

Memorandum to the City of Markham Committee of Adjustment

October 11, 2023

File: A/159/23
Address: Enterprise Boulevard
Applicant: Gatzios Planning + Development Consultants Inc. (James Koutsovitis)
Agent: Gatzios Planning + Development Consultants Inc. (James Koutsovitis)
Hearing Date: Wednesday, October 18, 2023

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

The Applicant is requesting relief from the following requirements of By-law 2004-196, as amended by By-law 2022-103 (MC-D2*19(H) & MC-PS2), as it relates to a proposed high-rise mixed-use development. The variances requested are to permit:

- a) **By-law 2022-103, Schedule H2:**
a maximum number of residential units of 1,360 units, whereas the By-law permits a maximum of 1,350 units;
- b) **By-law 2022-103, Schedule H3:**
a minimum Canadian Geodetic Datum height of 176 metres in Area 1 on Schedule H3, whereas a minimum Canadian Geodetic Datum height of 180 metres is required within Area 1; and
- c) **By-law 2004-196, Schedule H3:**
a minimum Canadian Geodetic Datum height of 176 metres in Area 2 on Schedule H3, whereas the minimum Canadian Geodetic Datum height in Area 2 is 191 metres.

This application is related to SPC 21 137365, which is currently under review.

BACKGROUND

Property Description

The 5.12 acre (2.07 hectare) subject lands (the "Subject Lands") are located on the north side of Enterprise Boulevard, west of the Stouffville-GO rail line and east of Bill Crothers Drive. The property is located within Markham Centre.

The property is vacant with the exception of a wooded area adjacent to the rail corridor and a woodland area along the northern portion.

Proposal

The Applicant is proposing to construct three high-rise towers ranging in height from 36 to 44 storeys, with 1,360 residential units and approximately 200 square metres of commercial space on the ground-floor of one of the buildings. Vehicular parking is provided within one underground level and five levels of a parking structure, with approximately 1,027 parking spaces and a parking ratio of 0.75 parking spaces per unit

for residents and visitors combined. A vehicular driveway intersects Enterprise boulevard directly opposite University Boulevard.

Official Plan and Zoning

Markham Centre Secondary Plan (1997)

The Subject Lands are designated Community Amenity Area – Major Urban Place and Open Space within the Markham Centre Secondary Plan. Official Plan Amendment 257, passed July 14, 2022, incorporated the Subject Lands into the Secondary Plan and will facilitate the redevelopment of the Subject Lands to permit a high density mixed use development.

Zoning By-Law 2004-196

The Subject Lands are zoned MC-D2*19(H) & MC-PS2 under By-law 2004-196, as amended, by By-law 2022-13, which permits the proposed use.

The proposed development does not comply with the by-law as it related to the number of units and minimum Canadian Geodetic Height.

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 confirmation of the variances required through the ongoing Site Plan Application process. 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.

Increase in Maximum Building Height

The Applicant is requesting relief to permit a minimum Canadian Geodetic Datum (CGD) height of 176 metres as noted in Area 1 on Schedule H3 of the By-law, whereas a minimum CGD height of 190 metres is required within area 1.

The Applicant is also requesting relief to permit a minimum CGD height of 176 metres as noted in Area 2 on Schedule H3 of the By-law, whereas a minimum CGD height of 191 metres is required within Area 2.

The variance is technical in nature. It is to facilitate the construction of the underground parking garage which is partially above grade, which affects the minimum CGD height. Staff find this technical variance minor and nature and have no concerns with the request.

Increase in Maximum number of residential units

The Applicant is requesting to increase the maximum number of residential units to 1,360 units, whereas the By-law permits a maximum of 1,350 units.

The Applicant has revised their plans to include the additional units without making changes to the building footprint or height. The City's Engineering department has commented that they have no concerns with providing water or wastewater services, and that they do not object to the proposed variance. The City's Transportation Engineer provided no comment or objection to the proposed increase. The increase in units is minor and Planning staff have no concerns with the proposed increase.

EXTERNAL AGENCIES

Metrolinx Requirements

- The subject property is located directly adjacent to Metrolinx's Uxbridge Subdivision which carries Metrolinx's Stouffville GO Train service.
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause will be inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each unit within 300 metres of the Railway Corridor:
 - Warning: Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. There may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Please note that Metrolinx is a stakeholder that has provided comments on the comprehensive application including the Site Plan Application and has been in engagement with the developer regarding this proposal. Any requirements set out in prior comments are still applicable.

PUBLIC INPUT SUMMARY

No written submissions were received as of October 10, 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 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, MCIP RPP, Senior Planner, Central District

REVIEWED BY:



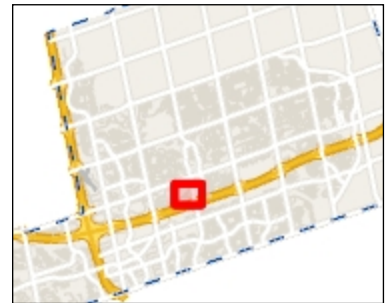
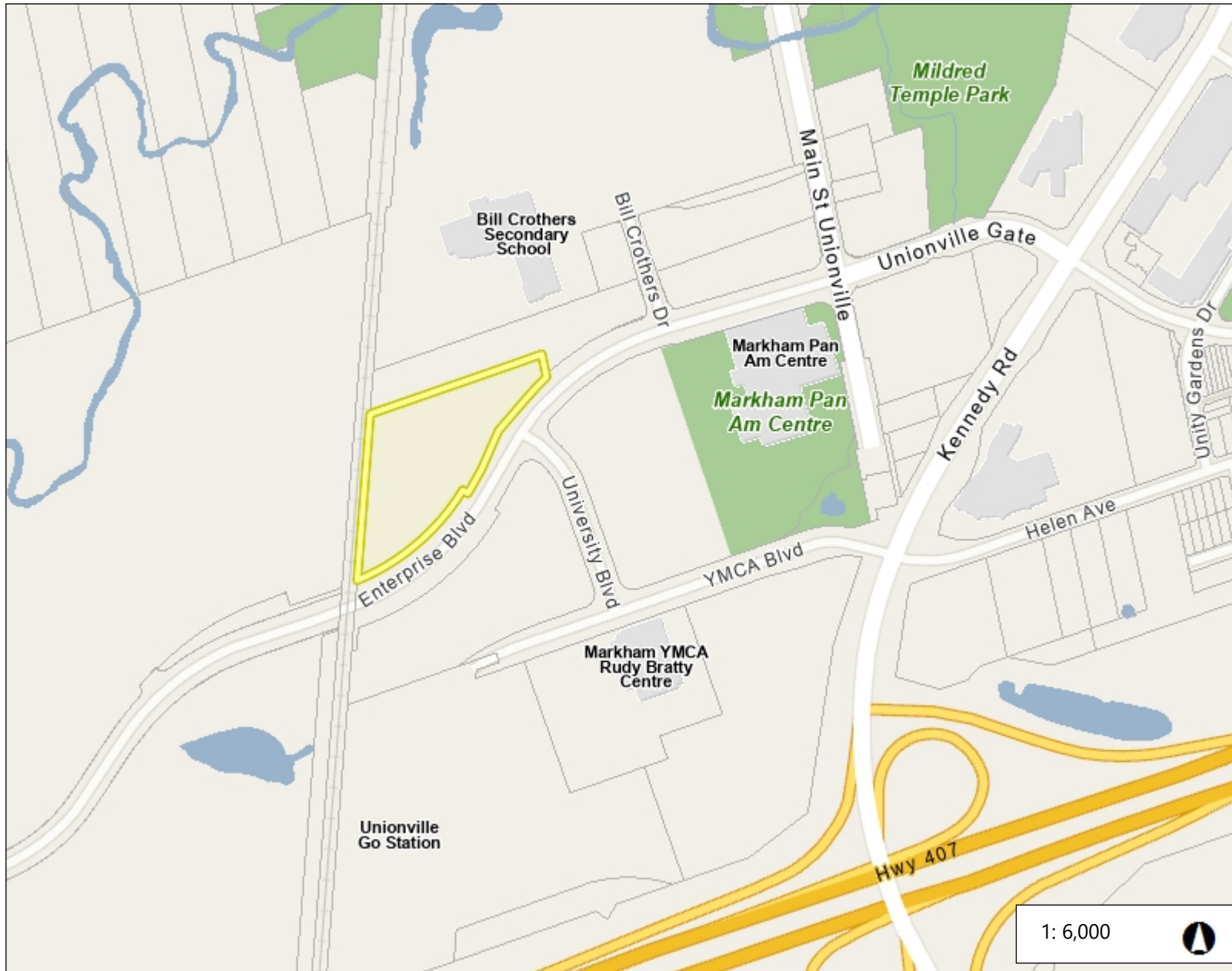
Deanna Schlosser, MCIP RPP, Senior Planner, Central District

APPENDICES

Appendix "A" – Location Map

Appendix "B" – Plans

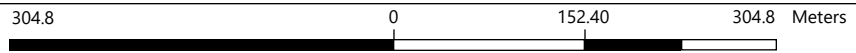
Appendix "C" – A/159/23 Conditions of Approval



● Subject Lands

Notes

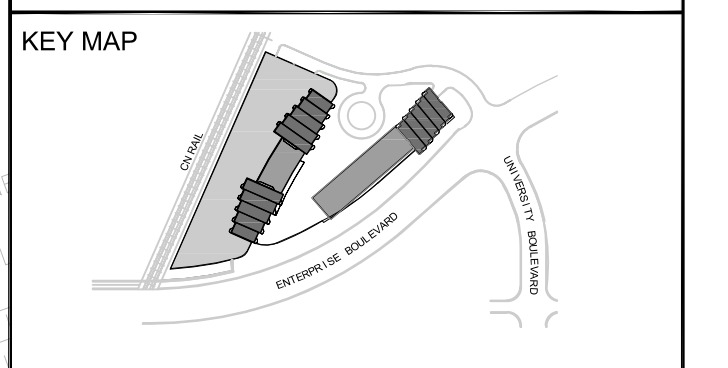
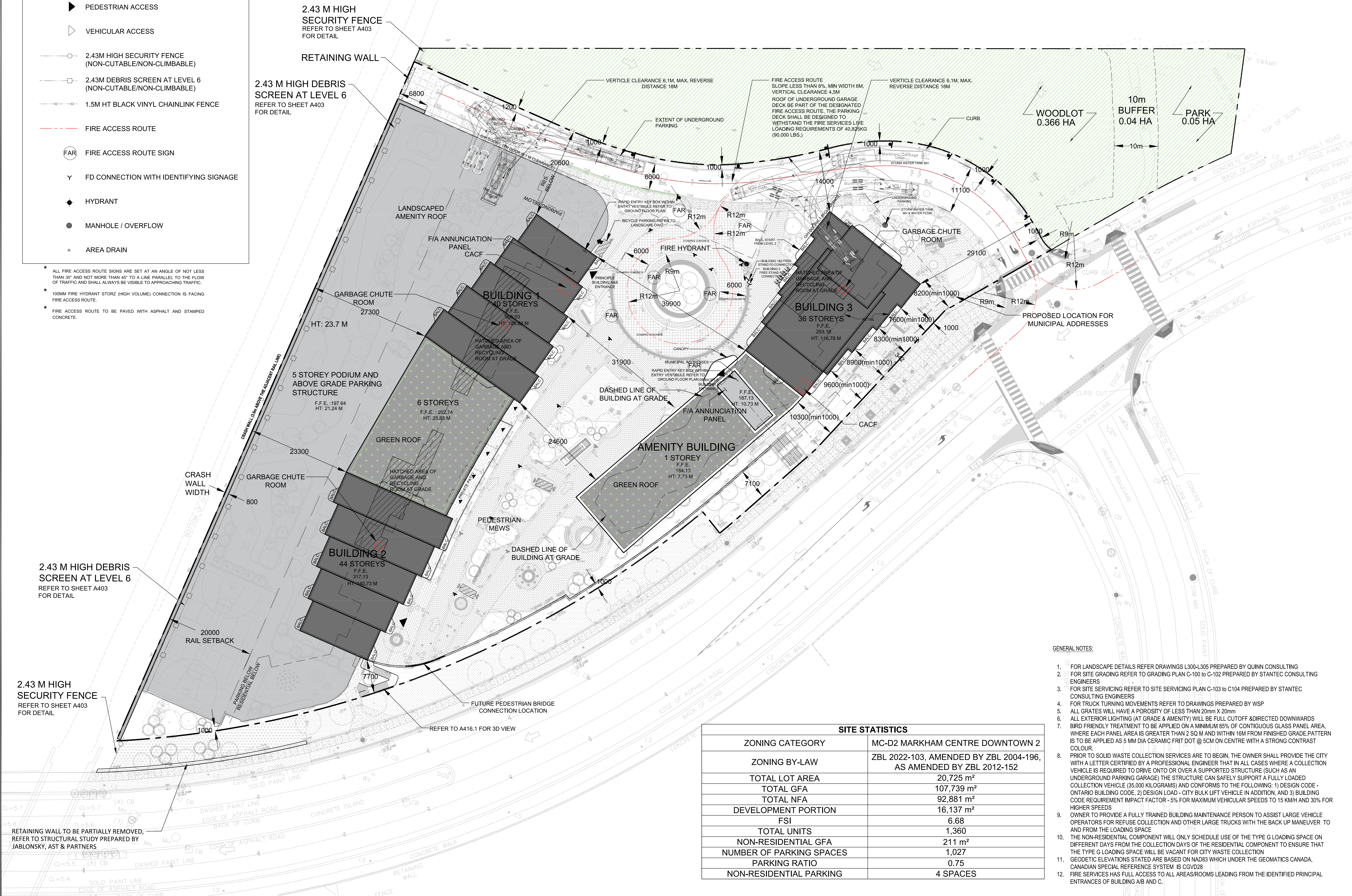
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LEGEND:

- EXISTING TREES
- ▨ GARBAGE ROOM
- ▶ PEDESTRIAN ACCESS
- ▷ VEHICULAR ACCESS
- 2.43M HIGH SECURITY FENCE (NON-CUTTABLE/NON-CLIMBABLE)
- 2.43M HIGH DEBRIS SCREEN AT LEVEL 6 (NON-CUTTABLE/NON-CLIMBABLE)
- ◇— 1.5M HT BLACK VINYL CHAINLINK FENCE
- - - FIRE ACCESS ROUTE
- (FAR) FIRE ACCESS ROUTE SIGN
- Y FD CONNECTION WITH IDENTIFYING SIGNAGE
- ◆ HYDRANT
- MANHOLE / OVERFLOW
- AREA DRAIN

* ALL FIRE ACCESS ROUTE SIGNS ARE SET AT AN ANGLE OF NOT LESS THAN 30° AND NOT MORE THAN 45° TO A LINE PARALLEL TO THE FLOW OF TRAFFIC AND SHALL ALWAYS BE VISIBLE TO APPROACHING TRAFFIC.
 * 100MM FIRE HYDRANT STORZ (HIGH VOLUME) CONNECTION IS FACING FIRE ACCESS ROUTE.
 * FIRE ACCESS ROUTE TO BE PAVED WITH ASPHALT AND STAMPED CONCRETE.



APPLICATION
 CITY OF MARKHAM
 DEVELOPMENT SERVICES
 DEPARTMENT

CLIENT
 METROPIA
 2300 Yonge St, Suite 807, Toronto, ON,
 Canada M4P 1E4

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ISSUES

No.	DESCRIPTION	DATE
01	ISSUED FOR SPA	2021-08-15
02	ISSUED FOR SPA (2 nd SUBMISSION)	2022-07-15
03	ISSUED FOR SPA (3 rd SUBMISSION)	2023-02-10
04	ISSUED FOR SPA (4 th SUBMISSION)	2023-07-24

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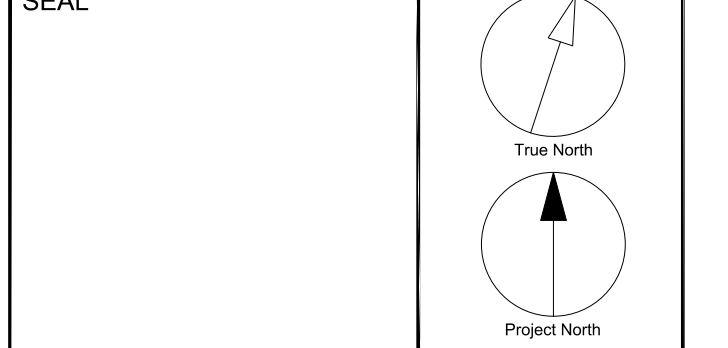
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PROJECT Enterprise North
 Part Lot 9, Concession 5, Part 4 Registered
 Plan 65R-27018, City of Markham

PROJECT NO: 121671
DRAWN BY: [] **CHECKED BY:** []

SCALE: 1:400 **DATE:** []

SHEET TITLE
 SITE PLAN

SHEET NUMBER A103 **ISSUE** []

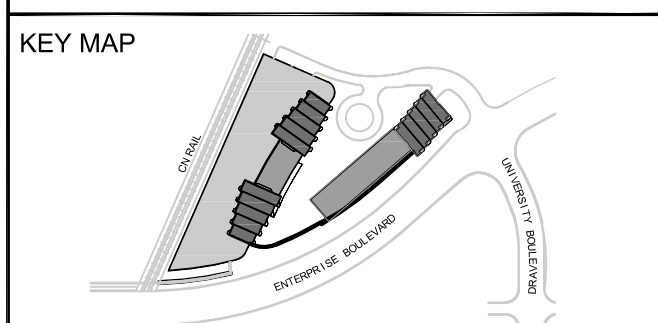
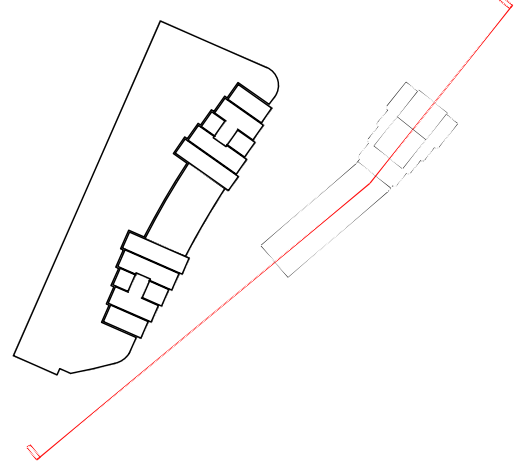
SITE STATISTICS

ZONING CATEGORY	MC-D2 MARKHAM CENTRE DOWNTOWN 2
ZONING BY-LAW	ZBL 2022-103, AMENDED BY ZBL 2004-196, AS AMENDED BY ZBL 2012-152
TOTAL LOT AREA	20,725 m ²
TOTAL GFA	107,739 m ²
TOTAL NFA	92,881 m ²
DEVELOPMENT PORTION	16,137 m ²
FSI	6.68
TOTAL UNITS	1,360
NON-RESIDENTIAL GFA	211 m ²
NUMBER OF PARKING SPACES	1,027
PARKING RATIO	0.75
NON-RESIDENTIAL PARKING	4 SPACES

GENERAL NOTES:

- FOR LANDSCAPE DETAILS REFER DRAWINGS L300-L305 PREPARED BY QUINN CONSULTING
- FOR SITE GRADING REFER TO GRADING PLAN C-100 TO C-102 PREPARED BY STANTEC CONSULTING ENGINEERS
- FOR SITE SERVICING REFER TO SITE SERVICING PLAN C-103 TO C104 PREPARED BY STANTEC CONSULTING ENGINEERS
- FOR TRUCK TURNING MOVEMENTS REFER TO DRAWINGS PREPARED BY WSP
- ALL GRATES WILL HAVE A POROSITY OF LESS THAN 20mm X 20mm
- ALL EXTERIOR LIGHTING (AT GRADE & AMENITY) WILL BE FULL CUTOFF & DIRECTED DOWNWARDS
- BIRD FRIENDLY TREATMENT TO BE APPLIED ON A MINIMUM 85% OF CONTIGUOUS GLASS PANEL AREA, WHERE EACH PANEL AREA IS GREATER THAN 2 SQ M AND WITHIN 16M FROM FINISHED GRADE. PATTERN IS TO BE APPLIED AS 5 MM DIA CERAMIC FRIT DOT @ 5CM ON CENTRE WITH A STRONG CONTRAST COLOUR.
- PRIOR TO SOLID WASTE COLLECTION SERVICES ARE TO BEGIN, THE OWNER SHALL PROVIDE THE CITY WITH A LETTER CERTIFIED BY A PROFESSIONAL ENGINEER THAT IN ALL CASES WHERE A COLLECTION VEHICLE IS REQUIRED TO DRIVE ONTO OR OVER A SUPPORTED STRUCTURE (SUCH AS AN UNDERGROUND PARKING GARAGE) THE STRUCTURE CAN SAFELY SUPPORT A FULLY LOADED COLLECTION VEHICLE (35,000 KILOGRAMS) AND CONFORMS TO THE FOLLOWING: 1) DESIGN CODE - ONTARIO BUILDING CODE, 2) DESIGN LOAD - CITY BULK LIFT VEHICLE IN ADDITION, AND 3) BUILDING CODE REQUIREMENT IMPACT FACTOR - 5% FOR MAXIMUM VEHICULAR SPEEDS TO 15 KM/H AND 30% FOR HIGHER SPEEDS
- OWNER TO PROVIDE A FULLY TRAINED BUILDING MAINTENANCE PERSON TO ASSIST LARGE VEHICLE OPERATORS FOR REFUSE COLLECTION AND OTHER LARGE TRUCKS WITH THE BACK UP MANEUVER TO AND FROM THE LOADING SPACE
- THE NON-RESIDENTIAL COMPONENT WILL ONLY SCHEDULE USE OF THE TYPE G LOADING SPACE ON DIFFERENT DAYS FROM THE COLLECTION DAYS OF THE RESIDENTIAL COMPONENT TO ENSURE THAT THE TYPE G LOADING SPACE WILL BE VACANT FOR CITY WASTE COLLECTION
- GEODETIC ELEVATIONS STATED ARE BASED ON NAD83 WHICH UNDER THE GEOMATICS CANADA, CANADIAN SPECIAL REFERENCE SYSTEM IS CGVD28
- FIRE SERVICES HAS FULL ACCESS TO ALL AREAS/ROOMS LEADING FROM THE IDENTIFIED PRINCIPAL ENTRANCES OF BUILDING A/B AND C.

RETAINING WALL TO BE PARTIALLY REMOVED, REFER TO STRUCTURAL STUDY PREPARED BY JABLONSKY, AST & PARTNERS



APPLICATION
CITY OF MARKHAM
 DEVELOPMENT SERVICES
 DEPARTMENT

CLIENT
METROPIA
 2300 Yonge St. Suite 807, Toronto, ON,
 Canada M4P 1E4

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ISSUES

No.	DESCRIPTION	DATE
01	ISSUED FOR SPA	2021-08-15
02	ISSUED FOR SPA (2 nd SUBMISSION)	2022-07-15

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ECOLOGIST	SLR CONSULTING deadbeater@slrconsulting.com 905-415-7248
LANDSCAPE ARCHITECT	QUINN DESIGN ASSOCIATES dchristie@quinn-design.ca 416-962-8700
SOUND & VIBRATION	HGC Engineering bchhapnik@hgcengineering.com 905-826-4044
Geo technical, environmental and hydrological	MCCRAK bchhapnik@hgcengineering.com 905-826-4044
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SEAL

PROJECT
Enterprise North
 Part Lot 9, Concession 5, Part 4 Registered
 Plan 65R-27018, City of Markham

PROJECT NO:
 121671
 DRAWN BY: CHECKED BY:
 SCALE: DATE:
 1:300

SHEET TITLE
**BUILDING 3 AND AMENITY
 BUILDING SECTIONS**

SHEET NUMBER
A401
 ISSUE

APPENDIX “C” – A/159/23 Conditions of Approval

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; or further revised by any site plan ‘endorsed’ or ‘approved’ drawings under File SPC 21 137365, 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.

CONDITIONS PREPARED BY:



Elizabeth Martelluzzi, MCIP RPP, Senior Planner, Central District