

Memorandum to the City of Markham Committee of Adjustment

November 20, 2024

File: A/106/24
Address: 3825 Highway 7 East, Markham (Uptown Markham Block 2)
Agent: Malone Given Parsons Ltd. (Rohan Sovig)
Hearing Date: Wednesday, November 20, 2024

The following comments are provided on behalf of the Central Team.

The Applicant is requesting relief from the “Markham Centre - Downtown Two, Exception 11 and 35 (MC-D2*11*35)” zone of the Markham Centre By-law 2004-196, as amended. The variance requested is to permit:

a) Schedule F3:

a minimum tower separation of 28.3 metres, whereas the by-law requires a minimum tower separation of 30 metres;

as it relates to a proposed mixed use high rise residential development consisting of 43 and 48 storey towers with at-grade retail.

BACKGROUND

Property Description

The 6,600 m² (71,041 ft²) subject lands (the “Subject Lands”) are located on the west side of Verdale Crossing, generally situated south of Highway 7 East and east of Warden Avenue, as shown in Appendix “A” – Aerial Photo. The Subject Lands are located within the Markham Centre Secondary Plan area.

The proposed development received Site Plan Approval on September 25, 2024 (SPC 22 246371).

Proposal

The Subject Lands are part of the Uptown Markham Block 2 development, being developed by Times Group Inc. The Owner proposes to construct a high-density, mixed-use development with 811 residential units, consisting of two residential towers, with retail on the ground floor (refer to Appendix “B” – Architectural Plans).

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24, 2017, and updated on April 9, 2018)

The 2014 Official Plan designates the Subject Lands “Mixed Uses High Rise”, which supports the greatest levels of residential intensification with a mix of office and commercial uses along Highway 7 East within Markham Centre.

The policies of the 2014 Official Plan state that until an updated secondary plan is approved for the Regional Centre – Markham Centre lands, the provisions of the 1987 Town of Markham Official Plan, as amended by OPA 21, shall apply to the Subject Lands.

Markham Centre Secondary Plan – OPA 21

OPA 21 designates the Subject Lands as “Community Amenity Area – Major Urban Place”, which permits a high concentration and intensity of residential, commercial, employment, and supporting uses.

Zoning By-Law 2004-196, as amended

The Subject Lands are zoned “Markham Centre – Downtown Two, Exception 11 (MC-D2*11) and Exception ZZ (MC-D2*ZZ) under the Markham Centre Zoning By-law 2004-196, as further amended by By-laws 2010-184 and 2020-145, which permits apartment dwellings and a range of commercial uses.

The proposed development does not comply with the amending By-law 2010-184, as it relates to the minimum tower separation distance.

Zoning Preliminary Review (ZPR) Not Undertaken

The Applicant has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted, however the Applicant has received comments from the building department through a Building Permit application (NH 23 139601). It is the Applicant’s responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

COMMENTS

The *Planning Act* states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- c) The general intent and purpose of the Zoning By-law must be maintained; and
- d) The general intent and purpose of the Official Plan must be maintained.

Decrease of minimum tower separation

The Applicant has requested to permit a minimum tower separation distance of 28.3 metres (92.85 feet) between two high-rise residential buildings, whereas the By-law requires a minimum distance of 30 metres (98.43 feet). This represents a decrease of 1.70 metres (5.58 feet) or 5.67% from the By-law requirement.

The intent of a minimum tower separation distance is to provide sufficient separation between two high-rise towers to ensure adequate sunlight and privacy for future residents and to reduce negative effects of wind and shadowing on the pedestrian environment or

on other portions of the property. The Applicant provided a supplemental shadow study which shows the reduction of the tower separation distance does not pose a negative impact on shadowing of the future development.

Planning Staff have no objections to the approval of the reduced minimum tower separation distance.

PUBLIC INPUT SUMMARY

No written submissions were received as November 12, 2024. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

Planning Staff have reviewed the application with respect to Section 45(1) of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, and are of the opinion that the variance request meets the four tests of the *Planning Act* and have no objection. Staff recommend that the Committee consider public input in reaching a decision.

The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

Please refer to Appendix "C" for conditions to be attached to any approval of this application.

PREPARED BY:



Elizabeth Martelluzzi, RPP MCIP, Senior Planner, Central District

REVIEWED BY:



Melissa Leung, RPP MCIP, Senior Planner, Central District

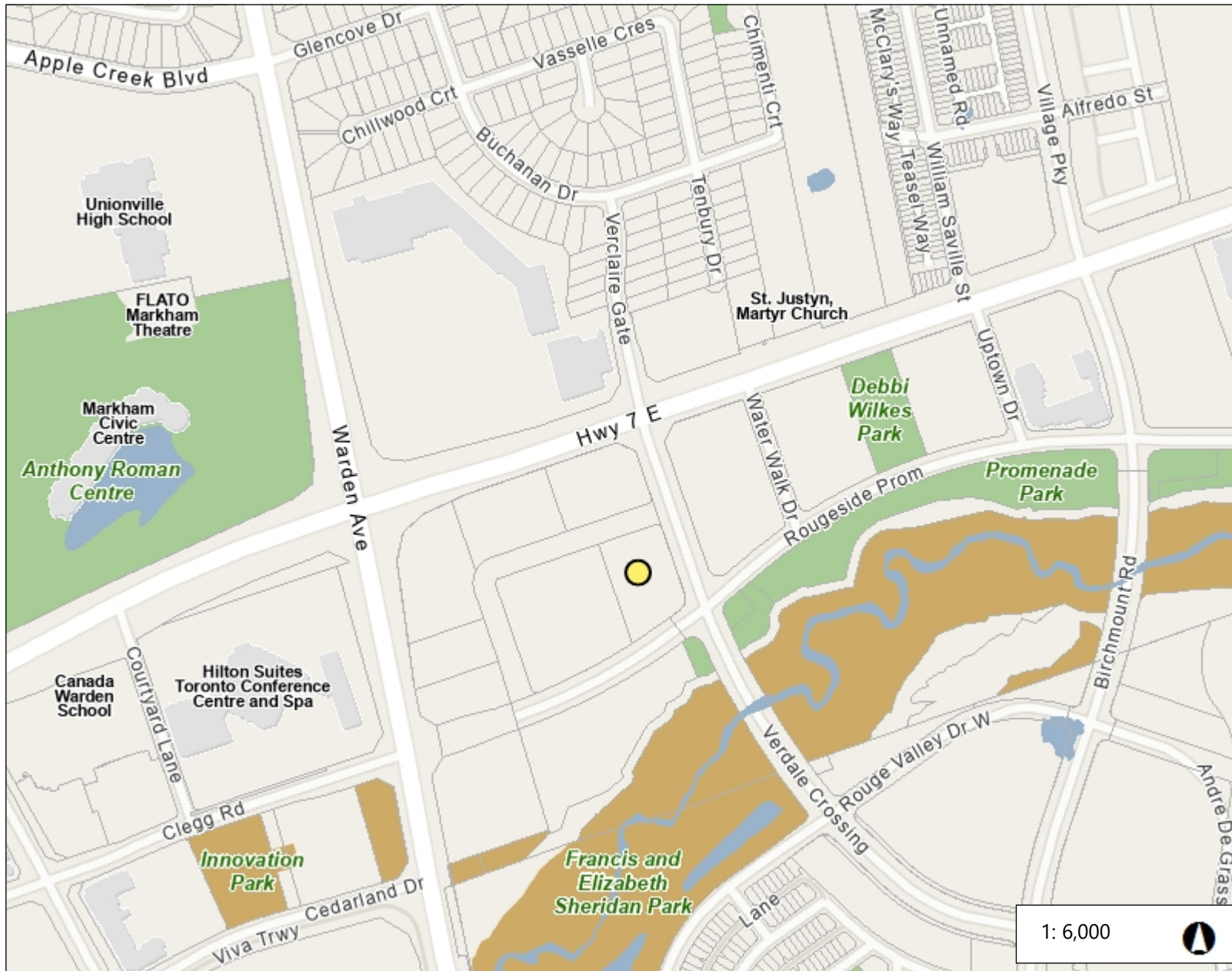
APPENDICES

Appendix "A" – Aerial Photo

Appendix "B" – Architectural Plans

Appendix "C" - Conditions

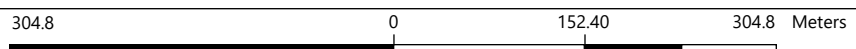
Appendix "D" – Memo from the TRCA dated October 17th, 2024



Subject Lands
3825 Highway 7 E

Notes

1: 6,000

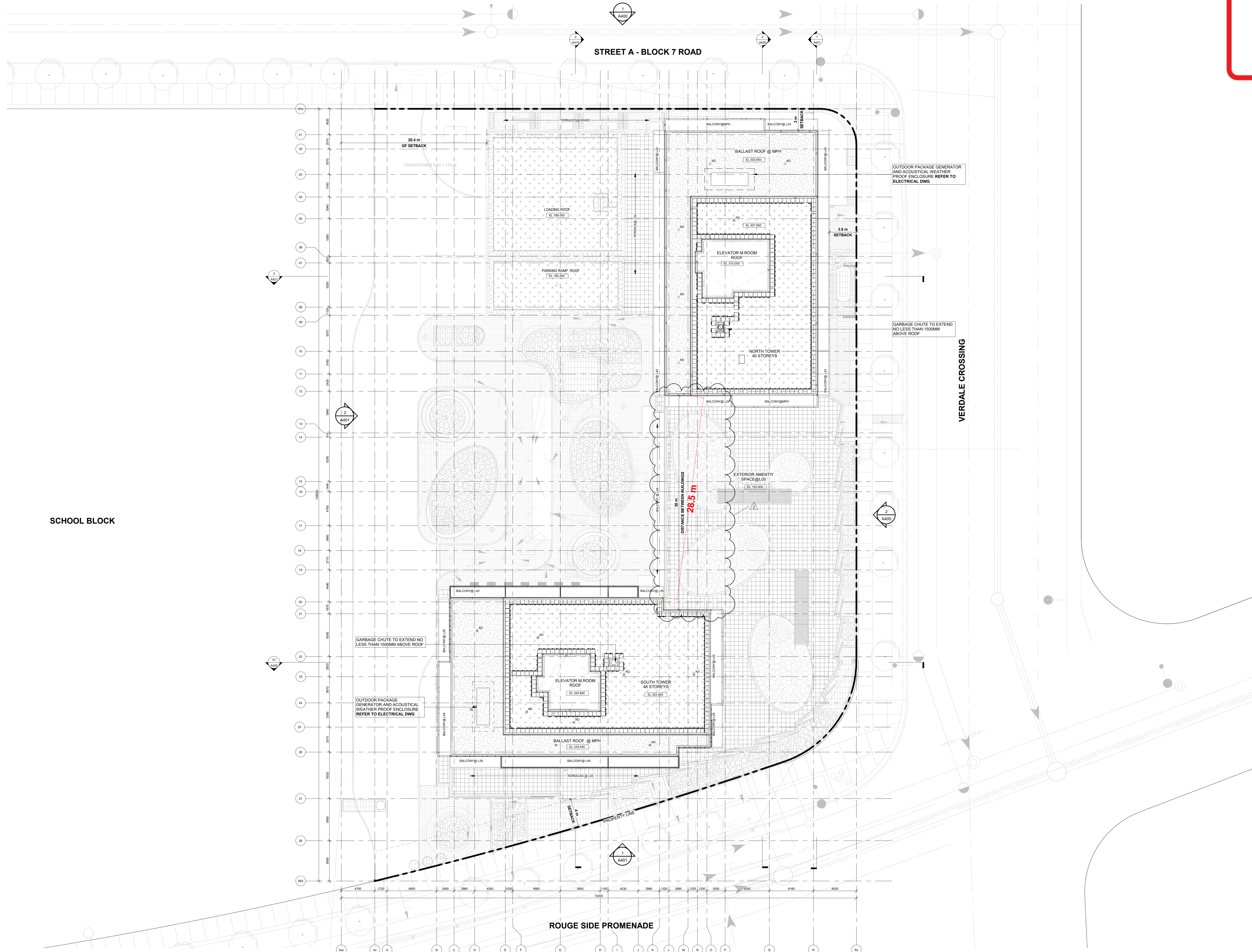


DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email cgis@markham.ca and you will be directed to the appropriate department.

Appendix B

File: 24.191446.000.00.MNV

Date: 11/12/2024
MM/DD/YYYY



SCHOOL BLOCK

ROUGE SIDE PROMENADE

VERDALE CROSSING

2	ISSUED FOR PERMIT	2024-04-18
1	ISSUED FOR PERMIT	2024-03-29
NO.	REVISIONS	DATE

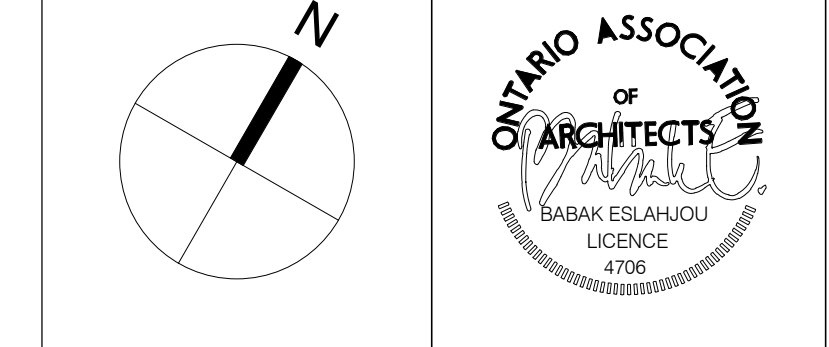
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TIMES GROUP

UPTOWN MARKHAM
UPTOWN MARKHAM
CITY OF MARKHAM, ON



DRAWN: R.B. N.T. SCALE: 1:200
CHECKED: DATE: JUNE 2024

TITLE: ROOF PLAN

PROJECT NO: 20-195 DRAWING NO: A006a

APPENDIX "C"

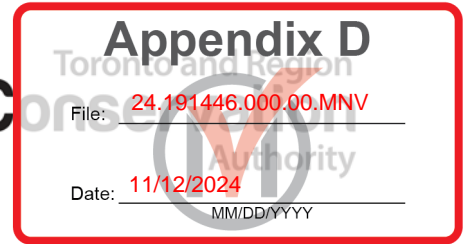
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/138/23

1. The variances apply only to the proposed development as long as it remains; and
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as Appendix "B" to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to his or her satisfaction.
3. That the applicant satisfies the requirements of the TRCA, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix "D" to this Staff Report, to the satisfaction of the TRCA, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the TRCA.

CONDITIONS PREPARED BY:



Elizabeth Martelluzzi, RPP MCIP, Senior Planner, Central District



October 17th 2024

CFN PAR-DPP-2024-00321

VIA E-PLAN

Ms. Melissa Leung
Senior Planner
City of Markham
101 Town Centre Blvd
Markham, ON L3R 9W3

Dear Melissa Leung

**Re: Minor Variance Application – A/106/24
3825 Hwy 7, City of Markham
Part Lot 10, Concession 5
Highway 7 & Warden Ave
Applicant: Malone Given Parsons Ltd c/o Rohan Sovig
Owner: 1771107 Ontario Inc.**

Toronto and Region Conservation Authority (TRCA) staff provide the following comments in response to the referenced Committee of Adjustment application, received by TRCA on September 26, 2024. We provide the following in accordance with TRCA’s commenting role under the Planning Act and regulatory role under the Conservation Authorities Act (CA Act). For additional information, please see [TRCA Role in the Plan Input and Review Process](#).

Purpose of the Application

TRCA staff understand that the purpose of this application is to request relief from the requirements of By-law 2004-196, as amended to permit:

- a) a minimum tower separation of 28.3 metres, whereas the by-law requires a minimum tower separation of 30 metres;

The noted variance is being requested to facilitate the development of the proposed 43 and 48 storey towers.

TRCA Permit Requirement

TRCA has been involved in reviewing the subject development throughout the associated Site Plan Application SPC 22 246371 and TRCA Permit No. C-211391 and its revised Permit No. C-220925R, issued in November 2023. These permits addressed site alterations related to a municipal park that resulted in modifications to the floodplain limit south of this property.

Based on above and the review of materials circulated with this application, the proposed development is located **outside** the regulated portions of the property and **a permit will not be required** from TRCA to facilitate the development associated with this application.

TRCA Review Fee

By copy of this letter, the applicant is advised that TRCA have implemented a fee schedule for its planning application review services in accordance with applicable provincial regulations. This Minor Variance is subject to a \$145.00 fee (Minor Variance – Clearance Fee). The applicant is responsible for fee payment within 60 days of the committee hearing date.

Recommendations

Based on the comments noted in this letter, TRCA staff recommends **approval** of Minor Variance Application **A/106/24** subject to the following:

1. That the applicant submits the TRCA plan review fee of \$145 within 60 days of the committee hearing date.

Should you have any questions or comments, please contact the undersigned.

Regards,



Matthew Pereira
Planner 1
Development Planning and Permits | Development and Engineering Services
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Matthew.pereira@trca.ca