

Memorandum to the City of Markham Committee of Adjustment

October 12, 2023

File: A/104/23
Address: 55 East Valhalla Drive, Markham
Applicant: Markham Commercial Centre Ltd. (Sandy Minuk)
Agent: Weston Consulting (Jacob Lapointe)
Hearing Date: Wednesday, October 18, 2023

The following comments are provided on behalf of the West Team:

The applicant is requesting relief from the following requirements of the “Select Industrial with Limited Commercial (M.C. (100%)) Zone” in By-law 165-80, as amended, and Parking Standards By-law 28-97 relating to a proposed office and industrial development (SPC 22 118800). The variances requested are to permit:

- a) **By-law 165-80, Section 4.4.2.3(b):**
One vehicular access from Highway 7; whereas access ramps (entrance and exits ramps) and driveways to any parking area shall not be permitted off any arterial road or provincial highway as designated in the Official Plan 2014 where such access can be provided from an alternative street;
- b) **By-law 165-80, Section 4.5.1(a)(i):**
6 loading spaces, whereas the By-law requires 9 loadings spaces;
- c) **By-law 165-80, Section 4.6.2:**
A setback of 29 metres (95.1 ft.) from the centre line of Highway 7, whereas the By-law requires a setback of 40 metres (131.2 ft.);
- d) **By-law 165-80, Section 4.7.1(a):**
A strip of land having a minimum depth of 4.5 metres (14.7 ft.) used only for landscaped open space abutting any arterial road or provincial highway, whereas the By-law requires 9 metres (29.5 ft.) and may include walkways, retaining walls, a ramp, and stairs;
- e) **By-law 165-80, Section 4.7.1(b):**
A strip of land having a minimum depth of 4.5 metres (14.7 ft.) used only for landscaped open space abutting the street line, whereas the By-law requires 6 metres (19.7 ft.) and may include walkways, retaining walls, a ramp, and stairs;
- f) **Section 2 – Definition for Lot Line, Front**
The property line abutting Highway 7, inclusive of the adjoining daylight triangles, shall be deemed to be the front lot line;
- g) **By-law 165-80, Section 5.2 (d)(i):**
A minimum Front Yard setback of 4.5 metres (14.7 ft.), whereas the By-law requires 12.0 metres (39.3 ft.);

h) By-law 165-80, Section 5.2 (e):

A minimum distance between buildings of 7.5 metres (24.6 ft.), whereas the By-law requires a minimum of 12 metres (39.4 ft.) between any two buildings on a lot;

i) By-law 165-80, Section 5.2 (f):

A minimum ground floor area of 1065m², whereas the By-law requires a minimum of 1400m²;

j) By-law 165-80, Section 6.4.1:

Retail, restaurant, personal service shop, commercial fitness centre, and recreation establishments, where access may be provided from the exterior or the interior of the building, and the combined gross floor area devoted to these uses is limited to a maximum of 15 percent of the total gross floor area of a non-industrial building, whereas the By-law does not permit these uses;

k) By-law 28-97, Section 3 (Table B):

513 parking spaces, which can accommodate up to a maximum gross floor area of 5,040m² of medical office use, whereas the By-law requires a minimum of 833 parking spaces.

BACKGROUND

Property Description

The approximately 4.22 ha (10.44 acres) subject lands are located along the south side of Highway 7, west of Woodbine Avenue. The property is currently vacant with no significant vegetation.

Proposal

The applicant is proposing to construct two office buildings fronting on Highway 7, each with a building height of 3 storeys with ancillary retail and commercial uses, and three industrial buildings each with a building height of 1 storey.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The Official Plan designates the subject property “Business Park Office Priority Employment”, which provides for major office development with the long term plan to replace and/or complement existing industrial development. New office development is intended to be provided within a multi-storey building format. The designation also provides for ancillary uses such as retail, service, restaurant, sports and fitness recreation uses or financial instruction within a non-industrial building provided that the combined gross floor area devoted to all ancillary uses is limited to a maximum of 15 percent of the total gross floor area of the building, or in the case of an office building the total gross floor area of the ground floor, whichever is less. The proposed development conforms to the Official Plan.

Zoning By-Law 165-80

The subject property is zoned “Select Industrial with Limited Commercial (M.C. (100%)) Zone” under By-law 165-80, as amended, which permits a wide range of industrial and commercial uses located within a wholly enclosed building. The proposed development does not comply with the development standards pertaining to setbacks, separation

distances, minimum landscape strip requirements, minimum loading spaces, and permitted uses.

Parking Standards By-law 28-97

The proposed development also does not comply with the standards of the Parking By-law 28-97 with respect to the minimum required parking spaces. Further details of the parking requirements are provided in the comment section below.

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the applicant has received comments from the Building Standards Department through the associated Site Plan Control Application (SPC 22 118800) to confirm the variances required for the proposed development.

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;
- d) The general intent and purpose of the Official Plan must be maintained.

Vehicular Access Variance

A right-in right-out access from Highway 7 is proposed, whereas access ramps and driveways to any parking area is not permitted off any arterial road or provincial highway where such access can be provided from an alternative street. As Highway 7 is a regional road, York Region reviewed the access through the related Site Plan Control Application SPC 22 118800 and has no concerns with the proposed access on Highway 7. Staff opine that the requested variance is minor and does not create significant negative impacts.

Reduced Centreline Setback Variance

The applicant is requesting relief to permit a setback of 29 m (95.1 ft.) from the centre line of Highway 7, whereas the By-law requires 40 metres (131.2 ft.). York Region has reviewed the proposed development and has no concerns with the proposed setback from the centre line of Highway 7. Staff opine that a setback of 29 metres (95.1 ft.) is desirable to provide an improved streetscape and pedestrian activity along Highway 7.

Reduction Minimum Landscape Strip Variance

The applicant is requesting variances to permit a reduced landscape strip of 4.5 m (14.7 ft.) from 6.0 m (19.7 ft.) abutting the street line, and a reduced landscape strip of 4.5 m (14.7 ft.) from 9.0 m (29.5 ft.) abutting Highway 7. Portions of the landscape strip are reduced to 4.5 m at certain pinch points along Highway 7 and Cochrane Drive. There is also a cycle track proposed along Cochrane Drive and East Valhalla Drive with boulevard trees that would further add to the landscape buffer. Staff note that the landscape buffers may include walkways, retaining walls, a ramp, and stairs where majority of these pedestrian features are along Highway 7 to promote pedestrian access and safety. Staff are of the opinion that the requested variance to reduce the minimum landscape strip is minor in nature, will not negatively impact the surrounding area, and is generally consistent with the existing condition of the surrounding properties.

Definition of Lot Line, Front Variance

The applicant is requesting a variance to deem the property line abutting Highway 7, inclusive of the adjoining daylight triangles, to be the front lot line. The subject property is abutting a public street on all four sides. Given this site condition, the front lot line is defined to be the lot line with the shortest frontage which is the east property line. However, the overall function and site layout would make the property line abutting Highway 7 more appropriate to be the front lot line. Staff are of the opinion that the requested variance to deem the property line abutting Highway 7 to be appropriate and desirable for the overall site.

Reduced Front Yard Setback Variance

The applicant is requesting relief to permit a minimum front yard setback of 4.5 m (14.7 ft.), whereas the By-law requires a minimum front yard setback of 12.0 m (39.3 ft.). The proposed development has a front yard setback that varies along Highway 7 and is reduced to 4.5 m only at certain pinch points. Majority of the front yard setback is around 6.0 m and is 6.7 m at the widest point. Although surrounding properties may have much wider front yard setbacks to the buildings, this space is used to accommodate surface parking and does not promote a pedestrian friendly and active frontage along Highway 7. Staff opine that a front yard setback of 4.5 m is desirable in order to provide an improved streetscape and pedestrian activity along Highway 7.

Reduced Building Separation Distance Variance

The development proposes a separation distance of 7.5 m (24.6 ft.) between buildings "B" and "C", as shown in Appendix "B", whereas the By-law requires a minimum setback of 12 m (39.4 ft.). This reduced separation distance is only at a small portion between the two buildings, and allows for additional screening of the loading area from East Valhalla Drive. Given the subject site is surrounded by a public road on all sides, additional screening is desirable and appropriate. Staff are of the opinion that the requested variance is minor in nature and is desirable for the development of the subject property.

Reduced Minimum Building Ground Floor Area Variance

The applicant is requesting relief to permit a minimum ground floor area of 1065 m² (11,463.6 ft²), specifically for Building "D" as shown in Appendix "B", whereas the By-law requires a minimum ground floor area of 1400 m² (15,069.5 ft²). Given the subject site is surrounded by public roads, the location and orientation of Building "D" provides for additional screening from Cochrane Drive. Increasing the ground floor area of Building "D" would not be desirable as it would result in reduced parking and impact the overall site layout and vehicular movement around the site. Staff are of the opinion that the requested variance is minor and does not create any adverse impacts to the surrounding area.

Increased Retail and Commercial Gross Floor Area Variance

The applicant is proposing to permit ancillary commercial uses, where access may be provided from the exterior or the interior of the building, and the combined gross floor area devoted to these uses is limited to a maximum of 15 percent of the total gross floor area of a non-industrial building, whereas the By-law does not permit these uses. The proposed additional commercial uses would support the primary office uses while creating pedestrian activity along Highway 7. The intent of the internal access is to support the primary office uses and provide easy access for the office employees which is still achieved by having these uses located within the same building even if the access may be from the exterior. This provides for a more efficient use of the site while maintaining the intent of the Official Plan 2014. Staff are of the opinion that the requested additional uses

implement the vision of the Official Plan 2014, is desirable for the proposed development, and will not create any adverse impacts to the surrounding area.

Reduction in Required Parking and Loading Variances

The proposed development requires a minimum of 833 parking spaces, whereas the applicant is proposing 513 parking spaces. This results in a deficiency of 320 parking spaces, or an approximate 38 percent reduction in the total number of required parking spaces. Transportation Engineering staff have reviewed the parking study submitted for the associated Site Plan Control Application and advise that the proposed parking supply of 513 spaces, which can accommodate up to a maximum gross floor area of 5,040 m² of medical office use, is sufficient. The requested variance is unlikely to result in any adverse impact on the parking supply of the property.

The proposed development also requires a minimum of 9 loading spaces, whereas the applicant is proposing 6 loading spaces. Transportation Engineering has reviewed the proposed number of loading spaces and have no objections to the reduction.

Staff are of the opinion that the requested variances to permit a reduction in required parking and required loading spaces will not create negative impacts to the surrounding area and is minor in nature.

PUBLIC INPUT SUMMARY

No written submissions were received as of October 12, 2023. 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 requests meet 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 "A" for conditions to be attached to any approval of this application.

APPENDICES:

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

PREPARED BY:



Jennifer Kim, MCIP, RPP, Senior Planner, West District

REVIEWED BY:

A handwritten signature in black ink, appearing to read "Rick Cefaratti". The signature is written in a cursive, flowing style with a long horizontal stroke extending from the end.

Rick Cefaratti, MCIP, RPP, Senior Planner II, West District

APPENDIX "A"

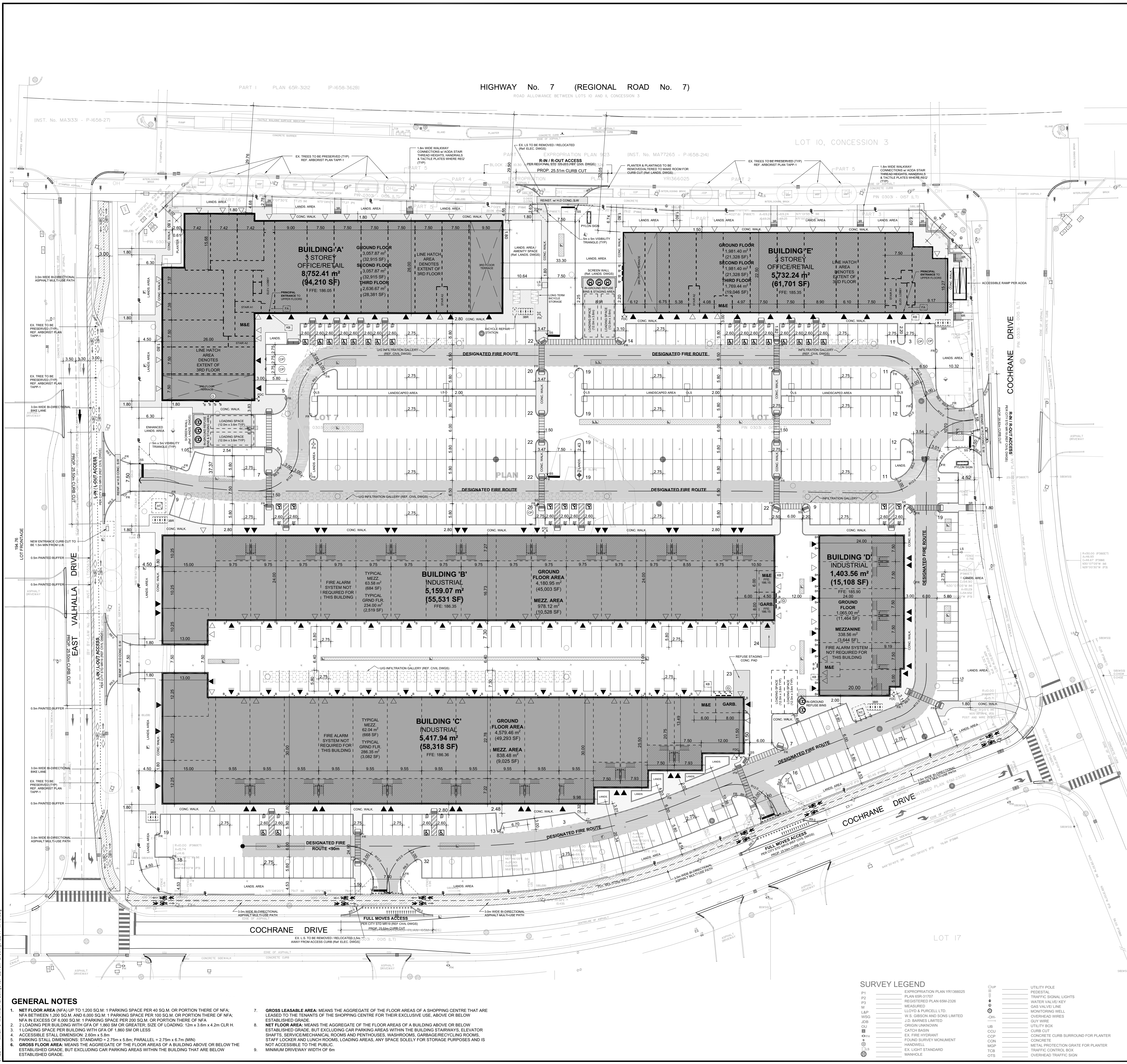
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/104/23

1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plans attached as 'Appendix B' to this Staff Report and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction;
3. That the owner submits to the Secretary-Treasurer a copy of the Site Plan Endorsement memo for the proposed development;

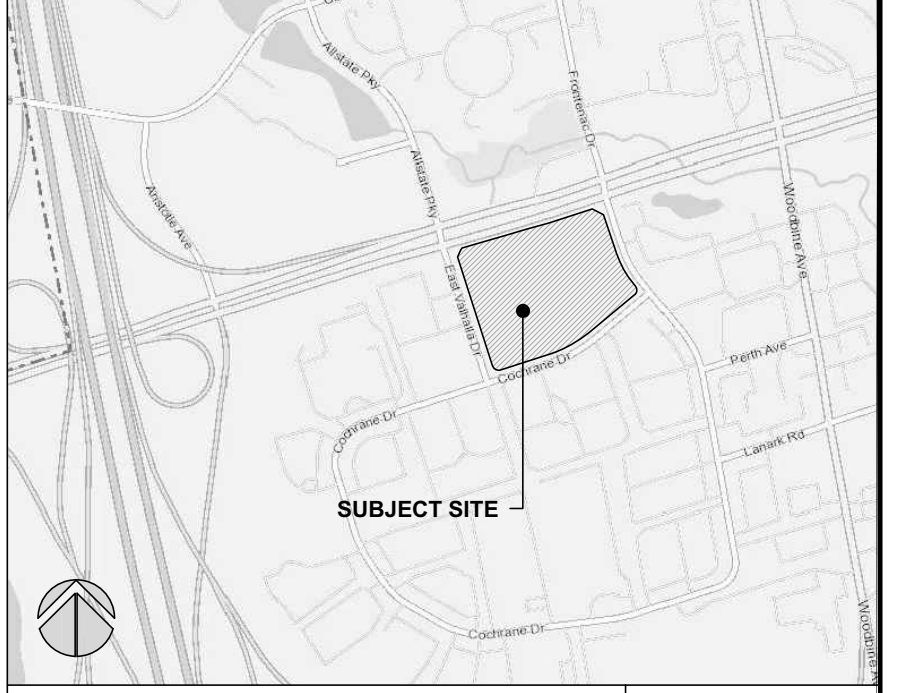
CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'JK', is positioned above a horizontal line.

Jennifer Kim, MCIP, RPP, Senior Planner, West District



KEY PLAN CITY OF MARKHAM



LEGAL DESCRIPTION
 PLAN OF TOPOGRAPHICAL SURVEY OF
 LOTS 7 AND 8
PLAN 65M-2326
 CITY OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK

AS PREPARED BY
nanfara & ng surveyors inc
 PROFESSIONAL LAND SURVEYORS
 #1 ABBOTSDALE CIRCLE, UNIT 9 WOODBINE, ONTARIO, L4L 3R5
 TEL: 905.886.3923 FAX: 905.886.7592 nanfara@nanfara.com

SITE STATISTICS CITY OF MARKHAM ZONING BY-LAW 165-80
 ZONING: M.C. (100%) SELECT INDUSTRIAL & LIMITED COMMERCIAL
 SITE / LOT AREA 42,249.56 m² or 10.44 Acres
 LOT FRONTAGE 194.76 m

	REQUIRED	PROVIDED
FRONT YARD [COCHRANE DR]	12.0 m MIN	6.27 m
REAR YARD [E. VALHALLA DR]	12.0 m MIN	6.30 m
EXTERIOR SIDE YARD [HWY #7]	6.0 m MIN	4.55 m
SIDE YARD [COCHRANE DR]	6.0 m MIN	19.36 m
SETBACKS		
GROUND FLOOR	3,057.87 m ² or 32,915 SF	
SECOND FLOOR	3,057.87 m ² or 32,915 SF	
THIRD FLOOR	2,636.67 m ² or 28,381 SF	
GFA	8,752.41 m ² or 94,210 SF	
GROUND FLOOR	4,180.95 m ² or 45,003 SF	
MEZZANINE	978.12 m ² or 10,528 SF	
GFA	5,159.07 m ² or 55,531 SF	
GROUND FLOOR	4,579.46 m ² or 49,293 SF	
MEZZANINE	838.48 m ² or 9,025 SF	
GFA	5,417.94 m ² or 58,318 SF	
GROUND FLOOR	1,065.00 m ² or 11,464 SF	
MEZZANINE	338.56 m ² or 3,637 SF	
GFA	1,403.56 m ² or 15,102 SF	
GROUND FLOOR	1,981.40 m ² or 21,328 SF	
SECOND FLOOR	1,981.40 m ² or 21,328 SF	
THIRD FLOOR	1,769.44 m ² or 19,046 SF	
GFA	5,732.24 m ² or 61,701 SF	
TOTAL G.F.A.	26,465.22 m ² or 284,869 SF	
NET FLOOR AREA	25,387.44 m ² or 273,268 SF	
FLOOR AREA RATIO	0.626	PROVIDED

	REQUIRED	PROVIDED
LOT COVERAGE	14,864.81 m ² or 35.18 %	
LANDSCAPED AREA	8,564.25 m ² or 20.27 %	
PAVED AREA	18,820.50 m ² or 44.55 %	

BYLAW REQUIREMENT	REQUIRED	PROVIDED
INDUSTRIAL USES: 11,830.57 m ² @ 1/40 m ²	296 Spaces	
OFFICE & RETAIL: 6,517.23 m ² @ 1/30 m ²	284 Spaces	
MEDICAL USES: 5,038.34 m ² @ 1/20 m ²	253 Spaces	

TOTAL PARKING	833 Spaces	513 Spaces
ACCESSIBLE PARKING 5% OF TOTAL PARKING	43 Spaces	28 Spaces
LOADING: 2 SPACES FOR BUILDINGS W/ GFA 1,800 m ² OR GREATER	9 Spaces	6 Spaces
BICYCLE		
OFFICE SHORT-TERM: 0.05/100 m ² OR MIN. OF 6	8 Spaces	12 Spaces
LONG-TERM: 0.08/100 m ²	12 Spaces	12 Spaces
INDUSTRIAL SHORT-TERM: 0.15/100 m ² OR MIN. OF 6	18 Spaces	22 Spaces
LONG-TERM: NOT REQUIRED		

SYMBOL LEGEND

- MAN DOOR / DOUBLE DOOR ENTRY
- DRIVE-IN OR OVERHEAD DOORS
- PRINCIPAL ENTRANCE - ACCESSIBLE
- PROPOSED FIRE HYDRANT
- CATCH BASIN (Ref. CIVIL DWGS)
- DOUBLE CATCH BASIN (Ref. CIVIL DWGS)
- SANITARY MANHOLE (Ref. CIVIL DWGS)
- CATCH BASIN / MANHOLE (Ref. CIVIL DWGS)
- STORM MANHOLE (Ref. CIVIL DWGS)
- BICYCLE RING (Ref. LANDS. DWGS)
- BICYCLE LOCKER - LONG TERM STORAGE (Ref. LANDS. DWGS)
- PAD MOUNTED HYDRO TRANSFORMER (Ref. ELEC. DWGS)
- GAS METERS LOCATION
- ACCESSIBLE PARKING SPACE: 2.6m x 5.8m + 1.5m PEDESTRIAN WALK LIGHT STANDARD (Ref. ELEC. DWGS)
- CURB RAMP / DEPRESSION WITH TACTILE STRIP (Ref. A-1.1)
- TACTILE WALKING SURFACE (Ref. A-1.1)
- CONC. FILLED STEEL BOLLARD: 1.2m H. w/ 0.2m DIA.
- FIRE DEPARTMENT CONNECTION / SIAMESE CONNECTION
- ACCESSIBLE SIGNAGE Rb-93
- FIRE ROUTE Rb-52b
- STOP SIGN Ra-1
- PAINTED STOP BAR
- FIRE ALARM SYSTEM ANNUNCIATION PANEL IN VESTIBULE
- RAPID ENTRY KEY BOX LOCATION
- CARPOOL PARKING SPACE & SIGN
- BOUNDARY LINE / PROPERTY LINE

GENERAL NOTES

- NET FLOOR AREA (NFA) UP TO 1,200 SQ.M. 1 PARKING SPACE PER 40 SQ.M. OR PORTION THERE OF NFA. NFA BETWEEN 1,200 SQ.M. AND 6,000 SQ.M. 1 PARKING SPACE PER 100 SQ.M. OR PORTION THERE OF NFA. NFA IN EXCESS OF 6,000 SQ.M. 1 PARKING SPACE PER 200 SQ.M. OR PORTION THERE OF NFA.
- LOADING SPACE PER BUILDING WITH GFA OF 1,800 SQ.M. OR GREATER, SIZE OF LOADING: 12m x 3.6m x 4.2m CLR H.
- LOADING SPACE PER BUILDING WITH GFA OF 1,800 SQ.M. OR LESS
- ACCESSIBLE STALL DIMENSIONS: 2.0m x 1.5m
- PARKING STALL DIMENSIONS: STANDARD = 2.75m x 5.8m; PARALLEL = 2.75m x 6.7m (MIN)
- GROSS FLOOR AREA: MEANS THE AGGREGATE OF THE FLOOR AREAS OF A BUILDING ABOVE OR BELOW THE ESTABLISHED GRADE, BUT EXCLUDING CAR PARKING AREAS WITHIN THE BUILDING THAT ARE BELOW ESTABLISHED GRADE.
- GROSS LEASABLE AREA: MEANS THE AGGREGATE OF THE FLOOR AREAS OF A SHOPPING CENTRE THAT ARE LEASED TO THE TENANTS OF THE SHOPPING CENTRE FOR THEIR EXCLUSIVE USE, ABOVE OR BELOW ESTABLISHED GRADE, BUT EXCLUDING CAR PARKING AREAS WITHIN THE BUILDING, STORAGE, ELEVATOR SHAFTS, SERVICE MECHANICAL ROOMS AND PENETRATIONS, WASHROOMS, GARAGE RECYCLING ROOMS, STAFF LOCKER AND LUNCH ROOMS, LOADING AREAS, ANY SPACE SOLELY FOR STORAGE PURPOSES AND IS NOT ACCESSIBLE TO THE PUBLIC.
- NET FLOOR AREA: MEANS THE AGGREGATE OF THE FLOOR AREAS OF A BUILDING ABOVE OR BELOW ESTABLISHED GRADE.
- MINIMUM DRIVEWAY WIDTH OF 6m

SURVEY LEGEND

P1	EXPROPRIATION PLAN YR1366025	UP	UTILITY POLE
P2	PLAN 65R-3170	PE	PEDESTAL
P3	REGISTERED PLAN 65M-2326	TL	TRAFFIC SIGNAL LIGHTS
M	MEASURED	WV	WATER VALVE KEY
L1	LEO TIA FURCELL LTD	OW	OVERHEAD WIRES
V50	W.S. GIBSON AND SONS LIMITED	CB	CATCH BASIN
OR	ORIGIN UNKNOWN	DB	DOUBLE CATCH BASIN
OU	ORIGIN UNKNOWN	SMH	SANITARY MANHOLE
ZB	CATCH BASIN	CBM	CATCH BASIN / MANHOLE
ZC	EX. FIRE HYDRANT	CBH	CATCH BASIN / MANHOLE (Ref. CIVIL DWGS)
ZD	FIND SURVEY MONUMENT	SM	STORM MANHOLE (Ref. CIVIL DWGS)
ZH	HANDWELL	BR	BICYCLE RING
ZL	EX. LIGHT STANDARD	HT	PAD MOUNTED HYDRO TRANSFORMER
ZM	MANHOLE	HT	GAS METERS LOCATION
		HT	ACCESSIBLE PARKING SPACE
		HT	LIGHT STANDARD
		HT	CURB RAMP / DEPRESSION WITH TACTILE STRIP
		HT	TACTILE WALKING SURFACE
		HT	CONC. FILLED STEEL BOLLARD
		HT	FIRE DEPARTMENT CONNECTION / SIAMESE CONNECTION
		HT	ACCESSIBLE SIGNAGE
		HT	FIRE ROUTE
		HT	STOP SIGN
		HT	PAINTED STOP BAR
		HT	FIRE ALARM SYSTEM ANNUNCIATION PANEL
		HT	RAPID ENTRY KEY BOX
		HT	CARPOOL PARKING SPACE & SIGN
		HT	BOUNDARY LINE / PROPERTY LINE

No.	ISSUED	DATE
1	ISSUED FOR PAC	SEPT. 10, 2021
2	ISSUED FOR SPA	APRIL 29, 2022
3	RE-ISSUED FOR SPA	MAY 12, 2023

No.	REVISION	DATE
2	REVISED TO SUIT 2ND SUBMISSION COMMENTS	AUG. 30, 2023
1	REVISED PER SPA COMMENTS	APRIL 25, 2023

BALDASSARRA
 Architects Inc.

30 Great Gulf Drive, Unit 20 | Concord ON | L4K 0K7
 T. 905.660.0722 | www.baldassarra.ca

ONTARIO ASSOCIATION OF ARCHITECTS

BALDASSARRA LICENSE 3654

MARKHAM CENTRAL SQUARE

55 EAST VALHALLA DRIVE
 MARKHAM, ON.

SITE PLAN

SPC 22 118800

DATE:	DRAWN BY:	CHECKED:	SCALE:
SEPT. 2021	DW		1:500

PROJECT No. 22-47 DRAWING No. **A-1.0**