Agreement with and to the satisfaction of the City to ensure the fulfillment of the City’s requirements, financial and otherwise, which shall include, but not necessary be limited to all of the City’s conditions of approval.
3. Prior to the execution of the Condominium Agreement, the Owner shall submit a pre-registered Plan of Condominium to the Development Planning Department.
4. The Condominium Agreement shall be registered on title against the lands to which it applies, at no cost to the City.
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. 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.
7. Prior to final approval of the Plan, the Owner shall confirm to the Development Planning Department 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 shall also provide an acknowledgment confirming its responsibility to pay 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 Agreement is separately assessed.

8. Prior to final approval of the Plan, the Owner shall arrange for, and ensure that, all easements required to provide access to the development have been secured for with adjacent landowners, to the satisfaction of the City. The Owner shall be responsible for preparing and depositing all related reference plans to identify the access easements. The reference plan(s) and easements shall be registered to the satisfaction of the City and at no cost to the City.
9. The Condominium Agreement between the Owner and the City shall contain, among other matters, the following provisions, to the satisfaction of the City:
 - a) The Owner (and, upon the registration of a Condominium Plan and Declaration, the Condominium Corporation) shall be responsible to regularly clean and maintain all catch basins, area drains and sewers within the lands.
 - b) The Owner (and, upon the registration of a Condominium Plan and Declaration, the Condominium Corporation) shall be responsible for snow removal and clearing and the Owner/Condominium Corporation shall not store or deposit snow from the lands/development onto adjacent property owned by the City of Vaughan.
 - c) Private waste collection including garbage and recycling shall be the responsibility of the Condominium Corporation.
 - d) The Owner (and, upon the registration of a Condominium Plan and Declaration, the Condominium Corporation) shall commit to have a flagman present at the time of loading space activities to mitigate safety concerns.
 - e) The Owner shall implement the noise and vibration attenuation measures recommended in the engineering report entitled Environmental Noise Review dated November 16, 2020, prepared by SLR Consulting (Canada) Ltd. Upon the completion of the implementation of those measures, the Owner shall provide, to the satisfaction of the City, a Certificate of Completion from a Professional Engineer stating that those noise attenuation measures have been implemented in accordance with that report. To secure for this, immediately following the registration of the Condominium Agreement, the Owner shall register a Section 118 Restriction in a form and content satisfactory to the City.
 - f) The Owner shall include in the Condominium Declaration and all Agreements of Purchase and Sale/Lease the following warning clauses:
 - i) “Purchasers and/or tenants are advised that, to facilitate development of adjacent lands, roads providing access to this development may be reconfigured in the future to conform with the

Promenade Centre Secondary Plan, as may be amended from time to time.”

- ii) “Purchasers and/or tenants are advised that Upper Mall Way is a private road and will remain in private ownership in the future. Access easements will be granted in favour of the Condominium Corporation for portions of Upper Mall Way that are required to provide access to the development.”
- iii) “Purchasers and/or tenants are advised that until public roads are constructed and assumed by the City in accordance with the Promenade Centre Secondary Plan, as may be amended from time to time, segments of the roads providing access to this development will be private. Access easements will be granted in favour of the Condominium Corporation over segments of the private roads that are required to provide access to the development. Notwithstanding the foregoing, purchasers and/or tenants are advised that driveways, ramps, aisles, sidewalks, walkways, etc. providing access to this development may continue to remain in private ownership indefinitely.”
- iv) “Purchasers/tenants are advised that interruptions may occur at the site access during the construction of future development on adjacent lands. The number of access aisles to the underground parking lot may change and may be relocated and/or eliminated.”
- v) “Purchasers/tenants are advised that despite the inclusion of noise control features in this development and within the individual dwelling units, sound levels from increasing road traffic may on occasion interfere with some activities of the dwelling occupants as the sound level may exceed the Ministry of Environment, Conservation and Parks Environmental Noise Guidelines NPC-300.”
- vi) “Purchasers/tenants are advised that due to the proximity of the Promenade Shopping Centre, noise from the Promenade Shopping Centre may be audible at times.”
- vii) “Purchasers/tenants are advised that sound levels due to the adjacent Promenade Shopping Centre are required to comply with sound level limits that are protective of indoor areas and are based on the assumption that windows and exterior doors are closed. This dwelling unit has been supplied with a ventilation/air conditioning system which will allow windows and exterior doors to remain closed.”

- viii) "Purchasers/tenants are advised that the dwelling units are in a Class 4 Noise area and that agreements respecting noise mitigation will exist and are to be registered on title."
- ix) "Purchasers/tenants are advised that solid waste management collection services will be privately administered by the Owner (and, upon the registration of a Condominium Plan and Declaration, the Condominium Corporation)."
- g) The Owner shall include in the Condominium Declaration the following:
 - i) Schedule A to the Condominium Declaration shall include rights in the nature of easements in favour of the Condominium Corporation for access to the development over private roads, driveways, ramps, aisles, sidewalks, walkways, etc. to the satisfaction of the City.
 - ii) A provision requiring the Condominium Corporation to register, at no cost to the City, a Transfer, Release and Abandonment of any access easements once public roads are constructed, established and assumed by the City.
- h) Immediately following the registration of the Condominium Agreement, the Owner shall register a Section 118 Restriction in a form and content satisfactory to the City which shall restrict the transfer of any unit until such time that the Owner provides the City with evidence confirming that the obligations in Condition 9 have been complied with, to the satisfaction of the City.

Utilities

- 10. The Owner shall convey to Bell Canada, at no cost to Bell Canada, any easements required to service this development. Should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.
- 11. Prior to final approval of the Plan, the Owner shall contact Enbridge Gas Inc.'s Customer Connection department and contact Alectra Utilities to discuss the details of the transformer on the Subject Lands and satisfy any obligations or conditions that either Enbridge or Alectra may require.

Canada Post

- 12. The Owner (and, upon the registration of a Condominium Plan and Declaration, the Condominium Corporation) shall provide the building with its own centralized mail receiving facility. This lock-box assembly shall be rear-loaded, adjacent to the main entrance and maintained by the Owner (and, upon the registration of a

Condominium Plan and Declaration, the Condominium Corporation) in order for Canada Post to provide mail service to the tenants/residents of this development. For any building where there are more than 100 units, a secure, rear-fed mailroom must be provided.

13. The Owner (and, upon the registration of a Condominium Plan and Declaration, the Condominium Corporation) shall provide Canada Post with access to any locked doors between the street and the lock-boxes via the Canada Post Crown lock and key system. This encompasses, if applicable, the installation of a Canada Post lock in the building's lobby intercom and the purchase of a deadbolt for the mailroom door that is a model which can be retro-fitted with a Canada Post deadbolt cylinder.

Clearances

14. Development Planning Department shall advise that Conditions 1 to 9 have been satisfied.
15. Bell Canada shall advise that Condition 10 has been satisfied.
16. Enbridge and Alectra shall advise that Condition 11 has been satisfied.
17. Canada Post shall advise that Conditions 12 and 13 have been satisfied.