

Committee of the Whole (1) Report

DATE: Tuesday, October 8, 2024

WARD: 4

TITLE: RP B3N HOLDINGS INC. – DRAFT PLAN OF CONDOMINIUM
(STANDARD) FILE 19CDM-24V009: 195 COMMERCE STREET,
VICINITY OF HIGHWAY 7 AND COMMERCE STREET

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from Committee of the Whole for Draft Plan of Condominium (Standard) File 19CDM-24V009 (the 'Application') to create the condominium tenure for a 48-storey residential tower (Tower B) consisting of 672 Residential Units, 130 Parking Space Units and 23 Service Units, located in the Vaughan Metropolitan Centre, as shown on Attachment 3.

Report Highlights

- The Owner has submitted a Draft Plan of Condominium (Standard) Application to establish a standard condominium tenure for a 48-storey residential tower.
- The Draft Plan of Condominium consists of the areas dedicated to residential units, amenity space, underground parking and locker units, and is consistent with the approved Site Development File DA.18.075.
- The Draft Plan of Condominium conforms to the Vaughan Official Plan 2010 and the Vaughan Metropolitan Centre Secondary Plan, and complies with Zoning By-law 1-88, as amended.
- The VMC Program supports the proposed Draft Plan of Condominium (Standard) File 19CDM-24V009, subject to Conditions of Draft Approval in Attachment 1.

Recommendations

1. THAT Draft Plan of Condominium (Standard) File 19CDM-24V009 (RP B3N Holdings Inc.) BE DRAFT APPROVED, as shown on Attachments 4 to 9 to create a condominium tenure for the Development that is consistent with Site Development File DA.18.075, subject to Conditions of Draft Approval in Attachment 1; and
2. THAT Council's approval of the Draft Plan of Condominium (Standard) File 19CDM-24V009 (RP B3N Holdings Inc.), subject to the Conditions of Draft Approval set out in Attachment 1, 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.

Background

Location: 195 Commerce Street (the 'Subject Lands') is located south of Highway 7 and east of Commerce Street, and forms part of a larger mixed-use development known as Festival (the "Development Lands"). The Subject Lands and surrounding land uses are shown on Attachment 2.

Official Plan Amendment, Zoning By-law Amendment and Site Development Applications were approved for the greater Development Lands

On June 28, 2020, Vaughan Council approved Official Plan Amendment File OP.19.006, Zoning By-law Z.19.017 and Site Development File DA.18.075 to permit a mixed-use development consisting of four (4) residential apartment buildings in tower and podium configurations, with approximately 2,470 residential dwelling units, 6,000m² of commercial space, a central pedestrian mews and privately owned-publicly accessible open space ("POPS"). Vehicular access is achieved via one (1) right-in, right-out accesses located along Interchange Way (east property line), and two (2) full-move accesses along Celebration Avenue (south property line).

The overall Development is currently under construction.

A Draft Plan of Condominium (Standard) Application has been submitted to create the proposed condominium tenure for Tower B

The proposed Draft Plan of Condominium File 19CDM-24V009 will create standard condominium tenure for a 48-storey residential tower (Tower B), as shown on Attachments 4 to 9. The Application includes the unitization of residential units, parking spaces, electrical/transformer rooms and the forecourt area access point from Celebration Avenue as outlined below:

- 672 Residential Units
- 130 Parking Space Units
- 23 Service Units

Parking and bicycle spaces for the entire development will be provided on a site-wide basis, rather than an individual condominium corporation basis. These spaces will remain commonly accessible to all residents and visitors for the purposes of shared parking for the entirety of the Development and can be accessed via the ramp located under Tower B and various stairwells located throughout the Subject Lands (as shown on Attachments 8 and 9).

Previous Reports/Authority

Previous reports related to the Application and or Subject Lands can be found at the following links:

[June 9, 2020, Committee of the Whole \(1\) \(Item 1, Report No. 22\)](#)

[November 5, 2019, Committee of the Whole \(Public Meeting\) \(Item 2, Report No. 35\)](#)

Analysis and Options

The Provincial Planning Statement 2024 ('PPS 2024') is a policy statement issued pursuant to section 3 of the Planning Act and comes into effect on October 20, 2024. Decisions made on or after October 20, 2024 in respect of the exercise of any authority that affects a planning matter shall be consistent with this policy statement.

At the time of drafting this report, transition provisions to facilitate the introduction of the new PPS 2024 were being considered by the Ministry of Municipal Affairs and Housing, and not yet available. This report therefore includes discussion of, inter alia, the Provincial Policy Statement 2020, the Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and the new PPS 2024.

The application establishes tenure for 672 new residential units which increases housing options in the VMC required to meet the social, health, economic and wellbeing requirements of current and future residents. The application continues to facilitate a compact urban form through promoting a high density of new housing. The application is within a Protected Major Transit Station Area and facilitates planning of a development which efficiently uses the existing land, resources, infrastructure capacity and public service facilities. The Development is proximal to higher-order transit and supports active and sustainable transportation modes through providing future tenants with a range of transportation options. Staff are satisfied that the Application is consistent with the PPS 2024.

The Application is consistent with the Provincial Policy Statement 2020 ('PPS 2020'), and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the 'Growth Plan') 2019, as amended

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario "shall be consistent" with the PPS. Council's planning decisions are also required by the *Planning Act* to conform, or not conflict with the Growth Plan.

Consistency with the PPS 2020 and conformity with the Growth Plan for the overall development were confirmed through Council's June 29, 2020, decision to approve Official Plan Amendment File OP.19.006, Zoning By-law Amendment File Z.19.017 and Site Development File DA.18.075. This application implements the tenure for this portion of the phased Festival Community, which delivers a compact urban form through the intensification of underutilized lands in the City's established Settlement Area where full municipal services exist. Staff are satisfied that the Application is consistent with the PPS 2020 and conforms to the Growth Plan.

The Application conforms to the York Region Official Plan, 2022 ('YROP 2022')

York Region Council adopted the YROP 2022 in June 2022. YROP 2022 was approved, as modified, by the Minister of Municipal Affairs and Housing in November 2022, bringing it into full force and effect. Bill 150 (*Planning Statue Law Amendment Act, 2023*) and Bill 162 (*Get It Done Act, 2024*) later rescinded some of those modifications.

On June 6, 2024, Bill 185 (*Cutting Red Tape to Build More Homes Act, 2024*) ("Bill 185") received Royal Assent which includes amendments to the *Planning Act*. In accordance with the amendments to the *Planning Act* implemented through Bill 185, York region became a Region without planning responsibilities effective July 1, 2024.

Pursuant to subsection 70.13(2) of the *Planning Act*, YROP 2022 is deemed to constitute an official plan of the City in respect of any area in the City to which it applies and will remain in effect until the City revokes or amends it.

The Subject Lands are located within the "Urban Area" and designated as "Regional Centre" on YROP 2022 Map 1A – Land Use Designations. Regional Centres are intended to contain the highest concentration and the greatest mix of uses in the Region. The Subject Lands are also located within a "Protected Major Transit Station Area" (PMTSA) on YROP 2022 Map 1B – Urban Systems Overlay. PMTSA's are intended to further support and implement the Regional intensification hierarchy consistent with determined minimum density targets.

The Application establishes the tenure for the Development that provides for a range and mix of housing types, sizes, and tenures, and utilizes land efficiently and optimizes infrastructure with a compact and transit-supportive built form. The Application conforms to the YROP.

The Application conforms to Vaughan Official Plan 2010 ('VOP 2010'), specifically the Vaughan Metropolitan Centre Secondary Plan ('VMCSP')

The VMCSP designates the Subject Lands as "Station Precinct", which permits mid and high-rise built-form and a broad mix of uses including a concentration of office, retail and residential uses around the subway station. This application establishes the tenure for the residential portion of Tower B within the overall Festival development, which is permitted by the VOP 2010 and the VMCSP. As such, the Application conforms to VOP 2010 and the VMCSP.

The Application complies with Zoning By-law 1-88 and is consistent with the approved site plan.

The Subject Lands are zoned C9, Corporate Centre Zone under By-law 1-88, subject to site-specific Exception 9(1500) as amended.

The Development is permitted within the existing zone, is consistent with the approved site plan as shown on Attachment 3, and complies with the requirements of Zoning By-law 1-88, as amended. As a Condition of Approval, the Owner must submit an “as-built” survey to the satisfaction of the Building Standards Department, prior to the registration of the final condominium plan.

Staff have no objection to the Application, subject to the Conditions identified in Attachment 1.

Financial Impact

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

Operational Impact

The Development Engineering Department has no objection to the Application.

The Development Engineering Division of the VMC Program, Policy Planning and Special Programs Department has reviewed the Application and has no objection, subject to conditions identified in Attachment 1.

Financial Planning and Development Finance have no objection to the Application.

The Financial Planning and Development Finance Department has no objection to the Application, subject to the conditions of approval identified in Attachment 1.

The proposed garbage/recycling collection may be eligible for municipal waste collection services or shall be the responsibility of the Condominium Corporation.

Upon a successfully completed application, site inspection and executed agreement as determined by the City, the Condominium Corporation may be eligible for municipal waste collection services. Should the Condominium Corporation be deemed ineligible by the City or choose not to enter into an agreement with the City for municipal collection service, all waste collection services shall be privately administered and shall be the responsibility of the Condominium Corporation. A condition to this effect is included in Attachment 1.

The following commenting agencies have advised they have no objections to the approval of the Application.

York Region, Bell Canada, Canada Post, and Alectra Utilities Corporation have no objections to the Applications, subject to the conditions identified in Attachment 1. Rogers Communications, Enbridge Gas Inc., IMPAC, Hydro One and the School

Boards have no objections to the Applications. The Owner is required to confirm that all required easements and rights-of-way for each utility have been granted to the appropriate authority. A condition to this effect is included in Attachment 1.

Broader Regional Impacts/Considerations

The York Region Community Planning and Development Services Department has no objection to the Applications, subject to their Conditions of Draft Approval identified in Attachment 1.

Conclusion

The VMC Program of the Policy Planning and Special Programs Department is satisfied the Application is consistent with the PPS, conforms with the Growth Plan, YROP, VOP 2010 and VMCSPP, and is appropriate for the development of the Subject Lands. The Development is considered appropriate and compatible with existing and planned surrounding land uses. Accordingly, the Planning Policy and Special Programs Department can recommend approval of the Applications, subject to the recommendations in this report and Conditions of Approval in Attachment 1.

For more information, please contact Nicholas Trajkovski, Planner, at extension 8501.

Attachments

1. Conditions of Draft Approval.
2. Context and Location Map.
3. Approved Site Plan (File DA.18.075).
4. Draft Plan of Condominium – Entire Site.
5. Draft Plan of Condominium – Ground Floor.
6. Draft Plan of Condominium – Residential Levels 2-48.
7. Draft Plan of Condominium – Parking and Locker Units (P1 Mezzanine Plan).
8. Draft Plan of Condominium – Parking and Locker Units (P1 Plan).
9. Draft Plan of Condominium – Parking and Locker Units (P2 Plan).

Prepared by

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