

Memorandum to the City of Markham Committee of Adjustment

July 17, 2024

File: B/039/23
Address: 60 Columbia Way Markham
Applicant: WSP Canada Group Ltd. (Robert Rappolt)
Agent: WSP Canada Group Ltd. (Robert Rappolt)
Hearing Date: Wednesday July 24, 2024

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

The applicant is requesting provisional consent to:

- a) sever and convey a parcel of land with an approximate lot frontage of 167.10 metres and an approximate lot area of 17,467.9 square metres (Parts 1, 2 and 3);
- b) retain a parcel of land with an approximate lot frontage of 104.90 metres and an approximate lot area of 40,177.3 square metres (Parts 4 to 21);
- c) establish an easement over the retained lands (Parts 4 and 9) in favour of the severed lands (Parts 1, 2, and 3) for the purposes of access;
- d) establish an easement over portions of the retained lands (Parts 4 to 21) in favour of the severed lands (Parts 1, 2, and 3) for the purposes of utilities and servicing.

The purpose of this application is to create one new lot and to establish easements for servicing and access purposes.

BACKGROUND

Property Description

The "Subject Lands" have an area of 57,646 square metres and is located on the north side of Norman Bethune Avenue between Allstate Parkway to the east and Highway 404 to the west. The Subject Lands contain a 9-storey office building, multi-level parking garage above grade, and a stormwater management facility. Vehicular access is provided from Columbia Way which intersects to Allstate Parkway. The Subject Lands are surrounded by Business Park employment uses to the north, Seneca College to the south across Norman Bethune Avenue, as well as Business Park employment and commercial uses to the east, across Columbia Parkway.

There are portions of the Subject Lands that are within the Toronto and Region Conservation Authority's ("TRCA") regulated (Regional Storm) flood plain valley and corridor associated with the Rouge River Watershed. Consequently a TRCA permit is required prior to any development or site alteration.

Other Applications

Site Plan Approval to construct a new driveway from Norman Bethune Avenue was approved in August of 2023 (File No. SPC 19 109880). This new driveway will provide future vehicular access to Norman Bethune Avenue for the proposed severed lot.

Proposal

The Owner is proposing to sever a vacant portion of the Subject Lands with an approximate frontage of 167.10 metres on Norman Bethune Avenue and an approximate area of approximately 17,467.9 square metres. The retained lands will continue contain the existing multi-storey office building, above-grade multi-level parking structure, and associated stormwater management facility with an approximate frontage of 104.90 square metres on Allstate Parkway and an approximate area of 40,177 square metres. No new development.

The Owner is also proposing to establish easements for servicing and access for future development contemplated for the severed parcel as municipal services are available from Columbia Way, whereas the proposed severed parcel will front onto Norman Bethune Avenue (no services available).

COMMENTS

Official Plan and Zoning

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

The Subject Lands are designated Business Park Office Priority Employment.

Zoning By-law 165-80, as amended

The Subject Lands are zoned Select Industrial and Limited Commercial (100%) (M.C.) Zone under By-law 165-80, as amended.

TRCA

As noted above, the Subject Lands are located within a regulated area of the TRCA. TRCA staff has commented that they have no objections to the proposed consent application subject to obtaining a permit from the TRCA.

Development Engineering

Development Engineering commented that prior to the issuance of any certificates, that functional grading and servicing plans are submitted to clearly indicate how municipal services will be provided for the severed, including how the drainage collection system will function, to demonstrate that the existing grading and drainage system will not impact the retained and/or severed lots negatively, and whether or not any improvement is required.

Allstate Parkway is a major collector road as identified in City of Markham's OP and is to be upgraded up to a 30.5 metre right-of-way width. As such, the right-of-way on the full frontage of the subject site on Allstate Parkway should be protected to provide for a minimum of 15.25 metres from the centerline of Allstate Parkway for the future road widening. Prior to the issuance of a certificate, a revised R-Plan must confirm the widening and to show the above noted lands to be conveyed to the City.

Planning and Urban Design

Prior to any issuance of certificates, the Owner will be required to submit an Appraisal report prepared by a member of the Appraisal Institute of Canada in accordance with the City's terms of reference respecting the proposed new lot(s), to be reviewed and approved by the City.

Staff further note that prior to the issuance of a building permit, a cash-in-lieu of parkland dedication must be provided based on the above-noted Appraisal report.

CONCLUSION

In concluding that the proposal is appropriate, staff have had regard for the criteria in Section 51 (24) of the Planning Act.

Planning staff recommend approval of the consent application.

Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Rick Cefaratti, MCIP, RPP, Acting-Development Manager, West District

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APPENDIX “A”
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/039/23

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.
2. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under Files B/039/23, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act.
3. Submission to the Secretary-Treasurer of a deposited reference plan showing the subject land, which is in substantial conformity to the application as submitted.
4. Payment of the required Conveyance Fee for the creation of ICI lots per City of Markham Fee By-law 211-83, as amended;
5. The Owner shall enter into a Development Agreement with the City to the satisfaction of the City Solicitor, Director of Planning and Urban Design, Director of Operations, and/or the Director of Engineering, or their designates, which Development Agreement shall be registered on title to the lands in priority to all mortgages, charges, liens and other encumbrances, and the Owner shall procure and cause to be executed and registered at its own cost and expense such discharges, postponements, and subordination agreements as may be required by the City in order to provide for the priority of registration for the Development Agreement on title to the Lands. The Development Agreement shall specifically provide for matters including but not limited to:
 - i) Conveyance of a road widening to the City to provide for a distance of 15.25 metres from the centerline of Allstate Parkway. The revised R-Plan must confirm the widening and to show the lands to be conveyed to the City;
 - ii) Submission of revised reference plan to illustrate lands to be conveyed to the City along Allstate Parkway;
 - iii) Submission of Functional Grading and Servicing Plans to the satisfaction of the Director of Engineering or their designate;
 - iv) If the conveyance is 100 m² or more, the following is required for the Conveyance Lands:
 - a. Submit Phase One ESA and Phase Two ESA (if determined by the Phase One ESA), all in accordance with O. Reg. 153/04, as amended, for peer-review and concurrence.
 - b. Payment all costs associated with the City retaining a third-party peer reviewer and City’s administration cost;
 - c. At the completion of the peer-review process, submit an Environmental Clearance and Reliance Letter and submit a copy of the Letter of Acknowledgement issued by MECP confirming the RSC has been filed on the Ontario’s Provincial Environmental Site Registry;
 - v) Payment of all applicable fees in accordance with the City’s fee by-law;
 - vi) Submission of securities respecting any works to be provided in accordance with the Development Agreement;
 - vii) Payment of cash-in-lieu of Parkland upon execution of the development agreement. The Owner shall submit an Appraisal report prepared by a member of the Appraisal Institute of Canada in accordance with the City’s terms of reference respecting the proposed new lot, to be reviewed and approved by the City;

- viii) The Owner provides a solicitor's certificate indicating that the reciprocating easements between the retained and conveyed lots for site access (pedestrian and vehicular) and servicing purposes have been created to the satisfaction of the Director of Engineering;
- 6. That the Owner satisfies the requirements of the TRCA, financial or otherwise;
- 7. Fulfillment of all the above conditions within two years of the date that notice of the decision was given under Section 53(17) or 53(24) of the *Planning Act, R.S.O. 1990, c.P.13, as amended.*

CONDITONS PREPARED BY:



Rick Cefaratti, MCIP, RPP, Acting-Development Manager, West District

