

## Committee of the Whole (1) Report

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**DATE:** Tuesday, June 1, 2021

**WARD(S):** 4

**TITLE:** TESMAR HOLDINGS INC.

**DRAFT PLAN OF CONDOMINIUM (STANDARD) FILES 19CDM-20V005 AND 19CDM-20V006  
9075 AND 9085 JANE STREET  
VICINITY OF JANE STREET AND RUTHERFORD ROAD**

**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 two Draft Plan of Condominium (Standard) applications (Files 19CDM-20V005 and 19CDM-20V006) for the subject lands shown on Attachments 3 and 4. The Owner is proposing to create a condominium corporation for 2 apartment buildings having 283 and 285 residential dwelling units, 4 levels of underground parking, and are currently in the final stages of construction, as shown on Attachments 5 to 12.

### **Report Highlights**

- The Owner is proposing to create two separate condominium corporations for 2 residential apartment buildings currently in the final stages of construction
- Each Draft Plan of Condominium (Standard) consists of the areas dedicated to the residential dwelling units, common landscaped and amenity areas, 4 levels underground parking and locker units
- Each Draft Plan of Condominium conforms to Vaughan Official Plan 2010, complies with Zoning By-law 1-88 and is consistent with approved Site Development File DA.14.037, as approved by the Local Planning Appeal Tribunal

## **Recommendations**

1. THAT Draft Plan of Condominium (Standard) File 19CDM-20V005 (Tesmar Holdings Inc.), as shown on Attachments 5 to 8, BE DRAFT APPROVED, subject to the Conditions of Draft Approval set out in Attachment 1.
2. THAT Draft Plan of Condominium (Standard) File 19CDM-20V006 (Tesmar Holdings Inc.), as shown on Attachments 9 to 12, BE DRAFT APPROVED, subject to the Conditions of Draft Approval set out in Attachment 2.

## **Background**

The Subject Lands (the ‘Subject Lands’) shown on Attachment 3 are municipally known as 9075 and 9085 Jane Street and are located south of Rutherford Road. The surrounding land uses are shown on Attachment 3.

### History

The Owner submitted related Official Plan and Zoning By-law Amendment and Site Development Files OP.05.020, Z.07.029 and DA.14.037 to the City of Vaughan on August 16, 2005, June 4, 2007, and May 23, 2014 respectively.

The Owner appealed the Official Plan and Zoning By-law Amendment and Site Development Applications to the then Ontario Municipal Board, now the Local Planning Appeal Tribunal (‘LPAT’), citing the City of Vaughan failed to make a decision on the applications within the timeframes prescribed by the *Planning Act*.

A LPAT Hearing was held on January 25 and 26, 2018 with respect to the appeals. The LPAT, on August 27, 2018, issued a decision to approve the site-specific amendments to the Official Plan and Zoning By-law and to approve the Site Development application.

The site plan agreement related to Site Development File DA.14.037 was registered on November 27, 2020. The approvals facilitated the development of 20 and 23-storey apartment buildings on the Subject Lands.

Although the subject lands were developed as a single project (i.e. subject to the same Official Plan and Zoning By-law Amendments and the same Site Plan Agreement, the Owner has submitted two Draft Plan of Condominium Applications in order to form one individual Condominium Corporation for each building.

## **Previous Reports/Authority**

The previous decision regarding the site-specific Official Plan and Zoning By-law Amendments and Site Development approval can be found at the following link:

[August 27, 2018 LPAT Decision](#)

## **Analysis and Options**

Tesmar Holdings Inc. (the ‘Owner’) has submitted two Draft Plan of Condominium

(Standard) applications (Files 19CDM-20V005 and 19CDM-20V006) (the 'Applications'). These Applications seek to create the residential condominium tenure for the two residential apartment buildings (the 'Condominium Plans') apartment buildings in the final stages of construction on the Subject Lands. The Condominium Plans consist of the following:

Draft Plan of Condominium (Standard) File 19CDM-20V005 – 9075 Jane Street (as shown on Attachments 5 to 8)

- 283 residential units and one guest suite
- 296 resident parking spaces
- 5 visitor parking spaces at grade
- 51 visitor parking spaces, 23 combined parking/lockers and 355 residential lockers within 4 levels of underground parking
- the amenity areas

Draft Plan of Condominium (Standard) File 19CDM-20V006 – 9085 Jane Street (as shown on Attachments 9 to 12)

- 285 residential units and one guest suite
- 305 resident parking spaces
- 57 visitor parking spaces, 9 combined parking/lockers and 244 residential lockers within 4 levels of underground parking
- the amenity areas

***The Draft Plan of Condominiums are Consistent with and Conform to Provincial, Region of York Official Plan Policies***

The Provincial Policy Statement, 2020 ('PPS') and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (the 'Growth Plan') provide policy direction for land use planning and development for lands in Ontario. Consistency with the PPS and conformity with the Growth Plan was established when the LPAT rendered its decision.

The Subject Lands are within the "Urban Area" with frontage on a "Regional Rapid Transit Corridor" (Jane Street) as identified by the York Region Official Plan 2010 ('YROP') and are designated "High-Rise Mixed-Use" within a "Primary Centre" by Vaughan Official Plan 2010 ('VOP 2010') and the Vaughan Mills Centre Secondary Plan ('VMCSP').

The apartment built form of each Condominium Plan provides additional housing options for the area. The density for the development is also transit-supportive as the Subject Lands have frontage on Jane Street and access to public infrastructure such as the York Region Transit ('YRT') with connections to higher order transit. The Condominium Plans are permitted by the YROP, VOP 2010 and complies with Zoning

By-law 1-88. The Condominium Plans are consistent with and conform to Provincial, Regional and Official Plan policies.

***The Draft Plan of Condominiums would create the condominium tenure for an approved development that conforms to Vaughan Official Plan 2010 and complies with Zoning By-law 1-88***

The Subject Lands are designated “High-Rise Mixed-Use” by VMCSPP, being part of Volume 2 (Section 11.7) of VOP 2010. The site-specific policies of the VMCSPP permit a maximum building height of 23-storeys on the Subject Lands, and an overall total maximum gross floor area (‘GFA’) of 45,000 m<sup>2</sup> dedicated to residential uses and a maximum total of 600 units. The Condominium Plans conform to VOP 2010.

The Subject Lands are zoned “RA3 Apartment Residential Zone” by Zoning By-law 1-88, subject to site-specific Exception 9(1467) and permits the two residential apartment buildings, as shown on Attachments 5 to 12. The Committee of Adjustment on March 18, 2021, approved Minor Variance Application File A024/21 to recognize the as-built conditions for the entirety of the Subject Lands, and approved the following minor variances:

- reduced the visitor parking space requirement from 114 to 113 parking spaces
- a minimum amenity area of 14,157.72 m<sup>2</sup> whereas 16,000 m<sup>2</sup> is required (it is noted that the remaining amenity area may be secured through future development applications on the balance of the lands owned by the same Owner, that are not yet approved)
- a pedestrian connection from Jane Street to the Publicly Accessible Private Open Space having a minimum width of 2.8 m whereas 6 m is required to recognize the width of the connection at its narrowest area (the pedestrian connection is situated within Draft Plan of Condominium (Standard) File 19CDM-20V005)

The Decision of the Committee of Adjustment was final and binding on April 7, 2021 and applies to the entirety of the Subject Lands. Accordingly, each Condominium Plan complies with the requirements of Zoning By-law 1-88, as varied.

***The Draft Plan of Condominiums are generally consistent with the Local Planning Appeal Tribunal’s approved Site Development File DA.14.037***

The Draft Plan of Condominium Applications are generally consistent with the approved site plan, as shown Attachment 4; however, during the review of the Applications, discrepancies between the as-built conditions and the approved drawings for Site Development File DA.14.037 were identified, including:

- the overall unit count was increased from 559 to 568 dwelling units
- revisions are necessary to the landscape plans to reflect the location, type and amount of tree and shrub species that were planted
- an acoustical barrier at grade, and located at the southeast quadrant was replaced and as a result spandrel glazing was added to one residential unit
- the dimensions and material treatments for some balconies were changed
- revisions to the parking garage layout, parking statistics and access for waste pick-up in the underground levels were made

The proposed modifications to the site plan are minor in nature and have no effect on the proposed tenure for the Subject Lands. The Owner submitted Site Development File DA.21.007 to amend the plans (as approved through Site Development File DA.14.037). The Development Planning Department must approve the minor site plan amendment, prior to the execution of the required Condominium Agreement for each Condominium Plan. A condition to this effect is included in Attachments 1 and 2.

The Owner must submit an “as-built” survey to the satisfaction of the Building Standards Department, prior to the registration of the final condominium plans. A condition to this effect is included in Attachments 1 and 2.

***Special Conditions from the Site Plan Agreement are to be included in the Condominium Agreements***

The Site Plan Agreement includes conditions to be incorporated into the Condominium Agreement, Condominium Declaration and Purchases of Sale and/or Lease. These conditions are related to warning clauses advising purchasers and/or tenants of information in relation to park, noise, and the future extension of Caldari Road matters. Conditions to this effect are included in Attachments 1 and 2.

***The Owner shall provide the City with an easement for public access to privately owned public open space***

The Owner is required to designate a privately owned publicly accessible amenity space ('POPS') having a minimum area of 1,840 m<sup>2</sup> and subject to an easement for public access in favour of the City of Vaughan, including a pedestrian connection to Jane Street. The Owner is required to register an easement, in perpetuity, in favour of the City of Vaughan to permit the undisturbed use of the POPS by the City and the general public.

The requirement to provide the easement shall be included in the Condominium Agreement and Condominium Declaration and all Agreements of Purchase and Sale and/or Lease. In the event that Agreement of Purchase and Sale and/or Lease have been executed, the Owner shall procure executed acknowledgments from all purchasers and/or leases in respect of the POPS and provide a statutory declaration to the City confirming receipt of said acknowledgments. The maintenance and operations

of the POPS easement shall be the responsibility of the Owner and/or future Condominium Corporation.

The Owner and/or future Condominium Corporation will be responsible for all required maintenance works and associated capital improvements related to the public pedestrian connection from the open space lands to both Jane Street and the Caldari Road extension at grade level, including but not limited to, site furnishings, pedestrian lighting, hardscape and associated landscaping works. The Owner is to preform regular maintenance to ensure the pedestrian path of travel is accessible and safe for public use to the satisfaction of the City.

The Owner shall secure public access over the pedestrian connection through a POPS easement, to the satisfaction of the City. A condition to this effect is included in Attachment 1 related to File 19CDM-20V005.

***The Development Engineering Department has no objection to the Draft Plan of Condominiums, subject to their conditions of Draft Approval***

The Development Engineering Department ('DE') has no objection to the Applications, subject to the Owner providing documentation to the DE Department prior to the release of the condominium plans for registration confirming the specific conditions of the Site Plan Agreement have been satisfied, and to finalize the approval of Site Development File DA.21.007. Conditions to this effect are included in Attachments 1 and 2.

***The Vaughan Financial Planning and Development Finance Department has no objection to the Draft Plan of Condominiums, subject to their conditions of Draft Approval***

The Vaughan Financial Planning and Development Finance Department has no objection to the Applications. The Owner must pay all outstanding taxes, development charges and levies, as may be required. Conditions to this effect are included in Attachments 1 and 2.

***The Environmental Services Department, Solid Waste Management Division has no objection to the Draft Plan of Condominiums, subject to their condition of Draft Approval***

The Condominiums will be serviced by private garbage/recycling collection comprised of a 1 chute system with a tri-sorter located in the P1 Level. However, upon a successfully completed application, site inspection and an executed Agreement as determined by the City and to the satisfaction of the Environmental Services Department, each of the Condominium Corporations 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.

Snow removal and clearing will be privately administered and the responsibility of the condominium corporation. Conditions to this effect are included in Attachments 1 and 2.

***Other Departments of the City of Vaughan have no objection to the Draft Plan of Condominiums***

The Building Standards, Parks Infrastructure Planning and Development Department, Office of Infrastructure and Development - Real Estate Services and By-law & Compliance, Licensing & Permit Services Departments of the City of Vaughan have no objection to the Applications.

***The Canadian National Railway Company ('CN') has no objection to the Draft Plan of Condominiums, subject to their Conditions of Approval***

The Owner is required to satisfy the conditions, as required by CN, included in Attachments 1 and 2.

***Canada Post has no objection to the Draft Plan of Condominiums, subject to their Conditions of Approval***

The Owner is required to provide a centralized mailbox facility and satisfy all requirements of Canada Post in each building. Conditions to this effect are included in Attachments 1 and 2.

***The utility providers have no objection to the Draft Plan of Condominiums, subject to their Conditions of Approval***

Bell Canada, Rogers Communications, Alectra Utilities, and Enbridge Gas 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. Conditions to this effect are included in Attachments 1 and 2.

**Financial Impact**

There are no 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 approval of the Applications, subject to the conditions outlined in Attachments 1 and 2.

## **Conclusion**

Draft Plan of Condominium (Standard) Files 19CDM-20V005 and 19CDM-20V006 have been reviewed in consideration of the policies of the PPS, the Growth Plan, and the York Region Official Plan and Vaughan Official Plan 2010. Each Draft Plan of Condominium (Standard) would create the tenure for an approved apartment building currently under construction.

The Applications are consistent with and conform to Provincial policies, conform with York Region and City of Vaughan Official Plan polices, comply with Zoning By-law 1-88, and are generally consistent with approved Site Development File DA.14.037, to be amended. Accordingly, the Development Planning Department can support the approval of each Draft Plan of Condominium, subject to the conditions set out in Attachments 1 and 2.

**For more information**, please contact: Clement Messere, Senior Planner.  
Development Planning Department, ext. 8409.

## **Attachments**

1. Conditions of Draft Approval Draft Plan of Condominium (Standard) File 19CDM-20V005
2. Conditions of Draft Approval Draft Plan of Condominium (Standard) File 19CDM-20V006
3. Context and Location Map
4. Approved Site Plan File DA.14.037
5. Draft Plan of Condominium (Standard) File 19CDM-20V005 Level 1
6. Draft Plan of Condominium (Standard) File 19CDM-20V005 Levels 2 to 6
7. Draft Plan of Condominium (Standard) File 19CDM-20V005 Levels 7 to 23
8. Draft Plan of Condominium (Standard) File 19CDM-20V005 Underground Levels A, B, C and D
9. Draft Plan of Condominium (Standard) File 19CDM-20V006 Level 1
10. Draft Plan of Condominium (Standard) File 19CDM-20V006 Levels 2 to 6
11. Draft Plan of Condominium (Standard) File 19CDM-20V006 Levels 7 to 20
12. Draft Plan of Condominium (Standard) File 19CDM-20V006 Underground Levels A, B, C and D

## **Prepared by**

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