

Memorandum to the City of Markham Committee of Adjustment

January 11, 2023

File: A/205/22
Address: 37 Main Street, Unionville
Applicant: 2504373 Ontario Inc.
Agent: Memar Architects Inc.
Hearing Date: Wednesday January 18, 2023

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

The Applicant is requesting relief from the “Commercial One (C1)” and “Open Space One (O1)” zones under By-law 304-87, as amended, as it relates to a proposed two-storey commercial plaza. The variances requested are to permit:

a) Amending By-law 2017-115, Section 85.2(d):

a minimum north side yard setback of 8.01 metres (26.28 feet) , whereas the By-law requires a minimum north side yard setback of 11 metres (36.09 feet); and,

b) Parking By-law 28-97, Section 3.0, Table B:

a minimum of 18 parking spaces, whereas the By-law requires a minimum of 24 parking spaces.

BACKGROUND

Property Description

The 2,256.52 m² (24,288.98 ft²) Subject Lands are located on the east side of Main Street Unionville, and is generally located north of Unionville Gate and west of Kennedy Road. There is an existing one-storey residential dwelling on the property, which according to assessment records was constructed circa 1947.

Surrounding land uses include an office building to the north, Mildred Temple Park to the east, and office buildings to the south. To the west, across Main Street Unionville, is the Bill Crothers Secondary School and an Amica retirement residence (refer to Appendix “A” – Aerial Photo).

Proposal

The Applicant is proposing to demolish the existing residential dwelling and construct a 799.0 m² (8,600.36 ft²) two-storey commercial plaza with 554.52 m² (5,968.80 ft²) of gross leasable floor area. The proposed commercial plaza will include a dental office, a retail unit, and a restaurant unit (refer to Appendix “B” – Architectural Plans).

The Applicant has also submitted a Site Plan Application (File No. SPC 20 178440) which is being reviewed concurrently by the City.

History

In 2017, a site-specific Zoning By-law Amendment was approved for the Subject Lands to facilitate the development of a two-storey commercial plaza (the “Original Proposal”).

Since that time, the Applicant has substantially revised the design of the proposed development in response to City Staff's site plan comments, which necessitated the submission of this application.

Official Plan and Zoning

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

The Official Plan designates the Subject Lands "Mixed Use Mid Rise", which permits multi-storey, non-residential or mixed-use buildings. 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 (the "1987 Official Plan"), as amended, and the Markham Centre Secondary Plan ("OPA 21"), shall apply to the Subject Lands.

The 1987 Official Plan

The 1987 Official Plan designates the Subject Lands "Commercial – Community Amenity Area". This designation permits a range of business establishments, including but not limited to retail uses, service uses, offices, banks and financial institutions, recreational uses, entertainment uses, institutional uses, day care centres, schools, and restaurants.

The Subject Lands are also located within a Special Policy Area, as identified in [Schedule 'F'](#) of the 1987 Official Plan. [Section 3.10.2.2](#) permits some new development, redevelopment or extensions to and rehabilitation of buildings and structures on condition that the proposed development is flood protected to the satisfaction of the Toronto and Region Conservation Authority ("TRCA") and the City.

Markham Centre Secondary Plan – OPA 21

OPA 21, which further amends the 1987 Official Plan, designates the subject lands "Community Amenity Area - General", which encourages buildings with a mix of uses.

Planning staff have had regard for the requirements of the Official Plan as amended, in the preparation of the comments provided below.

Zoning By-Law 304-87 and Site-Specific Amending By-law 2017-115

The Subject Lands are zoned "Commercial One (C1)" and "Open Space One (O1)" under By-law 304-87, as amended by site-specific Zoning By-law Amendment 2017-115 (the "Amending By-law"). The Amending By-law, which was passed in 2017, restricts the uses on the Subject Lands to restaurant, business office, retail store, private art gallery, and personal services shop. The Amending By-law also established a number of site-specific development standards based on the original proposal at the time, including but not limited to: minimum yard setbacks, maximum gross floor area, maximum leasable floor area, minimum landscaping width, maximum height, and maximum number of parking spaces.

The proposed development does not comply with the Amending By-law requirement with respect to the north side yard setback.

Parking Standards By-law 28-97

Section 3.0, Table B of the Citywide Parking Standards By-law 28-97 (the "Parking By-law"), requires one parking space per 23 m² (247.57 ft²) of leasable floor area for shopping centres equal to or less than 2,500 m² (26,909.78 ft²).

The proposed development does not comply with the standards of the Parking By-law with respect to the minimum required number of parking spaces. However, it should be noted that the proposed development does comply with the Amending By-law 2017-115 requirement with respect to the maximum number of parking spaces. Further details of the parking requirement is 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 Zoning Department through their Site Plan Control application process to confirm the variances required for the proposed development. Nonetheless, 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 development. If the variance request in this application contains errors, or if the need for additional variances is identified during further review of the Site Plan Control application or Building Permit review process, additional 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:

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

Reduction in North Side Yard Setback

The Applicant is requesting relief to permit a minimum north side yard setback of 8.01 m (26.28 ft), whereas the By-law requires a minimum north side yard setback of 11.0 m (36.09 ft). This represents a reduction of approximately 27.18% or 2.99 m (9.81 ft).

The variance is entirely attributable to the proposed exterior stairs located on the north side of the building. Staff note that the alignment of the main wall of the proposed building provides an irregular north side yard setback which range between 11.0 m (36.09 ft) and 12.97 m (42.55 ft) to the main building wall. The setback from the property line to the main building wall meets the By-law requirements, however the exterior staircase encroaches into the required setback.

Staff are of the opinion that the proposed stairs and associated setback variance is minor in nature and will have minimal impacts to the adjacent property.

Parking Reduction

As noted previously, there is a proposed increase in leasable floor area of the commercial plaza from the Original Proposal, which results in a minimum parking requirement of 24 parking spaces. The Applicant proposes to provide a total of 18 parking spaces, which will result in a deficiency of six parking spaces (reduction of 25%).

The Amending By-law associated with the Original Proposal restricted the maximum number of parking spaces on the Subject Lands to 18 parking spaces. It should be noted that the Amending By-law did not include a minimum number of parking spaces. The intent of the Amending By-law was to restrict the maximum number of parking and hard surfaces on site to minimize impacts to the TRCA floodplain. This is noteworthy as the current proposal still meets the maximum parking requirement of the Amending By-law.

The Applicant has submitted a parking study in support of the variance request for the parking reduction (refer to Appendix “C” – Parking Study). The study concludes that “based on the analysis in this report, the location and surrounding conditions and uses, the proposed 18 on-site parking spaces would be sufficient to accommodate the proposed uses.” Transportation Engineering Staff are satisfied with the submitted parking study and have no objections to the approval of the proposed parking reduction.

Planning Staff are of the opinion that the proposed parking variance meets the intent of the Amending By-law and have no objections to the approval of the proposed parking reduction.

EXTERNAL AGENCIES

TRCA Comments

The Subject Lands are entirely within the TRCA’s Regulatory (Regional Storm) flood plain hazard and Unionville Special Policy Area. TRCA provided comments on January 4, 2023 (refer to Appendix “D” – TRCA Comments), requesting that the application be deferred to further assess the impact of the proposed development pending the submission of additional materials and/or revised plans from the Applicant.

PUBLIC INPUT SUMMARY

No written submissions were received as of January 11, 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 application be deferred sine die, as per TRCA comments.

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 “E” for conditions to be attached to any approval of this application.

PREPARED BY:



Melissa Leung, MCIP RPP, Planner II, Central District

REVIEWED BY:

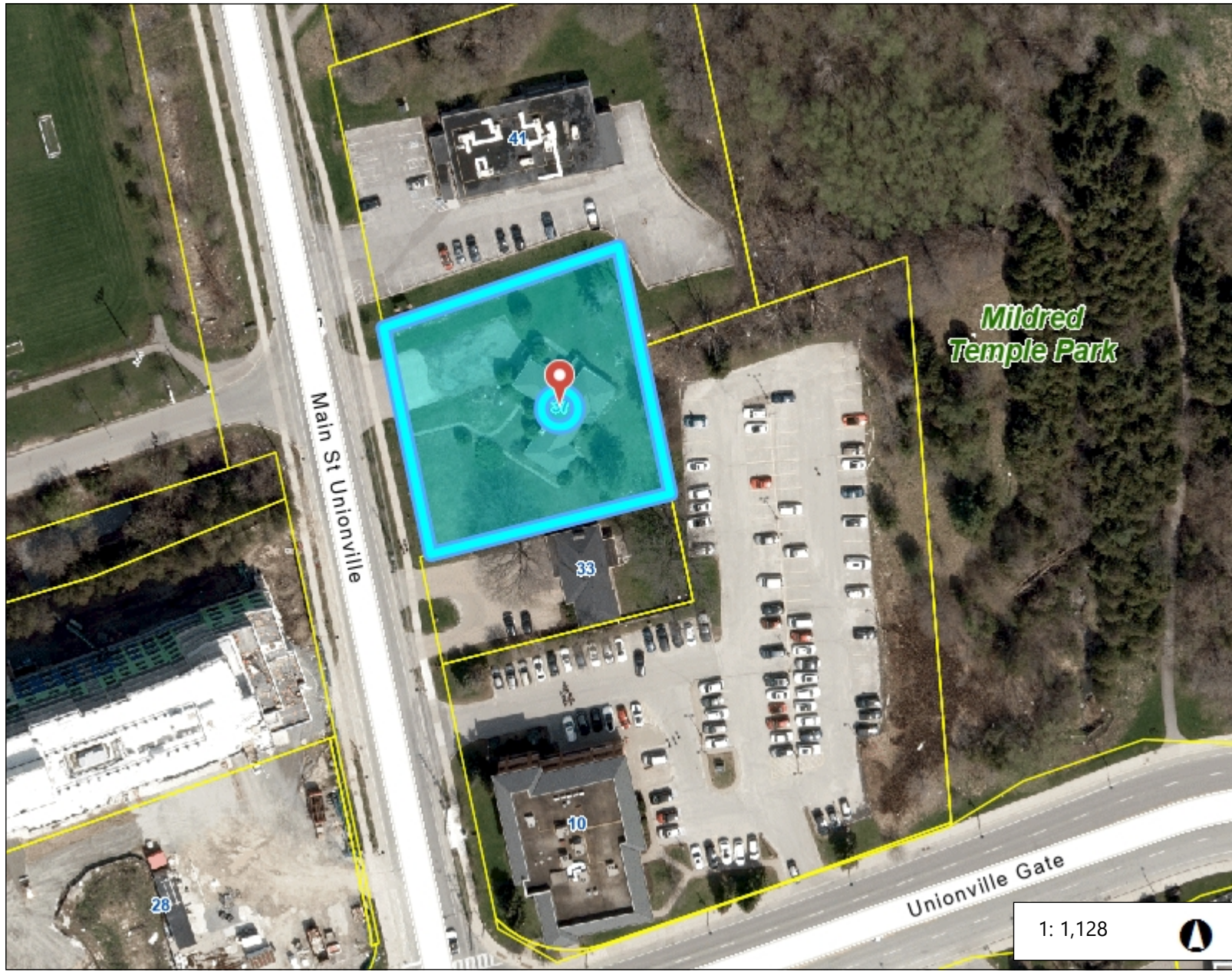


Deanna Schlosser, MCIP RPP, Senior Planner, Central District

File Path: Amanda\File\ 22 261919 \Documents\District Team Comments Memo

APPENDICES

- Appendix “A” – Aerial Photo
- Appendix “B” – Architectural Plans
- Appendix “C” – Parking Study
- Appendix “D” – TRCA Comments
- Appendix “E” – Conditions



Legend

Parcel Overlay

1: 1,128



57.3 0 28.65 57.3 Meters

NAD_1983_UTM_Zone_17N
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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.

Notes

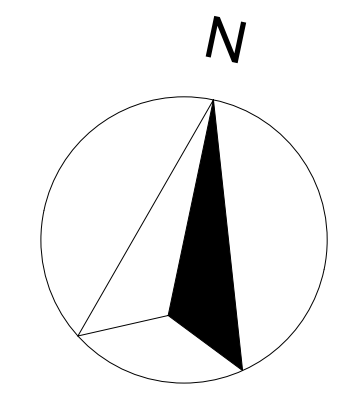
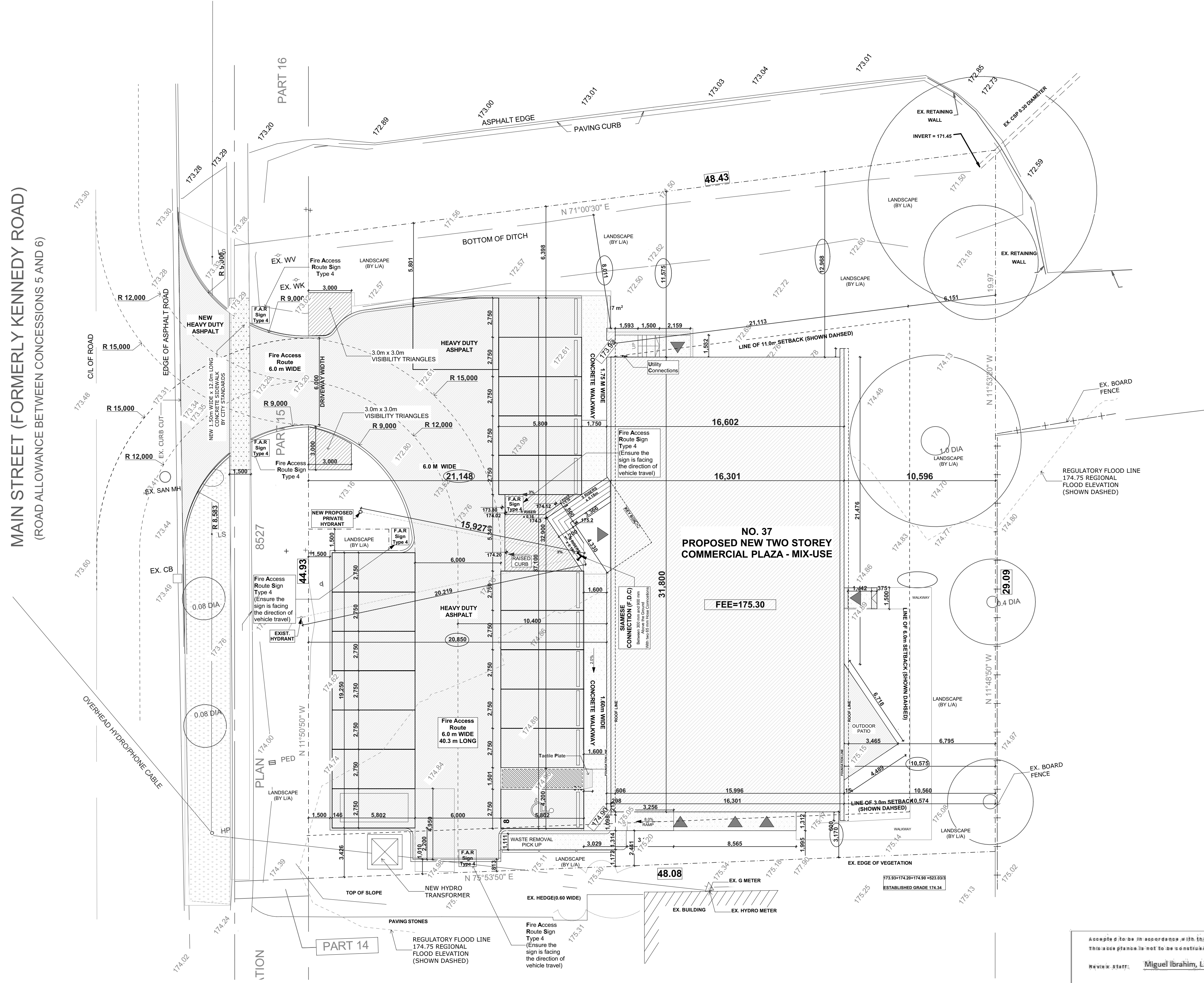
A/205/22 - 37 Main Street

LEGEND

■	DENOTES SURVEY MONUMENT FOUND
■	DENOTES STANDARD IRON BAR
■	DENOTES IRON BAR
□	DENOTES SINGLE CATCHBASIN
G	DENOTES GAS METER
MH	DENOTES SANITARY MANHOLE
IB	DENOTES IRON BAR
■	DENOTES STANDARD IRON BAR
HP	DENOTES HYDRO POLE
LS	DENOTES LIGHT STANDARD
PED	DENOTES TELEPHONE PEDESTAL
H	DENOTES FIRE HYDRANT
WV	DENOTES WATER VALVE

Notation:
 All exterior lighting is to be dark-sky compliant and down-lit. No light spillage outside property is permitted.

MAIN STREET (FORMERLY KENNEDY ROAD)
 (ROAD ALLOWANCE BETWEEN CONCESSIONS 5 AND 6)



NOTES:-
 - SNOW WILL BE REMOVED FROM THE SITE
 - Required signage: **Brushed Metal, channel letter, LED illuminations, suspended**

AMANDA number
 SC 16-178440

MEMAR ARCHITECTS
 "Memar Architects Inc."
 2323 Yonge St. Unit 503
 Toronto, ON, M4P 2C9
 T: 416-575-4448

ON TARIO ASSOCIATION OF ARCHITECTS
 License No. MERSEBEN 9848
 License 9730

ALL DRAWINGS AND DOCUMENTS ARE PRELIMINARY DRAWINGS UNLESS THEY ARE APPROVED BY THE CITY AND NOT BE USED FOR ANY CONSTRUCTION BEFORE ISSUANCE OF PERMIT.
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DATE:	ISSUED FOR:
10/18/2022	

PROJECT TITLE/ADDRESS:
 37 MAIN ST., MARKHAM, ON

DRAWING TITLE:
 SITE PLAN

SCALE: 1:150

DRAWN BY: S.A. CHKD BY: M.A.

LAST MODIFIED ON:
 Tuesday, October 18, 2022

A.03

Accepted to be in accordance with the City of Markham standards.
 This acceptance is not to be construed as verification of engineering content.

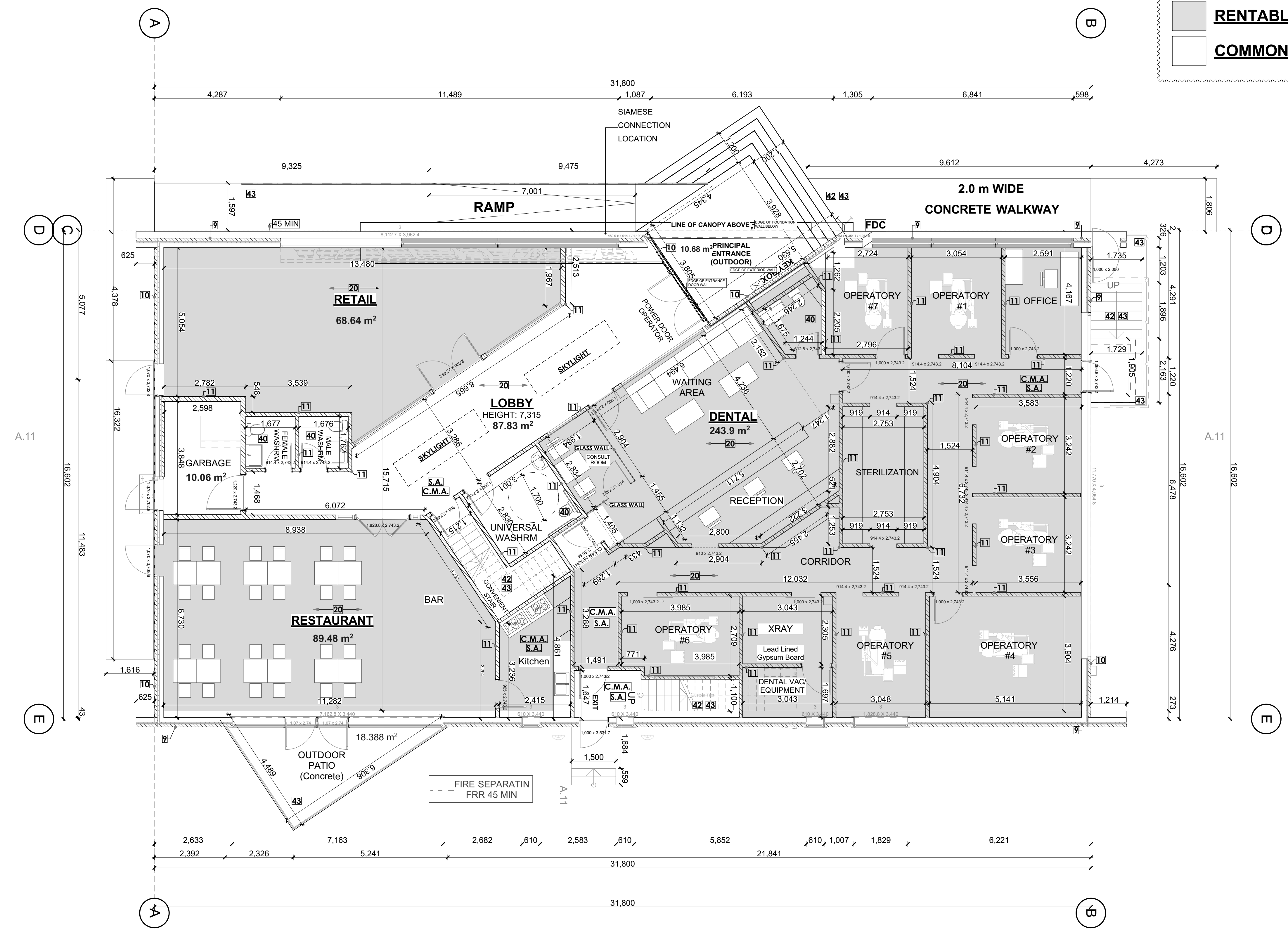
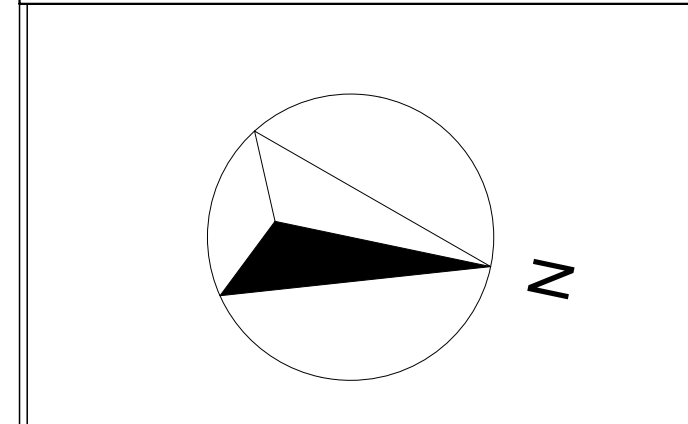
Review staff: **Miguel Ibrahim, L.E.I. C.E.T.**

Signature: _____ Date: _____
 Reza Fani, P. Eng.
 Manager, Development Engineering

LEGEND:

■ **RENTABLE AREAS**

□ **COMMON AREAS**



AMANDA number
 SC 16-178440

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 OF
 ARCHITECTS
 MEREDITH REBAR
 LICENSE
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DATE:	ISSUED FOR:
10/18/2022	

PROJECT TITLE/ADDRESS:
 37 MAIN ST,
 MARKHAM, ON

DRAWING TITLE:
 GROUND FLOOR PLAN

SCALE: 1:75

DRAWN BY: S.A.	CHKD BY: M.A.
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LAST MODIFIED ON:
 Tuesday, October 18, 2022

A.06

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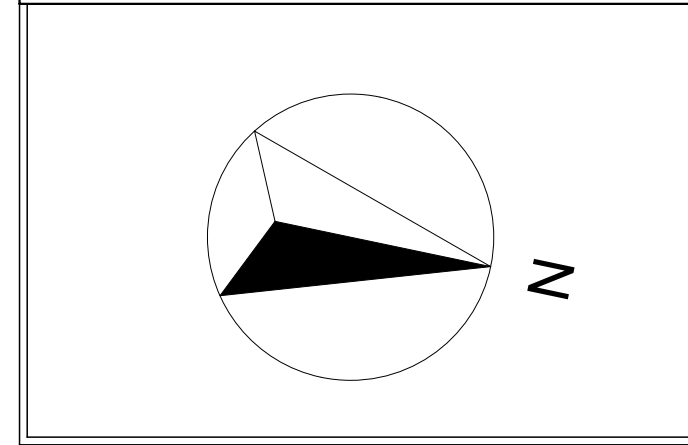
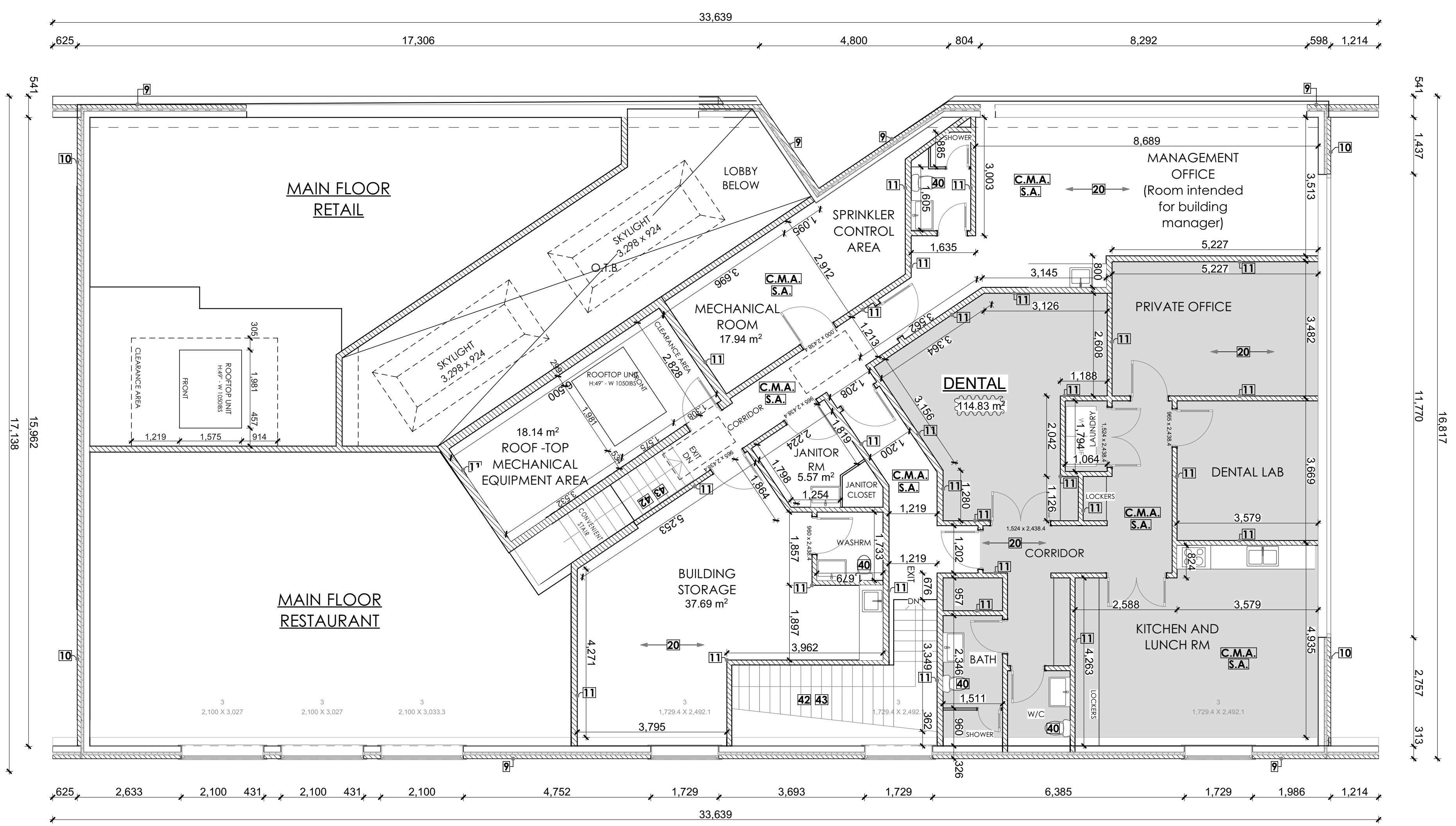
Review start: **Miguel Ibrahim, L.E.I., C.E.T.**

Signature: _____ Date: _____
 Resa Fani, P. Eng.
 Manager, Development Engineering

LEGEND:

RENTABLE AREAS

COMMON AREAS



AMANDA number
SC 16-178440

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Miguel Ibrahim
MEMBER #3884
LICENCE 9730

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DATE:	ISSUED FOR:
10/18/2022	

PROJECT TITLE/ADDRESS:
37 MAIN ST,
MARKHAM, ON

DRAWING TITLE:
SECOND FLOOR PLAN

SCALE: 1:75

DRAWN BY: S.A.	CHKD BY: M.A.
LAST MODIFIED ON: Tuesday, October 18, 2022	

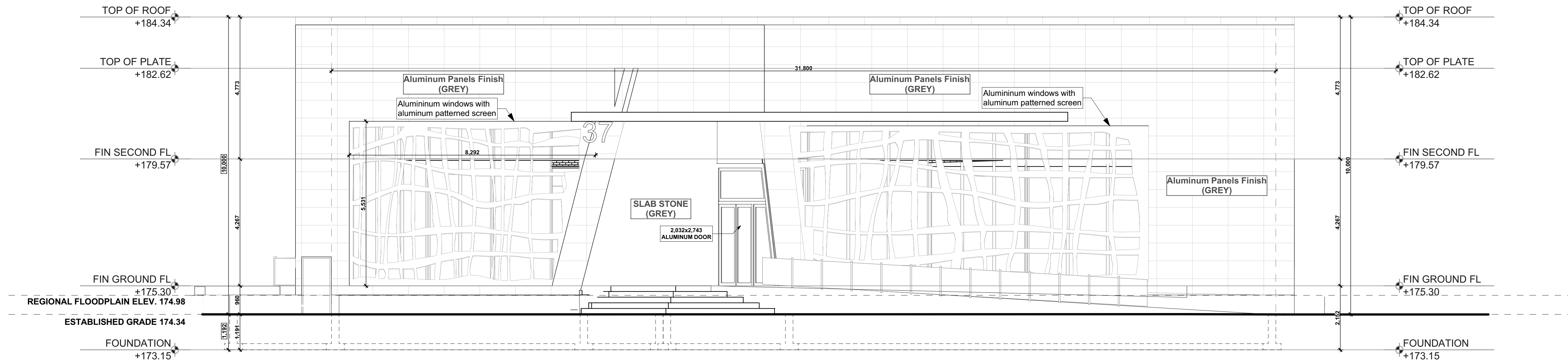
A.07

Accepts to be in accordance with the City of Markham standards.
 This is a plan to be constructed by the contractor in accordance with the contract.

Review staff: **Miguel Ibrahim, L.E.I., C.E.T.**

Signature: _____ Date: _____
 Res Fani, P. Eng.
 Manager, Development Engineering

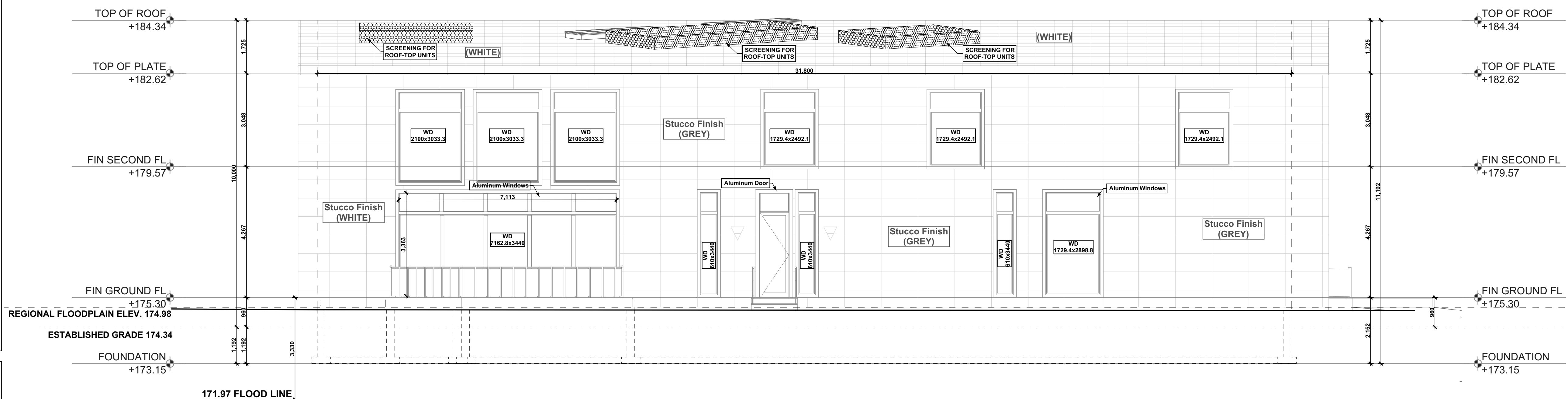
WEST ELEVATION: Permitted UPO is 100% as the building is sprinklered.



WEST ELEVATION

NOTES: -
 - Required signage: **Brushed Metal, channel letter, LED illuminations, suspended**

EAST ELEVATION: Permitted UPO is 28%% as the building is sprinklered,
 Proposed UPO is 26.17%



EAST ELEVATION

MARKHAM BIRD FRIENDLY BUILDING CHECKLIST

Applicant to include checklist on Elevation Drawing(s) at first site plan submission. Drawing(s) to be stamped and signed by an OAA member.

MANDATORY PRIMARY TREATMENTS FOR ALL DEVELOPMENTS

At Grade Condition (check to confirm the below is applied)

■ Bird friendly treatment is applied on minimum 85% of contiguous glass panel area, if each panel area is greater than 2m² and within 16m from finished grade.

□ Development contains no glass greater than 2m² within 16m from finished grade.

Roof Landscape Condition (check to confirm one of the below is applied)

■ Bird friendly treatment is applied on minimum 85% of contiguous glass panel area, if each panel area is greater than 2m² and within 16m from roof level finished grade.

□ Development contains no glass panel within 16m from roof level finished grade.

Treatment (check to confirm one of the below is applied)

* Refer to Guidelines for requirements

□ Stripes

■ Dots

□ Netting

□ Frit and Etched Patterns

Specifications (check to confirm one of the below is applied)

□ Pattern is applied as fritting or etching of glass, and pattern colour are high contrast in relation to the background.

■ Pattern is applied as film on exterior surface of glass, and pattern colour are high contrast in relation to the background.

MARKHAM BIRD FRIENDLY LIGHTING CHECKLIST

Applicant to include checklist on Electrical Engineering Drawing(s) at first landscape plan submission. Drawing(s) to be stamped and signed by a P.Eng.

MANDATORY LIGHTING CRITERIA FOR ALL DEVELOPMENTS

(check to confirm below is applied)

■ The use of exterior up lighting is eliminated.

□ There is no exterior light spill outside of property line.

AMANDA number
 SC 16-178440

MEMAR ARCHITECTS
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DATE:	ISSUED FOR:
10/18/2022	

PROJECT TITLE/ADDRESS:
 37 MAIN ST., MARKHAM, ON

DRAWING TITLE:
 WEST-EAST ELEVATION

SCALE: 1:75, 1:110

DRAWN BY: S.A.	CHKD BY: M.A.
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LAST MODIFIED ON:
 Tuesday, October 18, 2022

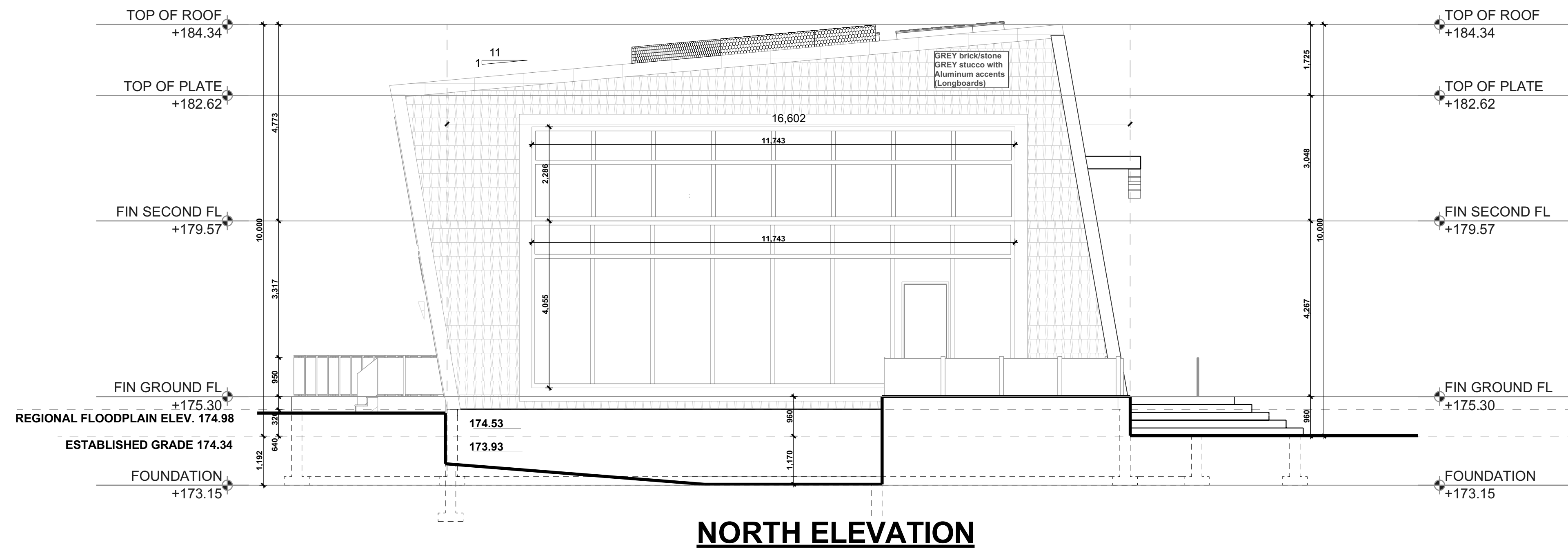
A.11

Accepted to be in accordance with the City of Markham standards.
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Review staff: **Miguel Ibrahim, L.E.I., C.E.T.**

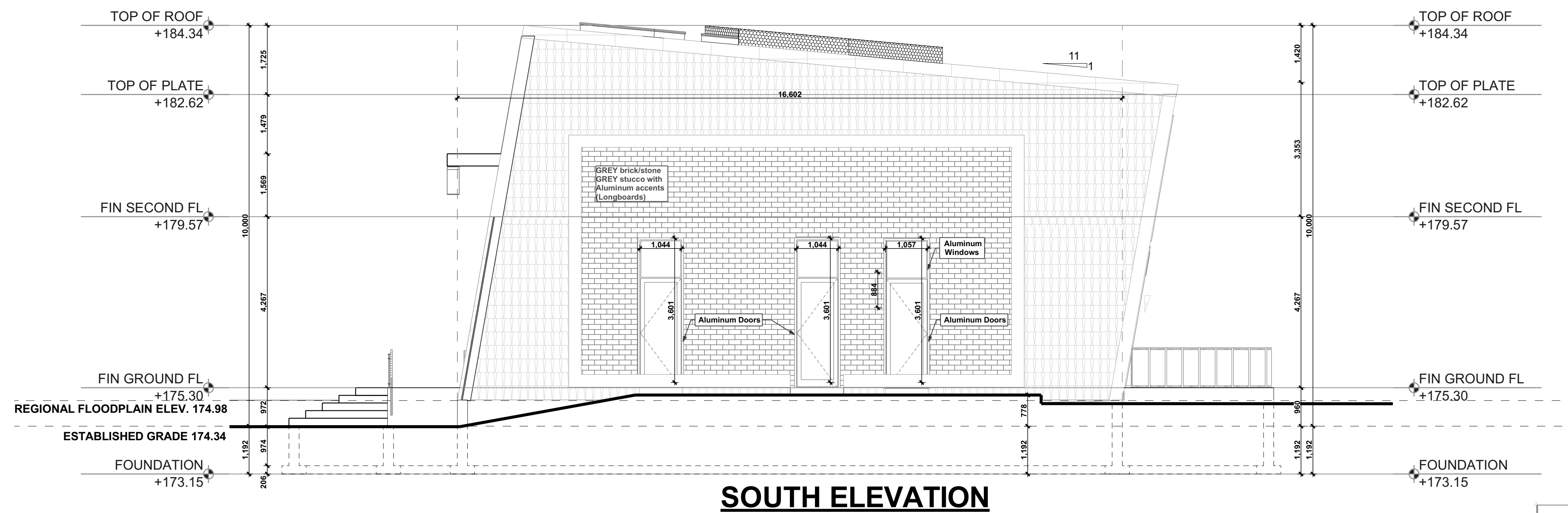
Signature: _____ Date: _____
 Reza Fari, P. Eng.
 Manager, Development Engineering

NORTH ELEVATION: Permitted UPO is 100% as the building is sprinklered,



NOTES: -
 - Required signage: **Brushed Metal, channel letter, LED illuminations, suspended**

SOUTH ELEVATION: Permitted UPO is 12%% as the building is sprinklered,
 Proposed UPO is 10.88%



MARKHAM BIRD FRIENDLY BUILDING CHECKLIST
 Applicant to include checklist on Elevation Drawing(s) at first site plan submission. Drawing(s) to be stamped and signed by an OAA member.

MANDATORY PRIMARY TREATMENTS FOR ALL DEVELOPMENTS
 At Grade Condition (check to confirm the below is applied)

- Bird friendly treatment is applied on minimum 85% of contiguous glass panel area, if each panel area is greater than 2m² and within 16m from finished grade.
- Development contains no glass greater than 2m² within 16m from finished grade.

Roof Landscape Condition (check to confirm one of the below is applied)

- Bird friendly treatment is applied on minimum 85% of contiguous glass panel area, if each panel area is greater than 2m² and within 16m from roof level finished grade.
- Development contains no glass panel within 16m from roof level finished grade.

Treatment (check to confirm one of the below is applied)
 * Refer to Guidelines for requirements

- Stripes
- Dots
- Netting
- Frit and Etched Patterns

Specifications (check to confirm one of the below is applied)

- Pattern is applied as fritting or etching of glass; and pattern colour are high contrast in relation to the background.
- Pattern is applied as film on exterior surface of glass; and pattern colour are high contrast in relation to the background.

MARKHAM BIRD FRIENDLY LIGHTING CHECKLIST
 Applicant to include checklist on Electrical Engineering Drawing(s) at first landscape plan submission. Drawing(s) to be stamped and signed by a P.Eng.

MANDATORY LIGHTING CRITERIA FOR ALL DEVELOPMENTS
 (check to confirm below is applied)

- The use of exterior up lighting is eliminated.
- There is no exterior light spill outside of property line.

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Review staff: **Miguel Ibrahim, L.E.I., C.E.T.**

Signature: _____ Date: _____
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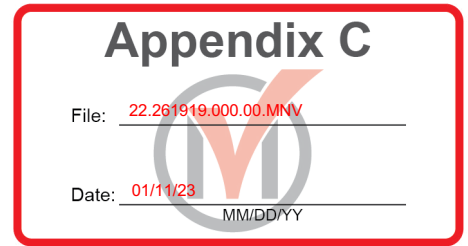
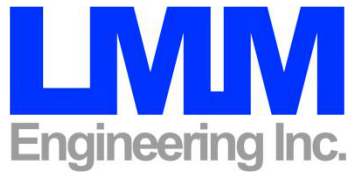
PROJECT TITLE/ADDRESS:
 37 MAIN ST., MARKHAM, ON

DRAWING TITLE:
 NORTH-SOUTH ELEVATION

SCALE: 1:75, 1:110

DRAWN BY S.A.	CHKD BY M.A.
------------------	-----------------

LAST MODIFIED ON:
 Tuesday, October 18, 2022



PARKING STUDY

37 MAIN STREET

Commercial Development

Unionville, City of Markham, York Region, Ontario

For:

2504373 Ontario Inc
37 Main Street,
Unionville, Markham, ON

By:

LMM Engineering Inc.
1-877-878-7566
www.LMMEngineering.com

This study has been prepared by LMM Engineering Inc. ("LMM") for the benefit of the client to whom it is addressed. The information and data contained herein present LMM's best professional judgment in light of the knowledge and information available to LMM at the time of preparation. Except as required by law, this study and the information and data contained herein are to be treated as confidential and may be used and relied upon only by the client, its officers and employees. LMM denies liability whatsoever to other parties who may obtain access to this study for any injury, loss or damage suffered by such parties arising from their use of, or reliance upon, this study or any of its content.

Date: December 9, 2022

LMM Ref: PT-22-084

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FIGURE 1-2 SITE PLAN 2

1.0 INTRODUCTION AND DEVELOPMENT PROPOSAL

LMM Engineering Inc. was retained by 2504373 Ontario Inc to undertake a parking study for the proposed commercial development located on 37 Main Street in Unionville, City of Markham, York Region, Ontario. The site location map is shown in **Figure 1-1**.

Figure 1-1 Site Location Map



The proposed development comprises of a (554.54 m² / 5,969.01 s.f.) one-story building, 18 surface on-site parking spaces and a single access on Main Street. The proposed uses include a dental office (358.73 m² / 3,861.34 s.f.), fast food restaurant (89.48 m² / 963.15 s.f.), retail (68.64 m² / 738.83 s.f.) and some storage space (37.69 m² / 405.69 s.f.). The proposed site plan is in **Figure 1-2**.

2.0 AVERAGE DAILY TRAFFIC

To estimate the future average daily traffic that will be generated by the proposed development, weekday trip generation estimates in the Institute of Transportation Engineers (ITE) Trip Generation Manual for each use were reviewed and used. The following ITE Land Use Codes were used:

- ITE Land Use Code 720 – Medical-Dental Office Building, (358.73 m² / 3,861.34 s.f.)
- ITE Land Use Code 933 – Fast-Food Restaurant without Drive-Through Window (89.48 m² / 963.15 s.f.)
- ITE Land Use Code 820 – Shopping Centre, (68.64 m² / 738.83 s.f.)

It was determined that the proposed storage space will only be used for the proposed uses and will not specifically generate any trips.

The estimated total vehicular trip generation on a weekday without reductions is shown in **Table 2-1**.

Table 2-1 Total Vehicular Trip Generation on a Weekday – without reductions

Land Use & Data Source	IV	Size	Time Period	Entry	Exit	Total
				Split%	Split%	
720 - Medical-Dental Office Building	1000 Sq. Ft. GFA	3.86	Weekday	30	30	60
Data Source: Trip Generation Manual, 10th Ed				50%	50%	
820 - Shopping Center	1000 Sq. Ft. GLA	0.74	Weekday	107	107	214
Data Source: Trip Generation Manual, 10th Ed				50%	50%	
933 - Fast-Food Restaurant without Drive-Through Window	1000 Sq. Ft. GFA	0.96	Weekday	166	166	332
Data Source: Trip Generation Manual, 10th Ed				50%	50%	
Total						606

Based on Table 2-1, the total estimated trips on a weekday without reductions is around 606 trips (303 entering and 303 exiting the site).

However, the ITE trip generation methodology suggests several trip generation reductions such as multi-modal (45%) and internal capture (25%) reductions. Although a multi-modal reduction can be argued due to the urban nature of the subject site location and its proximity to other complimenting developments, however, in order to be conservative, only the 25% internal capture was applied, which would result in a total daily traffic of around **455** total trips (227 entering and 227 exiting).

3.0 PARKING DEMAND

3.1 FUTURE PARKING UTILIZATION

To evaluate the future parking needs for the subject site, parking utilization per use that will be added or removed should be estimated by time of day. In order to do so, parking rates and time of day percentages in the Institute of Transportation Engineers (ITE) Parking Generation Manual for each affected use were reviewed and used. The following ITE Land Use Codes were used for the affected uses:

- ITE Land Use Code 720 – Medical-Dental Office Building, (358.73 m² / 3,861.34 s.f.)
- ITE Land Use Code 933 – Fast-Food Restaurant without Drive-Through Window (89.48 m² / 963.15 s.f.)
- ITE Land Use Code 820 – Shopping Centre, (68.64 m² / 738.83 s.f.)

It was determined that the proposed storage space will only be used for the proposed uses and will not specifically generate any parking demand.

The ITE rates, codes, and peak parking demand for each affected use are shown in Table 3-1.

Table 3-1 Parking Rates and Peak Parking Demand Per Use

Use	ITE Code	ITE Peak Rate (per 1,000 s.f.)	Floor Area (s.f.)	Peak Parking
Dental Office	720	3.23	3,861.34	12.47
Fast Food	933	9.91	963.15	9.54
Retail	820	1.95	738.83	1.44
Total				23.45

As shown in Table 3-1, the summation of the peak parking demands of all the uses would be around 24 parking spaces. However, since each use peaks at different times, a time of day analysis was also conducted. The time of day calculations for each hour on a weekday showing the above uses are shown in **Table 3-2**.

Table 3-2 Time of Day Calculation

Hour Beginning	Dental	Shopping	Restaurant	Total
7:00 a.m.	1.50	0.00	0.00	1.50
8:00 a.m.	5.36	0.22	0.00	5.58
9:00 a.m.	10.98	0.46	0.00	11.44
10:00 a.m.	12.35	0.78	2.67	15.80
11:00 a.m.	12.47	1.02	5.73	19.22
12:00 p.m.	10.35	1.43	9.54	21.32
1:00 p.m.	9.23	1.44	8.11	18.78
2:00 p.m.	11.72	1.30	5.44	18.46
3:00 p.m.	11.60	1.20	4.10	16.90
4:00 p.m.	10.73	1.17	4.30	16.19
5:00 p.m.	6.73	1.21	5.63	13.58
6:00 p.m.	0.00	1.24	5.92	7.16
7:00 p.m.	0.00	1.15	1.72	2.87
8:00 p.m.	0.00	0.91	0.00	0.91
9:00 p.m.	0.00	0.61	0.00	0.61
10:00 p.m.	0.00	0.22	0.00	0.22

As shown in Table 3-2, due to the variation of peak time of each affected use, the peak parking demand would be around 22 parking spaces and would occur around 12:00 p.m. on a weekday.

However, as shown in section 2.0 Trip Generation reductions may be applied to better reflect vehicular usage, and an internal capture reduction of 25% may be applied to estimate the overall parking demand for the proposed site. This would result in a peak parking demand of around **16** parking spaces.

4.0 CONCLUSIONS

LMM Engineering Inc. was retained by 2504373 Ontario Inc to undertake a parking study for the proposed commercial development located on 37 Main Street in Unionville, City of Markham, York Region, Ontario.

The proposed development comprises of a (554.54 m² / 5,969.01 s.f.) one-story building, 18 surface on-site parking spaces and a single access on Main Street. The proposed uses include a dental office (358.73 m² / 3,861.34 s.f.), fast food restaurant (89.48 m² / 963.15 s.f.), retail (68.64 m² / 738.83 s.f.) and some storage space (37.69 m² / 405.69 s.f.).

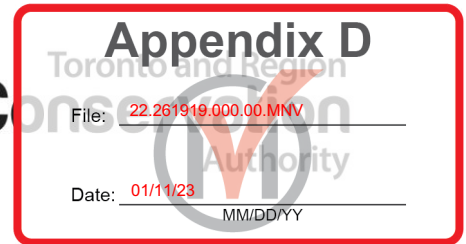
The following are concluded from the analysis herein:

- Based on ITE trip generation rates, total trips on a weekday without reductions is estimated to around 606 trips (303 entering and 303 exiting the site). After a 25% internal capture reduction was applied, it is estimated that the proposed uses would generate a total daily traffic of around **455** total trips (227 entering and 227 exiting).
- The peak parking demand without internal capture reduction would be around 22 parking spaces and would occur around 12:00 p.m. on a weekday. However, with an internal capture reduction of 25% applied, the resultant peak parking demand of around **16** parking spaces.

It is therefore concluded that based on the analysis in this report, the location and surrounding conditions and uses, the proposed 18 on-site parking spaces would be sufficient to accommodate the proposed uses.



C



January 4, 2023

CFN 66440.17

Uploaded to E-Plan

Shawna Houser
Secretary-Treasurer,
Committee of Adjustment
City of Markham
101 Town Centre Blvd
Markham, ON L3R 9W3

Dear Shawna Houser:

Re: Minor Variance Application – A/205/22 – First Submission
37 Main Street, City of Markham
Owner: 2504373 Ontario Inc (Henry Wong)
Agent: Memar Architects Inc (Lucy Mar Guzman)

This letter acknowledges receipt of the above-noted application in the City of Markham, received by the Toronto and Region Conservation Authority (TRCA) on November 7, 2022 via E-Plan. Staff note that flood plain assessment materials were submitted directly to TRCA on September 30, 2022, as a response to the ongoing Site Plan Control Application SC 16 178440. Given that the flood plain assessment is a fundamental component of the proposed development and provides the basis for the proposed development, this letter includes TRCA’s comments on both the flood plain assessment submitted directly to TRCA and Minor Variance Application A/205/22 materials. A list of the materials reviewed by TRCA has been included in Appendix ‘A’.

Background

It is our understanding that the purpose of this application is to request relief from the requirements of By-law 304-87 as amended, to permit:

- i. 18 parking spaces, whereas the By-law requires a minimum of 24 parking spaces (By-law 28-97);
- ii. 8.01m north yard setback, whereas the By-law requires a minimum of 11 metres (By-law 2017-115).

The proposed development includes the replacement of an existing building with a two-storey commercial plaza.

Policy Framework

TRCA staff comments are provided based on the following legislative and regulatory responsibilities:

- TRCA's role as a commenting agency under the *Planning Act*.
- TRCA's delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement, 2020*.
- TRCA's Regulatory Authority under Ontario Regulation 166/06, *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*.
- TRCA's role as a resource management agency operating on a local watershed basis.
- TRCA's Memorandum of Understanding (MOU) with the Region of York and City of Markham wherein we provide technical advice related to the natural environment and source water protection, as appropriate, in accordance with provincial, regional and local policies and technical guidelines and best management practices.

Ontario Regulation 166/06, as amended:

The subject property is entirely within TRCA's Regulated Area as it is within a Regulatory (Regional Storm) flood plain hazard. The subject property is also entirely within the Unionville Special Policy Area. In accordance with Ontario Regulation 166/06, as amended, (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), a permit is required from the TRCA prior to any of the following works taking place within TRCA's Regulated Area:

- a. straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b. development, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

Development is defined as:

- i. the construction, reconstruction, erection or placing of a building or structure of any kind;
- ii. any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- iii. site grading; or,
- iv. the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

Application Specific Comments

TRCA staff were involved with reviewing a Preliminary Pre-Consultation application submitted for this property in late 2015, and the Zoning By-law Amendment Application (ZA 16 178440) and Site Plan Control Application (SC 16 178440) since 2017. TRCA staff were circulated on all five Site Plan Control Application submissions and provided comments to the City of Markham, with the most recent comment letter dated June 1, 2022.

Based on our review of the latest submissions (i.e., Minor Variance Application materials to the municipality and the latest Site Plan Control submission (directly to TRCA), staff requires additional information and revisions as detailed in Appendix 'B' prior to being in the position to support the Minor Variance Application. Please note, addressing TRCA comments may result in the need for revision to the proposed development and required variances.

In order for TRCA to support the Minor Variance Application, at a minimum, the proponent will need to demonstrate that the proposed development will not adversely impact adjacent properties. We recommend making a Minor Variance re-submission after finalizing the Site Plan Control process.

Fees

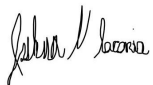
By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. This application is subject to a \$2,110 review fee (Minor Variance – Industrial/Commercial - Major), which covers up to two submissions (formal Minor Variance submission and/or direct submissions to TRCA). The applicant is responsible for fee payment and the invoice will be sent through TRCA’s Checkfront Payment System.

Recommendations

Based on the above, TRCA staff recommend deferral of the Minor Variance Application A/205/22 to allow for further consultation between TRCA staff and the proponent to address the comments in Appendix ‘B’.

We trust these comments are of assistance. Should you have any questions, please contact me at 437-880-2347 or at joshua.lacaria@trca.ca.

Sincerely,

 Digitally signed
by Joshua
Lacaria
Date:
2023.01.04
13:43:19 -05'00'

Joshua Lacaria
Planner I
Development Planning and Permits
joshua.lacaria@trca.ca, 437-880-2347

Appendix 'A': Materials Received

Received directly from the applicant on September 30, 2022:

- Floodplain Impact Study, prepared by Masongsong dated September 29, 2022;
- Response to Comments Letter, prepared by Masongsong dated September 29, 2022;
- Design Resistance for Regional Storm (Structural Engineering Letter), prepared by Moses structural Engineers dated August 31, 2022;
- Site Servicing and Grading Plan Drawing SGR-1, prepared by Masongsong dated August 19, 2022; and
- Erosion and Sediment Control Plan & Details Drawing ESC-1, prepared by Masongsong dated August 19, 2022.

Received via E-Plan on November 7, 2022:

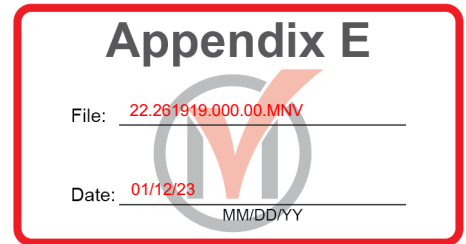
- Zoning Information, prepared by Memar Architects Inc., dated October 18, 2022;
- Site Plan, prepared by Memar Architects Inc., dated October 18, 2022;
- Area Calculations, prepared by Memar Architects Inc., dated October 18, 2022;
- Foundation Plan, prepared by Memar Architects Inc., dated October 18, 2022;
- Ground Floor Plan, prepared by Memar Architects Inc., dated October 18, 2022;
- Second Floor Plan, prepared by Memar Architects Inc., dated October 18, 2022;
- Ceiling and Floor Finish, prepared by Memar Architects Inc., dated October 18, 2022;
- West-East Elevation, prepared by Memar Architects Inc., dated October 18, 2022;
- North-South Elevation, prepared by Memar Architects Inc., dated October 18, 2022;
- Building Sections, prepared by Memar Architects Inc., dated October 18, 2022;

Appendix 'B': Detailed Comments

The following comments are based on our review of the materials provided in Appendix 'A'. These comments are based on the current proposal as well as current technical information, practices and policies which may change from time to time. Please note that TRCA may have additional comments following our review of additional or revised materials.

Development Planning and Permits		
#	Submission 5 (SPC June 2022)	Submission 1 (December 2022)
1.		<p>New comment: TRCA requires a Minor Variance review fee of \$2,110 (2022 Planning Services Fee Schedule – Minor Variance – Industrial/Commercial- Major) which covers up to two submissions. An online payment link will be provided. Please ensure this fee has been paid to TRCA prior to making any re-submissions for this application. Please note that separate TRCA Permit Application fees will be required once the proposal advances to the permit stage.</p> <p>Please also ensure that re-submissions for this application are accompanied by a response letter or table outlining how each comment has been addressed.</p>
2.		<p>New comment: The proposed development is located within TRCA's Regulated Area under Ontario Regulation 166/06, as amended, and will require a permit from TRCA. Once plans have been finalized through the planning process, please contact TRCA for a Permit Application submission checklist.</p>
Water Resources Engineering		
1. (Previous Comment 3)	Please provide a WSE difference figure with a refined colour gradient (i.e, 0 to 10 cm, 10 to 15 cm, 15 to 20 cm, 20 to 25 cm and above 25 cm) to better illustrate the impacts of the proposed development.	<p>Not addressed. The response to comments letter prepared by Masongsong dated September 29, 2022 stated Figure 15 in the Floodplain Impact Study (Masongsong, September 29, 2022) illustrates the water surface elevation comparison. However, Figure 15 is the maximum water depth comparison figure. As there are grading changes proposed on the site, the depth comparison does not reflect the change in water surface elevation. To ensure the proposed works do not negatively impact the surrounding properties, please include a water</p>

		surface elevation figure comparing the existing and proposed maximum water surface elevations with a refined colour gradient (i.e., 0 to 10 cm, 10 to 15 cm, 15 to 20 cm, 20 to 25 cm and above 25 cm).
2. (Previous Comment 4)	The proponents have confirmed that they are providing compensating cut. However, please provide a cut and fill drawing with cut and fill calculations on 0.3 m increments. Please explore options to reduce fill volume or provide additional cut volume within the floodplain to demonstrate a “best efforts” approach, such as deeper cuts in areas where cuts are proposed, etc. If further improvements cannot be made, please provide a <i>detailed justification</i> .	Partially Addressed. It was noted that the revised cut and fill plan includes cut areas and volumes in the overall balance calculation and the net balance is 10.68 m ³ of fill. To support the volumes presented in the cut and fill plan, in the subsequent application stage, please include calculations demonstrating the site cut and fill volumes. Please include a table summarizing the area, incremental volume, and cumulative volume for each cut and fill area at the 0.3 m increment.
3. (Previous Comment 5)	Please provide an updated structural engineer’s letter that confirms that the proposed development can withstand the regional floodplain elevation (by referencing the flood elevation) and velocity (by referencing the velocity).	Partially Addressed. The structural letter prepared by Moses Structural Engineers dated August 31, 2022 states the assessment was completed based on the architectural drawings by Memar Architects dated August 30 2022. As the Minor Variance Application includes architectural drawings dated October 18, 2022, at the subsequent application stage please provide a revised structural letter confirming the proposed development can withstand the regional floodplain depths and velocities based on the latest and final architectural drawings.
4. (Previous Comment 6)	Please provide the updated regulatory floodline on the Site Plan drawing.	Partially Addressed. It was noted that the updated regulatory floodline has been illustrated on the proposed grading plan, however, it has not been included on the site plan and topographical survey. Please ensure at the subsequent application stage the site plan and topographical survey include the updated regulatory floodline.
5. (Previous Comment 7)	Please provide TRCA’s Standard notes in the ESC Plan.	Addressed.



APPENDIX “E”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/205/22

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 No. SPC 20 178440.

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 TRCA.

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read "Melissa Leung".

Melissa Leung, MCIP RPP, Planner II, Central District