

Memorandum to the City of Markham Committee of Adjustment

March 29, 2018

File: A/30/18
Address: 9275 Markham Road, Markham
Applicant: Powers Property Group (David Ciastko)
Agent: Kevin M Duguay Community Planning and Consulting Inc.
Hearing Date: Wednesday April 11, 2018

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following requirements of By-law 1229 - CC, as amended:

a) **Parking By-law 28-97, Table B:**

a minimum of 492 parking spaces, whereas the By-law requires a minimum of 497 parking spaces; as it relates to a new commercial unit in the existing commercial plaza.

Applicant's Stated Reason(s) for Not Complying with Zoning

According to the info provided by the agent, "The property, as developed, only contains 492 parking spaces."

Zoning Preliminary Review Not Undertaken

A Zoning Preliminary Review (ZPR) has not been formally conducted for the application. Consequently, it is the owner's responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed unit. If the variances in the application contains errors, or if the need for additional variances are identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

Comments

The applicant submitted a parking analysis (Appendix B) in support of the application. Transportation staff reviewed the parking analysis and have indicated that the parking analysis does not include the current parking utilization information for the site. However, Transportation staff have no objections to the requested parking reduction and staff consider the variance to be minor.

PUBLIC INPUT SUMMARY

No written submissions were received as of March 29th, 2018. 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 see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Carlson Tsang, Planner II, West District

REVIEWED BY:



Stacia Muradali, Senior Planner, East District

File Path: Amanda\File\ 18 225765 \Documents\District Team Comments Memo

APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/30/18

1. The variances apply only to the proposed development as long as it remains;

PREPARED BY:



Carlson Tsang, Planner II, West District

For purposes of determining parking requirements of the subject property, 9275 Markham, the property is considered a Mixed-Use Commercial-Industrial Building in the City of Markham's parking By-Law 28-97. In Mixed-Use Commercial-Industrial Buildings, parking for restaurant and service uses shall be required at the Shopping Centre rate and parking for industrial, storage and/or office uses shall be provided in accordance with Table B. All of the area's set out in this parking analysis spreadsheet have been provided by the owner's property manager, Avison Young Commercial. Data was collected from the most recent detailed property Master Rent Roll and is deemed to be the most current and reliable information available.

| | Sq. Ft. | Sq. Meters |
|---|---------|------------|
| Leasable Floor Area of Shopping Centre | 64,514 | 5,995.7 |
| Net Floor Area of the Supermarket | 37,588 | 3,493.3 |
| Net Floor Area of Medical Office Uses | 6,987 | 649.3 |
| Net Floor Area of Business Office Uses | 14,644 | 1,361.0 |
| Storage | 864 | 80.3 |

Fast Food/Take Out Restrictions

| | Sq. Ft. | Sq. Meters |
|---------------------------------|------------|--------------|
| Individual Premises Max Size | 2,650 | 246.19 |
| Maximum Total Area Permitted | 7,966 | 740.08 |
| Total amount inc. Booster Juice | 7,805 | 725.1 |
| Total amount remaining | 161 | 14.97 |

Medical Office Tenants (1 per 20m2)

| Unit | Tenant | Sq. Ft. | Sq. Meters |
|--|-----------------------|--------------|------------|
| 206 | Dr. Gary Hardy | 431 | 40.0 |
| 8 | Sunmark Dental | 1,300 | 120.8 |
| 14 | Massage Addict | 2,169 | 201.5 |
| 1A-1 | Valpar Medical Clinic | 1,850 | 171.9 |
| 1B-1 | Joint Rehab | 1,237 | 114.9 |
| Total Medical Office Net Floor Area | | 6,987 | 649 |

Unit

24B

9

11

22

24

Restaurants Take-Out/Fast Food leasable floor area

| | Sq. Ft. | Sq. Meters |
|---------------------------------|--------------|---------------|
| Booster Juice | 1,116 | 103.68 |
| Subway | 1,346 | 125.0 |
| The King's Kitchen | 967 | 89.8 |
| Pizza Pizza | 2,632 | 244.5 |
| Harvey's | 1,744 | 162.0 |
| Total Take-out/Fast Food | 7,805 | 725.1 |

Restaurant Tenants leasable floor area

| Tenant | Sq. Ft. | Sq. Meters |
|---------------------------------|-----------------|----------------|
| Booster Juice | 1,116 | 103.68 |
| Daisuki Sushi | 1,422 | 132.1 |
| Subway | 1,346 | 125.0 |
| The King's Kitchen | 967 | 89.8 |
| Matsuya Korean Restaurant | 2,419 | 224.7 |
| Cora's | 3,283 | 305.0 |
| Pizza Pizza | 2,632 | 244.5 |
| Harvey's | 1,744 | 162.0 |
| Funky Munky | 1,163 | 108.0 |
| Total Restaurants | 16,092 | 1,495.0 |
| 20% of LFA = | 12,902.80 | 1,198.71 |
| Area above 20% threshold | 3,189.20 | 296.29 |

Business Office Tenants (1 per 30m2)

| Unit | Tenant | Sq. Ft. | Sq. Meters |
|---|----------------------------|---------------|----------------|
| 16/17 | York Region Offices | 9,028 | 838.7 |
| 201 | Dennis M. Starzynski, Q.C. | 301 | 28.0 |
| 201A | E.W. Boyer Inc | 471 | 43.8 |
| 202 | York Region | 694 | 64.5 |
| 203 | State Farm Insurance | 679 | 63.1 |
| 204A | York Region | 779 | 72.4 |
| 204AA | Ali and Associates | 445 | 41.3 |
| 205 | Fenwick Communications | 727 | 67.5 |
| 207 | Harris Gwynne Law | 600 | 55.7 |
| 208 | Marvin Bongaurd | 619 | 57.5 |
| 210 | Vacant | 301 | 28.0 |
| Total Business Office Net Floor Area | | 14,644 | 1,360.5 |

Unit

24B

5

9

11

18

19/20

22

24A

7

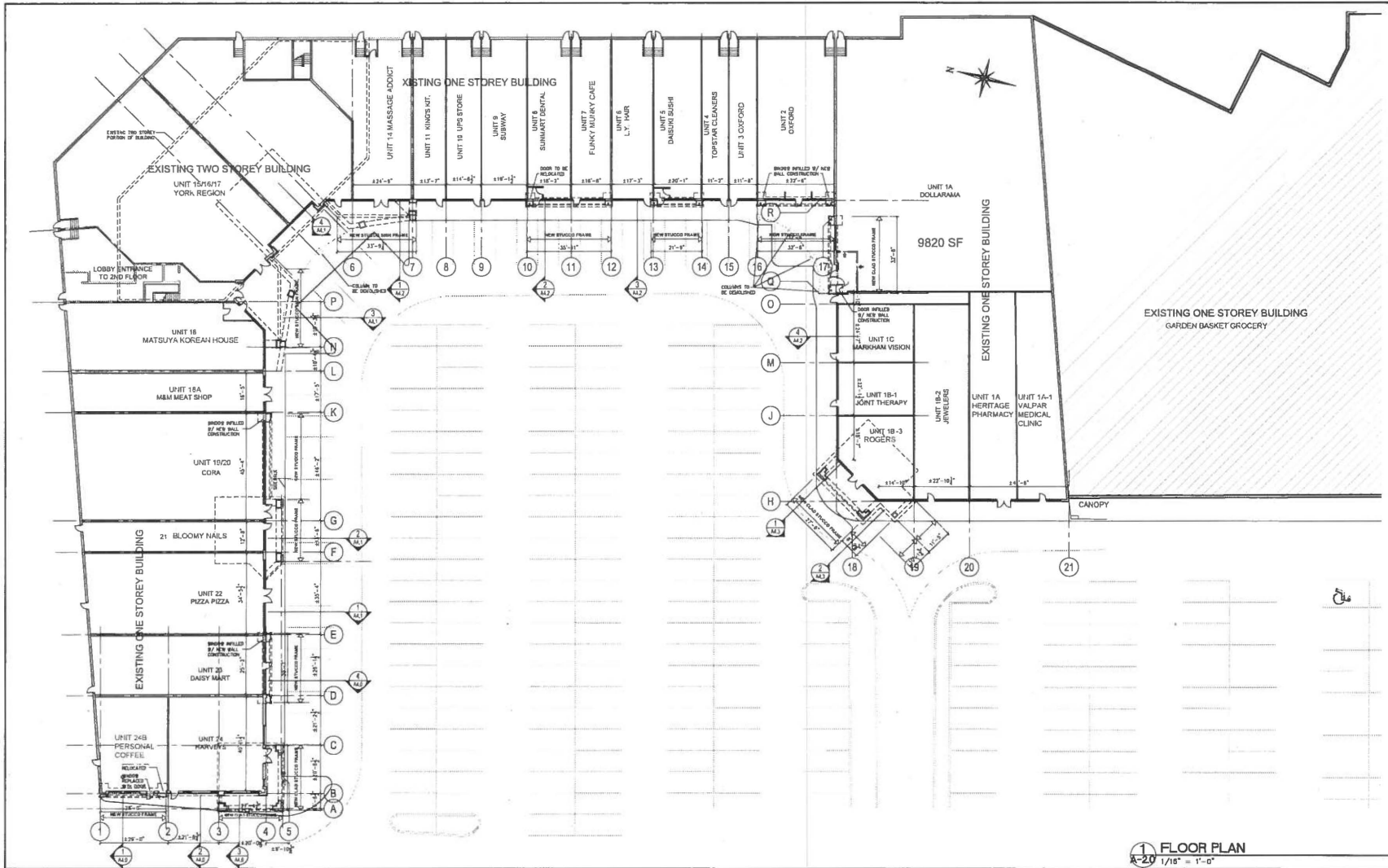
| | | |
|--|----------|-----------|
| Total LFA | 64,514 | 5,993.6 |
| less Medical Office Tenant NFA | - 6,987 | - 649.1 |
| less Business Office Tenant NFA | - 14,644 | - 1,360.5 |
| less storage space | - 864 | - 80.3 |
| LFA calculated at Shopping Centre Rate | 42,019 | 3,903.7 |

Note: in Table B - Non-Residential Uses of the Parking Standards in in the Town of Markham's parking By-Law 28-97, restaurants and food courts including associated seating areas in a shopping centre, are required to provide 1 parking space per 9 square metres of leasable floor area for that portion that occupies more than 20% of the leasable floor area of the shopping centre. Parking can be rounded down if fraction is under 0.5.

Parking Calculations

| | | | |
|---|----------|--------|------------|
| Shopping Centre Rate = 1 space per 18.5 square meters of (retail, restaurant & service) LFA | 3,903.70 | 211.01 | 211 |
| Supermarket Rate = 1 space per 20 square metres of NFA | 3,493.31 | 174.67 | 175 |
| Medical Office Rate = 1 space per 20 square meters of office NFA | 649.11 | 32.46 | 32 |
| Office Rate = 1 space per 30 square meters of office NFA | 1,360.47 | 45.35 | 45 |
| Restaurants above 20% of LFA = 1 space per 9 square metres | 296.29 | 32.92 | 33 |
| Basement Storage Rate = 1 space per 100 square metres of NFA | 80 | 1 | 1 |

| | Area (Sq. M.) | Parking Required | Rounding |
|-------------------------------|---------------|------------------|------------|
| | 3,903.70 | 211.01 | 211 |
| | 3,493.31 | 174.67 | 175 |
| | 649.11 | 32.46 | 32 |
| | 1,360.47 | 45.35 | 45 |
| | 296.29 | 32.92 | 33 |
| | 80 | 1 | 1 |
| Total Required Parking | | 497 | 497 |
| Total Parking Provided | | 492 | 492 |



DO NOT SCALE DRAWING.

CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS, CONDITIONS AND SPECIFICATIONS ON SITE AND REPORT ANY DISCREPANCIES TO THE ARCHITECT, CLIMANS GREEN LIANG ARCHITECTS INC., BEFORE PROCEEDING WITH ANY PART OF THE WORK.

ALL DIMENSIONS AND RELATED DOCUMENTS ARE THE PROPERTY OF THE ARCHITECT AND MUST BE RETURNED UPON REQUEST. REPRODUCTION OF DRAWINGS AND DOCUMENTS IS PROHIBITED WITHOUT THE ARCHITECT'S WRITTEN PERMISSION.

DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION UNLESS SIGNED BY THE ARCHITECT.

| | |
|------|-----------|
| DATE | 1/18/2013 |
| BY | AL |

CLIMANS GREEN LIANG
architects inc

188 PRINCE OF WELLS SUITE 410
SCARBORO, ONTARIO, CANADA M1V 4W5
TEL: (416) 291-1888 FAX: (416) 291-4837
WWW.CLIMANSGREENLIANG.COM



PROJECT:
RENOVATION TO MARKHAM PLAZA

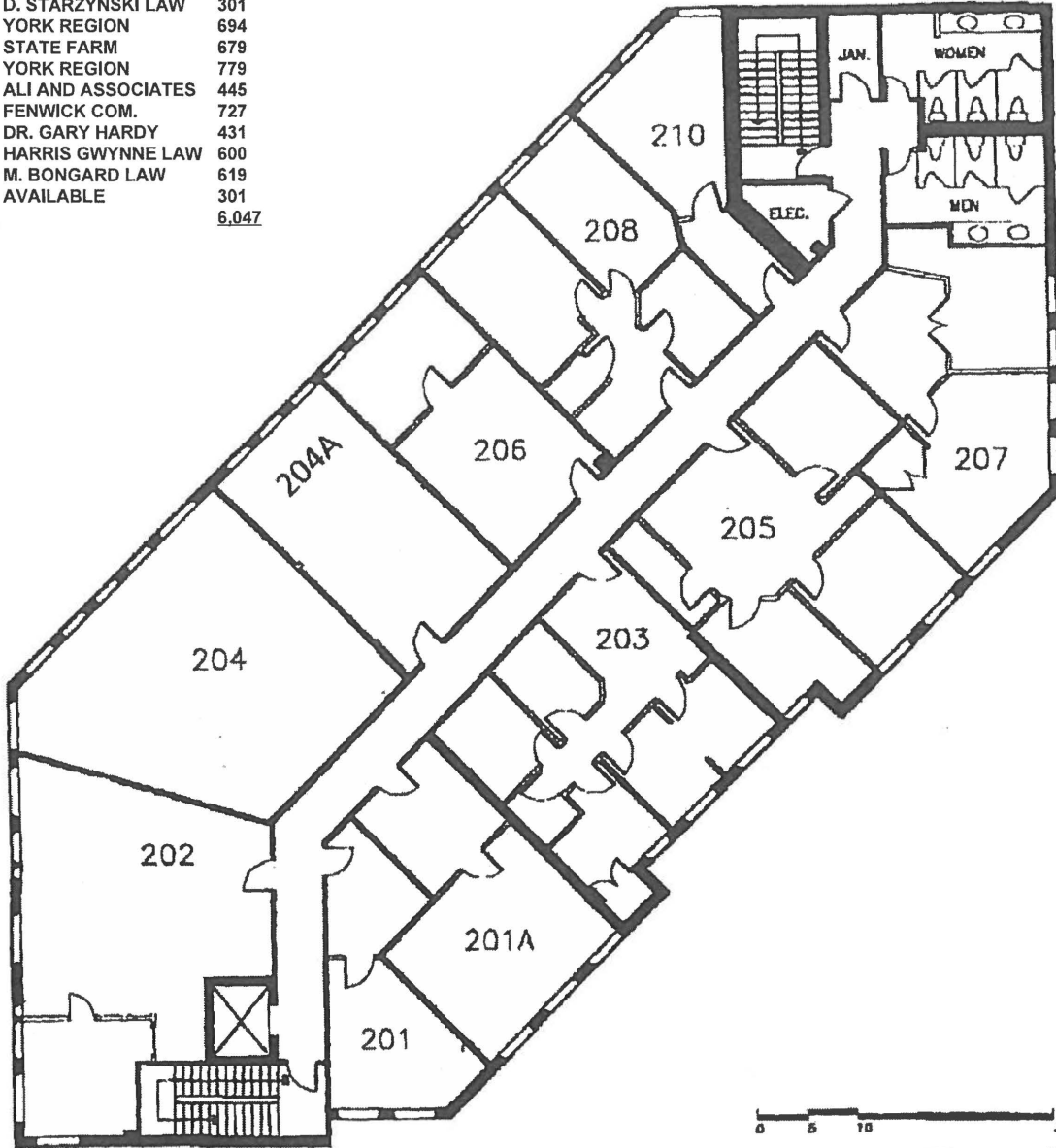
ADDRESS: 8271 MARKHAM ROAD, MARKHAM, ONTARIO

DRAWING TITLE:
FLOOR PLAN

| | | | |
|-----------|---------------|-------------|-------|
| DATE: | FEBRUARY 2013 | PROJECT NO. | 21250 |
| SCALE: | 1/16" = 1'-0" | DRAWING NO. | A-20 |
| DRAWN BY: | AL | CHECKED BY: | DL |

1 FLOOR PLAN
A-20 1/16" = 1'-0"

| UNIT | TENANT | SQ. FT. |
|-------|--------------------|---------|
| 201A | ED BOWYER | 471 |
| 201 | D. STARZYNSKI LAW | 301 |
| 202 | YORK REGION | 694 |
| 203 | STATE FARM | 679 |
| 204 | YORK REGION | 779 |
| 204A | ALI AND ASSOCIATES | 445 |
| 205 | FENWICK COM. | 727 |
| 206 | DR. GARY HARDY | 431 |
| 207 | HARRIS GWYNNE LAW | 600 |
| 208 | M. BONGARD LAW | 619 |
| 210 | AVAILABLE | 301 |
| TOTAL | | 6,047 |



9275 Markham Road
Second Floor

