

## APPENDIX "A"



Lincoln Lo  
905 513 0170 x107  
llo@mgp.ca

June 5, 2024

*MGP File: 08-1787*

The Corporation of the City of Markham  
101 Town Centre Boulevard  
Markham, ON L3R 9W3

**Attention: Ms. Elizabeth Martelluzzi, MCIP, RPP  
Senior Planner, Central District**

Dear Ms. Martelluzzi:

**RE: Times Group – Uptown Markham (Block 8 – Former Bed, Bath & Beyond; Block 2)  
Zoning Bylaw Amendment – Hold Removal Application**

Malone Given Parsons Ltd. has been retained by Times Group Corporation (“Times”) to submit a Zoning Bylaw Amendment application to remove the holding provisions for the above noted properties. These holding provisions are found in site-specific Zoning Bylaw 2020-145 that was approved by the OLT in July 2020. Please note that this hold removal application only applies to the former Bed, Bath and Beyond lands identified as “Area A” and to lands identified as “Area C” within Schedule X5 of Bylaw 2020-145.

Several of the holding provisions within the Zoning Bylaw refers to the provision for purpose-built rental housing and affordable housing. Specifically, there is a requirement to provide a purpose-built rental building containing approximately 300 rental units with 60 of these units being classified as affordable rental.

Since the approval of this Zoning Bylaw, the issue of rental and affordable housing has been brought to the forefront of land use planning decisions given the current housing affordability crisis. In response, Times is proposing to advance the affordable housing element of their proposed master-planned community and is proposing to double the required amount of purpose-built rental and affordable housing units. Times is providing a direct and substantial response to a crisis in support of Markham’s housing goals.

The holding provisions in the Zoning Bylaw are written as such that either “Area A” or “Area B” can obtain additional height (from 17-storeys to 30-storeys; or 24-storeys to 30-storeys, respectively) if the specified affordable housing component is provided within a purpose-built rental building in either Area. Times is seeking to obtain the height increase in both Areas by providing twice the total amount of purpose-built rental and affordable housing within “Area A”, and potentially elsewhere in the subdivision.

The removal of the hold is also being requested for “Area C” in response to an active Site Plan application (SPC 22.246371) that Times has submitted to the City, which is nearing endorsement.

The below table summarizes the hold provisions as well as the responses on how they are satisfied.

Subsection	Provision	Response
i)	For buildings that exceed the Toronto/Buttontville height restrictions, the Toronto/Buttontville Airport Zoning Regulations (SOR/88-148) have been repealed and the height restriction on the Lands or portions thereof, provided in section 4 therein are no longer in force and effect in respect of the Lands shown on Schedule "A" attached hereto, to the satisfaction of the City.	The Toronto/Buttontville Airport Zoning Regulations (SOR/88-148) are no longer in force due to the closure of the Toronto/Buttontville Airport. Therefore this provision is not applicable anymore.
ii)	A Subdivision Agreement has been executed and registered securing the conveyance and construction of the public street, the conveyance of any road widening along Highway 7 and Warden Avenue along the frontage of the Lands, the establishment of the school block, the conveyance of parkland, and the extension of public services with respect to the development of the Lands, to the satisfaction of the City.	A Subdivision Agreement has been executed and registered for the Phase 1 lands that includes Area "A". A Subdivision Agreement has been executed, but not yet registered for the Phase 3 lands that includes Area "C". Copies are provided for reference.
iii)	<p>For the residential units that exceed 4500 on the Lands, the following shall apply, to the satisfaction of the City:</p> <ol style="list-style-type: none"> <li>1. The Traffic Impact Study prepared by NexTrans and dated April 2020, must be updated to: <ol style="list-style-type: none"> <li>A) consider the appropriate number of units that can be supported in advance of the Rougeside Promenade extension to Warden Avenue; and,</li> <li>B) reflect that the access points to Highway 7 and Warden Avenue will not be considered by York Region until the Rougeside Promenade extension to Warden Avenue is constructed.</li> </ol> </li> <li>2. The Holding Provision on the development blocks or residential units that can be supported in advance of the construction of the Rougeside Promenade extension to Warden Avenue will be removed once the City is satisfied with the updated Traffic Impact Study.</li> <li>3. The Holding Provision on the remaining development blocks or residential units, including the Warden Strip and "Area E", will only be lifted once the Rougeside Promenade extension to Warden Avenue is constructed and operational.</li> </ol>	This provision is not applicable as the development has not exceeded 4,500 residential units.

iv)	Final approval of a Site Plan Approval application(s) has been obtained for the Lands, or portion thereof, from which the Holding Provision is being removed, in accordance with Section 41 of the Planning Act.	<b>A Letter of Undertaking has been entered into with the City that states that Times will obtain Site Plan Approval for “Area A”.</b> A site plan agreement has been Issued and is pending execution (should be fully executed by end of May) for “Area C”.
v)	<p>For the residential units that exceed 4500 on the Lands, the following shall apply, to the satisfaction of the City:</p> <ol style="list-style-type: none"> <li>1. The Owner shall prepare and submit a Water Supply Analysis in consideration of the conclusions and suggestions identified in the Water System Analysis, prepared by FP &amp; P and HydraTek &amp; Associates, dated May 27, 2020, to determine what is required to provide water services for the development of the Lands without causing adverse impacts elsewhere in the water supply system.</li> <li>2. The Owner shall identify the recommendations and address the necessary works to mitigate any impacts identified in the Water Supply Analysis and the deficiencies identified in the Water System Analysis, prepared by FP &amp; P and HydraTek &amp; Associates, dated May 27, 2020</li> <li>3. The City shall retain a peer reviewer, at the Owner’s expense, to peer review the Water Supply Analysis and mitigation recommendations as set out in paragraphs (v)(1) and (v)(2) above.</li> <li>4. The Owner shall execute an agreement with the City securing the provision of, or where more than the Lands benefit from the works, contribution to, water service infrastructure improvements identified by the above-noted Water Demand Analysis related to the development of the Lands.</li> </ol>	This provision is not applicable as the development has not exceeded 4,500 residential units.
vi)	Notwithstanding the above, driveways and underground parking garages are permitted to be constructed on the Lands prior to the lifting of the applicable Holding Provision(s), to the satisfaction of the City.	Acknowledged.
vii)	For the residential units that exceed 4500 on the Lands, the execution and registration of an Agreement, pursuant to Section 37 of the Planning Act and in accordance with the City’s Official Plan	This provision is not applicable as the development has not

	<p>policies, between the City and the Owner for the following:</p> <ol style="list-style-type: none"> <li>1. the payment contribution by the Owner of \$3,885,000.00 with respect to increases in building height and density, in 2020 dollars, to be indexed to the Ontario rate of inflation as per the Toronto Consumer Price Index (CPI) up to the date the payment is required.</li> <li>2. the separate payment by the Owner of \$807,500.00 for the provision of public art.</li> <li>3. the provision of a minimum 930 m2 net Gross Floor Area community facility space, if the City identifies the need for such space in the manner set out in the Agreement executed pursuant to Section 37 of the Planning Act, which would reduce the contribution identified in paragraph (vii)(1) above.             <ol style="list-style-type: none"> <li>A. Should the fair market value of this community space exceed the total amount of the Section 37 amount and public art contributions for the Lands, then the City will immediately provide the difference to the Owner.</li> <li>B. Prior to the initial design of the building containing the potential community facility space, the City shall provide the Owner a design brief that describes the functional program requirements including, but not limited to, space dimensions, access, clear ceiling heights, heating and cooling, and lighting, to the satisfaction of the City.</li> </ol> </li> </ol> <p>Payment of the Section 37 amount, in accordance with paragraphs (1) and (2) above, shall be pro-rated based on the percentage of the approved number of units and payable prior to the execution of a Site Plan Agreement, to the satisfaction of the City.</p>	<p>exceeded 4,500 residential units.</p> <p>Notwithstanding the above, Times is working with the City to prepare a revised Section 37 Agreement that includes the stated wording in this provision and the revised provisions below. A letter of undertaking has been provided in the interim that states the revised Section 37 Agreement will be entered into.</p>
<p>viii)</p>	<p>A purpose-built rental housing building containing approximately 300 units shall be constructed in either “Area A” or “Area B”, as shown on Schedule X5 to this By-law, prior to the approval of any development in Area “D” or the Warden Strip. In addition, 60 affordable rental housing units (as defined in the Markham Official Plan 2014) shall be provided within the purpose-built rental housing building and will contain the following, to the satisfaction of the City:</p> <ol style="list-style-type: none"> <li>1. 36, one-bedroom units;</li> </ol>	<p>Times is proposing approximately 565 purpose-built rental housing units in Area “A”, of which 120 will be affordable housing units.</p> <p>The unit mix will be:</p> <ul style="list-style-type: none"> <li>• 72 one bedroom</li> <li>• 32 two bedroom</li> <li>• 16 three bedroom.</li> </ul>

	<p>2. 16, two-bedroom units; and, 3. 8 three-bedroom units.</p>	
--	---	--

<p>ix)</p>	<p>For clarity, the Agreement, in accordance with paragraph (viii) above, will reflect the following:</p> <ol style="list-style-type: none"> <li>1. that the 300 units in the purpose-built rental housing building will not be required to pay any Section 37 amount or public art contribution, which waiver is already reflected in paragraphs (vii)(1) and (vii)(2) above;</li> <li>2. 180 of the 300 units will not be required to make any parkland contribution (land or cash-in-lieu); and,</li> <li>3. none of the overall 6,100 units approved for the Lands will be required to pay any Community Benefit Charge.</li> </ol>	<p><b>It is our understanding that this condition will be satisfied through an updated Section 37 Agreement</b> that will revise this provision to read:</p> <ul style="list-style-type: none"> <li>• that the first 600 units in any purpose built rental building located in the subdivision will not be required to pay any Section 37 amount or public art contribution.</li> <li>• The first 360 of those units will not be required to make any parkland contribution (land or cash-in-lieu).</li> </ul> <p>These revisions are required to reflect the change in development plans to locate twice the amount of purpose-built rental units in Area “A” (565 units) and potentially elsewhere in the subdivision as detailed earlier in this letter.</p> <p>A letter of undertaking has been provided in the interim that states the revised Section 37 Agreement will be entered into.</p>
<p>x)</p>	<p>Notwithstanding any other provisions of this By-law, the following provisions shall apply to “Area A” on Schedule X5 to this By-law. All other provisions, unless specifically modified or amended by this section, continue to apply to the Lands subject to this section. Prior to this Holding Provision HX1 being removed, the following conditions shall be fulfilled, to the satisfaction of the City:</p> <ol style="list-style-type: none"> <li>1. the Owner shall confirm that the maximum height shall be 17 storeys through the execution of a Site Plan Agreement; or,</li> <li>2. Notwithstanding paragraph (1) above, the Owner shall confirm the provision of not less than 60 units of affordable housing</li> </ol>	<p>120 affordable housing units are proposed to be integrated into Area “A”. As such, the maximum height permitted is 30 storeys.</p> <p>As a minor correction, the policy reference in this section of the Bylaw should read 2.6X1(a)(viii) instead of “2.6X1(a)(vii)4”</p>

	<p>integrated in a purpose-built rental housing building, as contemplated in Section 2.6X1(a)(vii)4 of this Zoning By-law, with a maximum height of 30 storeys through the execution of a Site Plan Agreement; and,</p> <p>3. Should not less than 60 units of affordable housing be contemplated, the following parking provision shall apply to “Area A”:</p> <p>a. A. a minimum of 0.8 parking space per dwelling unit and a maximum of 1.08 parking spaces per dwelling plus 0.12 parking spaces per dwelling unit for visitors.</p>	
<p>xi)</p>	<p>Notwithstanding any other provisions of this By-law, the following provisions shall apply to “Area B” on Schedule X5 to this By-law. All other provisions, unless specifically modified or amended by this section, continue to apply to the Lands subject to this section. Prior to this Holding Provision HX1 being removed, the following conditions shall be fulfilled, to the satisfaction of the City:</p> <ol style="list-style-type: none"> <li>1. the Owner shall confirm that the maximum height shall be 24 storeys through the execution of a Site Plan Agreement; or,</li> <li>2. Notwithstanding paragraph (1) above, the Owner shall confirm the provision of not less than 60 units of affordable housing integrated in a purpose-built rental housing building, as contemplated in Section 2.6X1(a)(vii)4 of this Zoning By-law, with a maximum height of 30 storeys through the execution of a Site Plan Agreement.</li> </ol>	<p>This provision is proposed to be revised to reflect that the height increase will be permitted despite the Owner <u>not</u> providing affordable housing in “Area B”.</p> <p>We propose that the below wording be included as subsection 3) of this provision:</p> <p><i>“Notwithstanding paragraph (1) and (2) above, the Owner shall confirm that the provision of not less than 120 units of affordable housing integrated in a purpose-built rental housing development in “Area A”, as contemplated in Section 2.6X1(a)(viii) of this Zoning Bylaw, that the maximum height of 30 storeys is permitted in “Area B””.</i></p>

I

In support of this application, please find enclosed the following:

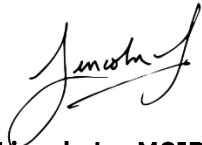
- A cheque in the amount of \$11,264.97 (\$9,969 + HST), made payable to the City of Markham, representing the fee for the hold removal application;
- Complete application form;
- Site Plans;
- Subdivision Agreements;
- Undertaking for Site Plan Approval for “Area A”;
- Site Plan Agreement for “Area C”;
- Undertaking for a Revised Section 37 Agreement; and,
- Legal Plan of Survey.

We trust that the enclosed information will allow for the timely circulation and processing of the application.

Please contact the undersigned if you have questions with respect to the above.

Yours very truly,

**Malone Given Parsons Ltd.**

A handwritten signature in black ink, appearing to read "Lincoln Lo", written in a cursive style.

**Lincoln Lo, MCIP, RPP  
Principal**