

# Revised Special Council Agenda

## Revised Items are Italicized.

Meeting Number: 22  
December 20, 2019, 9:00 AM  
Council Chamber

Alternate formats for this document are available upon request.  
Council meetings are live video and audio streamed on the City's website.

*Note: As per Section 7.1(h) of the Council Procedural By-Law, Council will take a ten minute recess after two hours have passed since the last break.*

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### Pages

#### 1. CALL TO ORDER

##### INDIGENOUS LAND ACKNOWLEDGEMENT

We begin today by acknowledging that we walk upon the traditional territories of Indigenous Peoples and we recognize their history, spirituality, culture, and stewardship of the land. We are grateful to all Indigenous groups for their commitment to protect the land and its resources and we are committed to reconciliation, partnership and enhanced understanding.

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I, Mayor Frank Scarpitti, hereby call all Members of Council to a Special Meeting of Council to be held on December 20, 2019 at 9:00 AM in the Council Chamber, 101 Town Centre Boulevard, for the purpose of considering the following matters:

#### 2. DISCLOSURE OF PECUNIARY INTEREST

#### 3. DEPUTATIONS

#### 4. COMMUNICATION - 1771107 ONTARIO INC. (TIMES GROUP INC.), SOUTHEAST CORNER OF HIGHWAY 7 E AND VERDALE CROSSING, PARTIAL HOLD REMOVAL

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*Note: See Memorandum attached.*

Memorandum dated December 18, 2019 from the Commissioner of Development Services regarding the "Partial Hold Removal, Tower C, 1771107 Ontario Inc. (Times Group Inc.) Southeast corner of Highway 7 E and Verdale Crossing, File HOL 19

142126”.

1. That the memorandum titled “Partial Hold Removal, Tower C, 1771107 Ontario Inc. (Times Group Inc.) Southeast corner of Highway 7 E and Verdale Crossing, File HOL 19 142126”, be received; and,
2. That the draft Zoning By-law attached as Appendix A to this memorandum be approved and enacted without further notice; and further,
3. That Staff be authorized to do all things necessary to give effect to the resolution.

## 5. BY-LAWS - THREE READINGS

That By-law 2019-142 be given three readings and enacted.

### Three Readings

5.1 *BY-LAW 2019-142 1771107 ONTARIO INC. (TIMES GROUP INC.),  
SOUTHEAST CORNER OF HIGHWAY 7 E AND VERDALE CROSSING,  
HOLD REMOVAL BY-LAW*

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A By-law to amend By-law 2004-196.

## 6. CONFIRMATORY BY-LAW

6.1 BY-LAW 2019-143 A BY-LAW TO CONFIRM THE PROCEEDINGS OF  
THE SPECIAL COUNCIL MEETING OF DECEMBER 20, 2019

No Attachment

## 7. ADJOURNMENT



## MEMORANDUM

To: Mayor and Members of Council

From: Arvin Prasad, Commissioner of Development Services

Prepared by: Luis Juarez, Planner I, Central District

Date: December 18, 2019

**Re: Partial Hold Removal Tower C  
1771107 Ontario Inc. (Times Group Inc.)  
Southeast corner of Highway 7 E and Verdale Crossing**

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### RECOMMENDATIONS:

1. That the memorandum titled “Partial Hold Removal, Tower C, 1771107 Ontario Inc. (Times Group Inc.) Southeast corner of Highway 7 E and Verdale Crossing, File HOL 19 142126”, be received;
2. That the draft Zoning By-law attached as Appendix A to this memorandum be approved and enacted without further notice; and,
3. That Staff be authorized to do all things necessary to give effect to the resolution.

### BACKGROUND:

The subject lands are located on the southeast corner of Highway 7 East and Verdale Crossing and are zoned “Markham Centre Downtown Two (Hold)” [MC-D2 (H1-H2)], by By-law 2004-196, as amended by By-law 2018-39. The Owner requests that the Holding (H) provision be partially removed from the block to facilitate the construction of Tower “C”, a 16-storey residential building consisting of 322 units. Tower “C” is one of three towers proposed on the subject lands.

The Owner has received site plan endorsement for Tower “C”, but the Hold provision applying to the tower must be lifted before a conditional building permit can be issued to permit construction to continue above grade. It should be noted that the existing zoning by-law does allow construction below grade prior to removal of the Hold provision and the Owner currently

has a conditional building permit for the underground parking structure, however construction on the underground portion of the building is nearing the end of the scope of work.

### **Current Zoning**

The requirements set out in the Zoning By-Law 2018-39 to remove the Holding (H) provisions are as follows:

- a) *The Toronto/Buttonville Airport Zoning Regulations (SOR/88-148) have been repealed and the height restriction provided for in section 4 therein are no longer in force and effect in respect of the lands shown on Schedule “A” attached hereto.*
- b) *The Owner has entered into a Section 37 Agreement with the City Pursuant to Section 37 of the Planning Act and in accordance with the City’s Official Plan policies regarding Section 37 contributions, to the satisfaction of the City.*

Requirement a) does not pertain to Tower “C” as shown on Schedule “A” of the draft By-law, as it is within the height permissions of the in-effect By-law and it does not exceed the height limits set out in the Toronto/Buttonville Airport Zoning Regulations. Requirement b) will be provided for in the future Site Plan Agreement for the entirety of the subject lands, including the Tower “C” lands, and will address the contributions for public art under Section 37 of the Planning Act. This comprehensive Site Plan Agreement is anticipated to be completed early in the New Year.

### **Site Plan Endorsement**

Amending By-law 2018-39 states that driveways and underground parking garages are permitted to be constructed prior to the removal of the applicable Holding provisions (for the subject lands). The Owner received conditional site plan endorsement and subsequent conditional building permits in 2018 for the underground component of the entire subject lands, which are now nearing completion. Earlier this month, site plan endorsement was granted for Tower “C” only. Site plan endorsement for Towers “A” and “B” remain outstanding and will be granted once the Toronto/Buttonville Airport height restrictions are lifted.

### **DISCUSSION**

Given that site plan endorsement for Towers “A” and “B” and subsequent site plan approval for the subject lands are expected shortly, Staff support removing the Holding (H) provisions on the Tower “C” lands in the manner shown on Schedule “A” of the draft By-law. This would enable the Owner to apply for a conditional building permit for the construction of the above ground portions of Tower “C”. The Holding (H) provisions remain applicable on the remainder of the subject lands, as outlined in Schedule “A”.

The Owner has provided an executed Letter of Undertaking acknowledging that the City will not issue full building permits for any of the towers on the subject lands until final site plan approval

is issued and the Owner provides all the required contributions under Section 37 of the Planning Act.

Therefore, Staff support removing the Holding (H) provisions on the Tower “C” lands at this time. For clarity, the Holding (H) provisions on the Towers “A” and “B” lands will remain and be subject to a future Hold Removal By-law.



## BY-LAW 2019-\_\_\_\_\_

### **A By-law to amend By-law 2004-196** (Removal of Hold Provision)

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WHEREAS Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, permits a Council to pass a by-law prohibiting the use of land, buildings or structures within a defined area or areas; and,

WHEREAS Section 36 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, permits a Council to pass a by-law to specify the use to which lands, buildings or structures may be put at such time in the future as the Hold (H) Symbol is removed by amendment to the by-law; and,

WHEREAS Zoning By-law No. 2004-196 is the governing By-law of the Corporation of the City of Markham pertaining to the subject lands; and

WHEREAS the Council of the Corporation of the City of Markham has deemed it advisable to amend Zoning By-law No. 2004-196; and,

WHEREAS it has been confirmed to Council that all of the conditions required for the removal of the Hold (H) Symbol from the subject lands have been completed to the satisfaction of the Corporation of the City of Markham;

NOW THEREFORE the Council of the Corporation of the City of Markham enacts as follows:

1. THAT By-law 2004-196 is hereby further amended as follows:
  - 1.1 By removing the Hold 1 (H1) and Hold 2 (H2) Symbols from the following zone for the lands outlined on Schedule 'A' attached hereto:
 

Markham Centre Downtown Two \* 11 (Hold 1) (Hold 2)  
[MC-D2\*11 (H1-H2)]
2. THAT Zoning By-law No. 2004-196 is hereby amended to give effect to the foregoing, but shall in all other respects remain in full force and effect.
3. THAT this By-law shall come into effect upon final passing, pursuant to Section 34(21) of the *Planning Act*, 1990.

Read a first, second and third time and passed on December \_\_, 2019.

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Kimberley Kitteringham  
City Clerk

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Frank Scarpitti  
Mayor

AMANDA FILE NO: HOLD 19 XXXXX



**EXPLANATORY NOTE**

**BY-LAW 2019-\_\_\_\_**

**A By-law to amend By-law 2004-196, as amended**

**1771107 Ontario Inc. (Times Group Inc.)**

**Southeast corner of Highway 7 East and Verdale Crossing**

**Lands Affected (Subject Lands)**

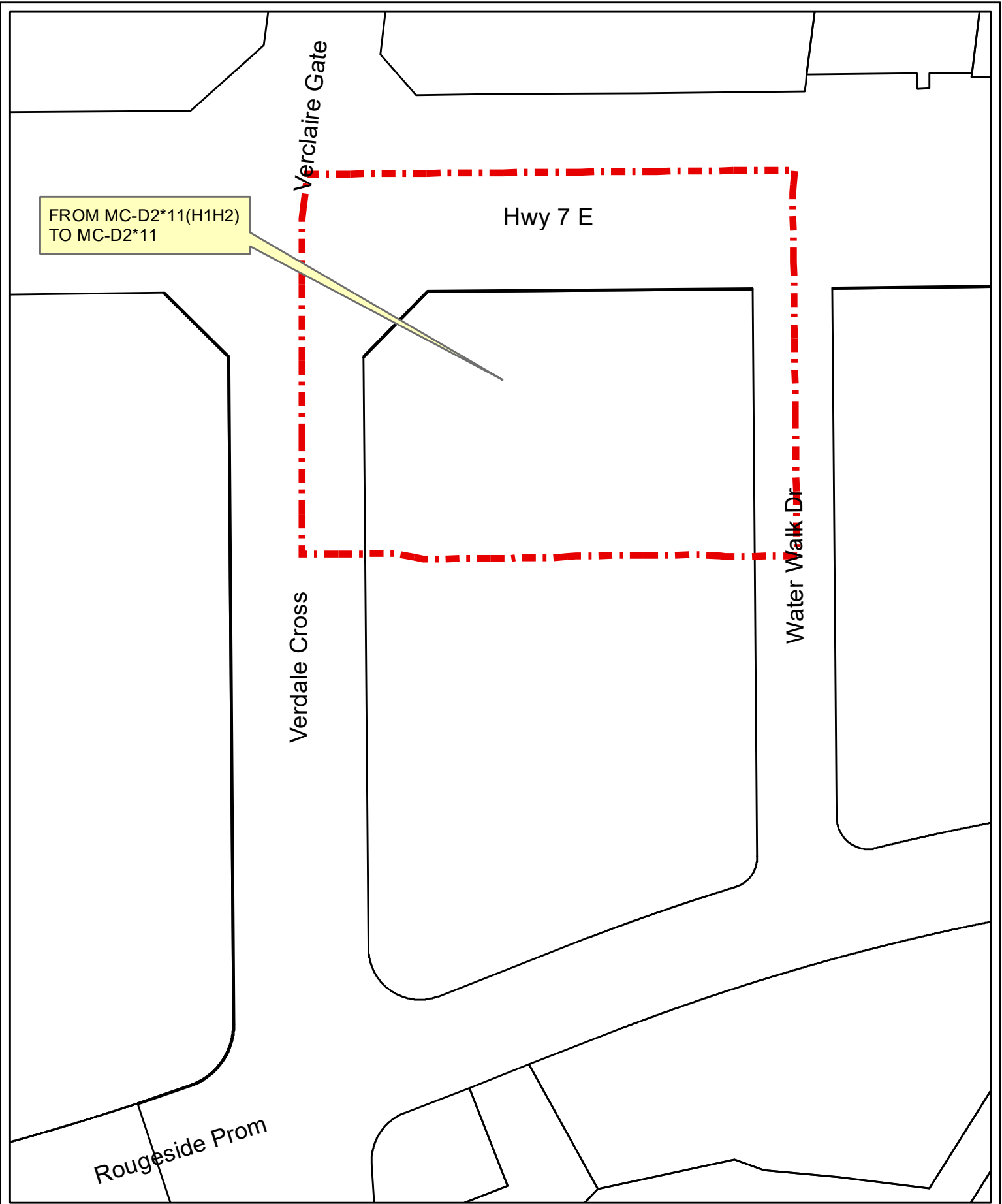
The proposed by-law amendment applies to a portion of the lands outlined on Schedule 'A' with a total area of 5,315 m<sup>2</sup>, located on the southeast corner of Highway 7 East and Verdale Crossing in Markham Centre.

**Existing Zoning**

The subject lands are zoned Markham Centre Downtown Two (Hold) [MC-D2 (H1-H2)], by By-law 2004-196, as amended.

**Purpose and Effect**

The purpose and effect of this By-law is to remove the Hold (H) Symbol from the zoning of the subject lands.



# SCHEDULE "A" TO BY-LAW AMENDING BY-LAW 2004-196 DATED

 BOUNDARY OF AREA COVERED BY THIS SCHEDULE

 MARKHAM CENTRE DOWNTOWN TWO

 EXCEPTION NUMBER

 HOLDING PROVISION



THIS IS NOT A PLAN OF SURVEY. Zoning information presented in this Schedule is a representation sourced from Geographic Information Systems. In the event of a discrepancy between the zoning information contained on this Schedule and the text of zoning by -law, the information contained in the text of the zoning by -law of the municipality shall be deemed accurate.

Q:\Geomatics\New Operation\By-Laws\HOLD\HOLD19142126\Schedule A.mxd

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the City of Markham Clerk's Office





## BY-LAW 2019-\_\_\_\_\_

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WHEREAS Zoning By-law No. 2004-196 is the governing By-law of the Corporation of the City of Markham pertaining to the subject lands; and

WHEREAS the Council of the Corporation of the City of Markham has deemed it advisable to amend Zoning By-law No. 2004-196; and,

WHEREAS it has been confirmed to Council that all of the conditions required for the removal of the Hold (H) Symbol from the subject lands have been completed to the satisfaction of the Corporation of the City of Markham;

NOW THEREFORE the Council of the Corporation of the City of Markham enacts as follows:

1. THAT By-law 2004-196 is hereby further amended as follows:
  - 1.1 By removing the Hold 1 (H1) and Hold 2 (H2) Symbols from the following zone for the lands outlined on Schedule 'A' attached hereto:
 

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[MC-D2\*11 (H1-H2)]
2. THAT Zoning By-law No. 2004-196 is hereby amended to give effect to the foregoing, but shall in all other respects remain in full force and effect.
3. THAT this By-law shall come into effect upon final passing, pursuant to Section 34(21) of the *Planning Act*, 1990.

Read a first, second and third time and passed on December \_\_, 2019.

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Kimberley Kitteringham  
City Clerk

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Frank Scarpitti  
Mayor



## **EXPLANATORY NOTE**

### **BY-LAW 2019-\_\_\_\_**

**A By-law to amend By-law 2004-196, as amended**

**1771107 Ontario Inc. (Times Group Inc.)**

**Southeast corner of Highway 7 East and Verdale Crossing**

### **Lands Affected (Subject Lands)**

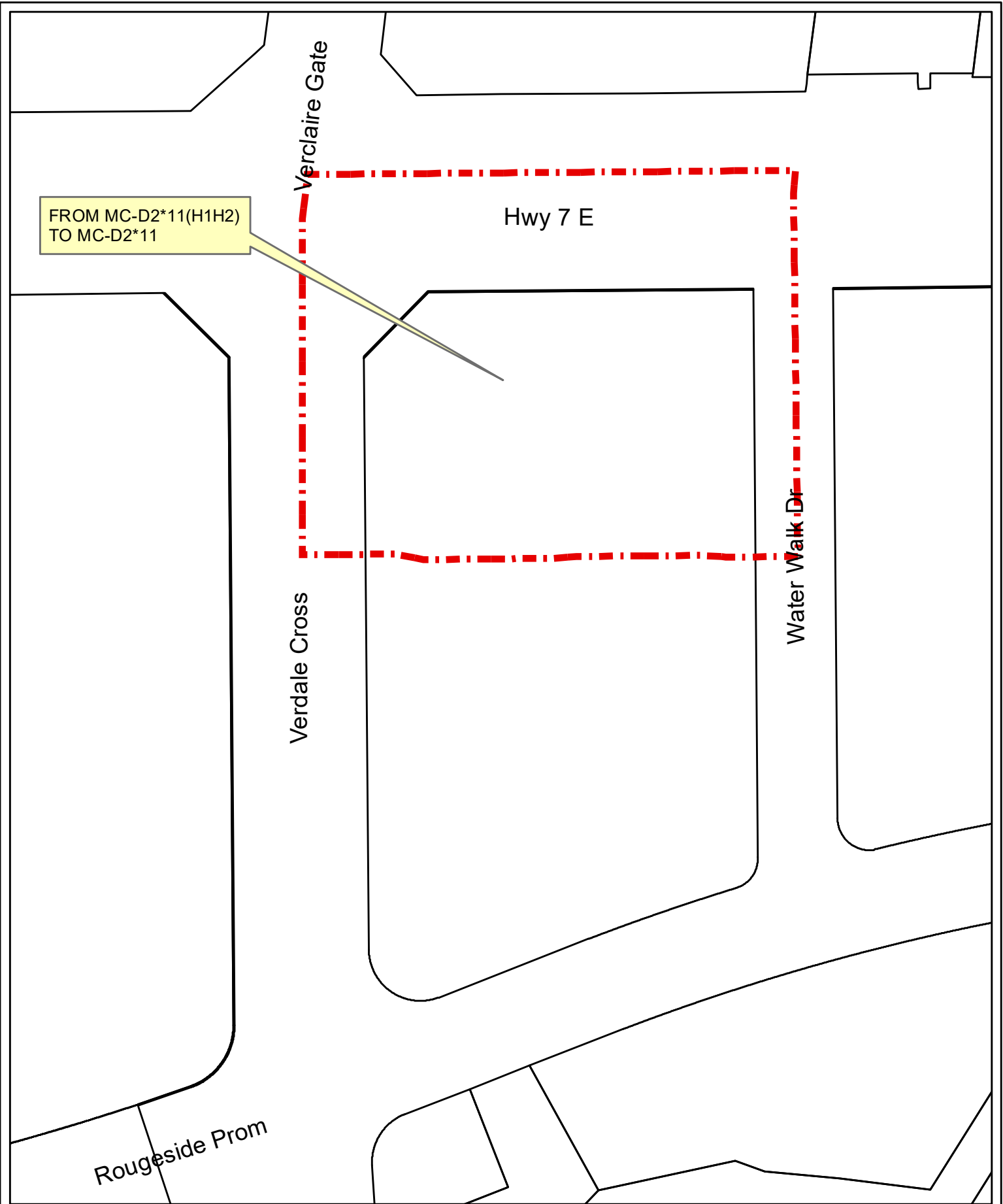
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### **Existing Zoning**

The subject lands are zoned Markham Centre Downtown Two (Hold) [MC-D2 (H1-H2)], by By-law 2004-196, as amended.

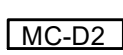
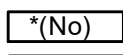
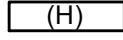
### **Purpose and Effect**

The purpose and effect of this By-law is to remove the Hold (H) Symbol from the zoning of the subject lands.



# SCHEDULE "A" TO BY-LAW AMENDING BY-LAW 2004-196 DATED

 BOUNDARY OF AREA COVERED BY THIS SCHEDULE

-  MARKHAM CENTRE DOWNTOWN TWO
-  EXCEPTION NUMBER
-  HOLDING PROVISION



THIS IS NOT A PLAN OF SURVEY. Zoning information presented in this Schedule is a representation sourced from Geographic Information Systems. In the event of a discrepancy between the zoning information contained on this Schedule and the text of zoning by -law, the information contained in the text of the zoning by -law of the municipality shall be deemed accurate.

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