



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**

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- a) *The Toronto/Butterville Airport Zoning Regulations (SOR/88-148) have been repealed and the height restriction provided for in section 4 therein are no longer in force and effect in respect of the lands shown on Schedule “A” attached hereto.*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/Butterville 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/Butterville 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.