

Memorandum to the City of Markham Committee of Adjustment

June 4, 2019

File: A/28/19
Address: 8330 Woodbine Avenue, Markham
Applicant: CHUCK LODHIA, HANISHA INCORPORATED & GOPAL INVESTMENTS LTD.
Agent: API Development Consultants Inc.
Hearing Date: June 12, 2019

Further to our comments provided for the April 18, 2019 Committee Adjustment meeting, the following revised comments are provided on behalf of the West Team:

The applicant is requesting relief from the requirements of By-law 165-80, as amended to permit:

- a) **Section 5.3(g):**
a maximum height of 25.75 m (54.48 ft.) for the hotel and a maximum height of 17.01 m (55.80 ft.) for the office, whereas the By-law permits a maximum height of 14.0 m (45.93 ft.) for both uses;
- b) **Section 5.3(d):**
a minimum front yard setback of 4.89 m (16.04 ft.), whereas the By-law requires a minimum front yard setback of 12.0 m (39.37 ft.);
- c) **Section 5.3(d):**
a minimum rear yard setback of 5.0 m (16.4 ft.), whereas the By-law requires a minimum rear yard setback of 12.0 m (39.37 ft.);
- d) **Section 5.3(d):**
a minimum flankage setback of 3.85 m ((12.63 ft.), whereas the By-law requires a minimum setback of 6.0 m (19.68 ft.);
- e) **Section 5.3(f):**
a minimum Gross Ground Floor Area of 744.9 m² (8,018 ft²), whereas the By-law requires a minimum Gross Ground Floor Area of 1,400.0 m² (15,069.5 ft²);
- f) **Section 6.6.1:**
a restaurant, whereas the By-law does not permit restaurant uses;
- g) **Parking By-law 28-97, Table B:**
a minimum of 236 parking spaces, whereas the By-law requires a minimum of 317 parking spaces;
- h) **Section 4.1.5:**
a minimum of 2 loading spaces, whereas the By-law requires a minimum of 4 loading spaces;
- i) **Section 4.6.2:**
a minimum Arterial Road Centreline setback (Woodbine Avenue) of 28.23 m (92.62 ft.), whereas the By-law requires a minimum setback of 40.0 m (131.23 ft.) from the centreline of Woodbine Avenue;
- j) **Section 4.7.1:**
a minimum landscape strip (east) of 4.89 m (16.04 ft.), whereas the By-law requires a minimum landscape strip of 9.0 m (29.52 ft.);

k) Section 4.7.1:

a minimum landscape strip (south) of 3.0 m (9.84 ft.), whereas the By-law requires a minimum landscape strip of 6.0 m (19.68 ft.);

l) Section 4.7.1:

a minimum landscape strip (west) of 1.15 m (3.77 ft.), whereas the By-law requires a minimum landscape strip of 6.0 m (19.68 ft.);

m) Section 4.7.1:

a minimum landscape strip (north) of 3.0 m (9.84 ft.), whereas the By-law requires a minimum landscape strip of 6.0 m (19.68 ft.);

The requested variances relate to a proposed seven-storey hotel and four-storey office building with a restaurant at-grade.

BACKGROUND

Property Description

8330 Woodbine Avenue (subject lands) is located on the southwest corner of Woodbine Avenue and Lanark Road. A two (2) storey "Comfort Inn" hotel exists on the subject lands. The subject lands has frontage onto four (4) streets – Cochrane Drive, Lanark Road, Perth Avenue, and Woodbine Avenue (see Location Map attached). To the north are retail and service uses, including restaurants, and further north, across Perth Avenue, is a furniture outlet store (The Furniture Mall). To the south across Lanark Road is an undeveloped parcel. To the east, across Woodbine Avenue, is a fishing and camping store (Solely Outdoors). To the west, across Cochrane Drive, are industrial buildings containing a variety of employment uses.

Proposal

The applicant is proposing to redevelop the subject lands with a seven (7) storey dual brand Hilton hotel ("Tru" and "Home 2") and a four (4) storey office building, with a restaurant. The 216 unit, 11,826.8 m² (127,303 ft²) hotel (Building A) is proposed to be at the southeast corner of Perth Avenue and Cochrane Drive. The 2,971 m² (31,980 ft²) office, with restaurant (Building B), is proposed to be at the northwest corner of Woodbine Avenue and Lanark Road.

The development is proposed to be constructed in two (2) phases. The Hotel first, and the Office and Restaurant second. The existing Comfort Inn will be demolished, prior to occupancy of the new hotel, to allow for the construction of the office, with restaurant uses.

Application Previously Deferred

The variance application was deferred "sine die" from the April 24, 2019 Committee of Adjustment Hearing to provide the Development Services Committee (DSC) and Planning staff additional time and information to consider the requested reduction in parking. DSC wanted to better understand the concept of Shared Parking. Planning staff have been provided with the additional information and are now in a position to provide a recommendation on the requested parking variance.

Site Plan approval delegated

An associated site plan application under File No. SPC 18 253507 for the proposed hotel, office and restaurant development is currently under review by staff. DSC delegated site plan endorsement and final approval to the Director of Planning and Urban Design, or designate on April 29, 2019.

OFFICIAL PLAN AND ZONING

Official Plan

The subject lands are designated 'Service Employment' under the 2014 Markham Official Plan (as partially approved on November 24, 2017 and updated on April 9, 2018). This designation provides for limited retail and service uses, and hotels. This designation also provides for restaurants as a discretionary use, subject to the review of a site specific development application for zoning approval. In addition, the Official Plan requires that the proposed built form and scale conforms to the planned function and policies of the land use designation, that the site is appropriate for the proposed restaurant from a traffic perspective, and that the proposed uses are compatible with other existing uses on the same lot and adjacent lands.

Zoning By-law

The subject property is zoned SC1 – Special Commercial, under By-law 165-80, as amended. This zone category permits a number of commercial uses including banks, offices, commercial schools hotels, personal service shops, recreational and entertainment facilities. Restaurants are not a permitted use.

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.

Variations Requested

Increased Height

The applicant is proposing: **a)** an increased maximum height of 25.75 m (54.48 ft.) for the hotel and a maximum height of 17.01 m (55.80 ft.) for the office, whereas the By-law permits a maximum height of 14.00 m (45.93 ft.). The applicant has provided confirmation that the proposed heights will comply with the Buttonville Airport Zoning regulation. Staff do not anticipate any adverse impacts to adjacent properties as a result of the requested increased height variances for the proposed hotel and office buildings.

Reduced Rear Yard and Flankage (North) Yard, Reduced West and North Landscape Strip

The applicant is proposing: **c)** a reduced minimum rear yard setback of 5.0 m (16.4 ft.), whereas the By-law requires a minimum rear yard setback of 12.0 m (39.37 ft.), **d)** a reduced minimum flankage (north) setback of 3.85 m (12.63 ft.), whereas the By-law requires a minimum setback of 6.0 m (19.68 ft.), **l)** a reduced minimum landscape strip (west) of 1.15 m (3.77 ft.), whereas the By-law requires a minimum landscape strip of 6.0 m (19.68 ft.), **m)** a reduced minimum landscape strip (north) of 3.0 m (9.84 ft.), whereas the By-law requires a minimum landscape strip of 6.0 m (19.68 ft.).

The proposed reduced rear and flankage (north) yard setbacks, and reduced west and north landscape strips will facilitate the development of the seven storey hotel that will establish a strong built form at the southeast corner of Perth Avenue and Cochrane Drive. The proposed location will animate both street frontages and create a strong

street edge. Staff do not anticipate any adverse impact as a result of the requested variances.

Increased Gross Ground Floor Area

The applicant is proposing: **e)** a reduced minimum Gross Ground Floor Area of 744.9 m² (8,018 ft²), whereas the By-law requires a minimum Gross Ground Floor Area of 1,400.0 m² (15,069.5 ft²).

The variance relates to the footprint of the proposed four storey office building at the northwest corner of Woodbine Avenue at Lanark Road. Staff does not anticipate any adverse impacts as a result of the requested variance.

Restaurant

The applicant is proposing: **f)** a restaurant within the four storey office building, whereas the By-law does not permit restaurant uses.

Notwithstanding that the Official Plan policies recommend that restaurants only be added as a permitted use through an application for zoning approval, Section 45 (1) of the Planning Act states that the Committee of Adjustment may add a use not currently permitted in the zoning by-law if in its opinion, the above-noted four (4) tests of the Planning Act are met. Staff note that the applicant has demonstrated through the Site Plan application process that the proposed restaurant will be compatible with the proposed hotel and office uses on the property, and a number of other retail and service uses on adjacent lands. Staff are also of the opinion that the proposed restaurant use can be supported from a traffic impact and transportation perspective.

Reduced Parking

The applicant is proposing: **g)** a minimum of 236 parking spaces, whereas the By-law requires a minimum of 317 parking spaces, a deficiency of 81 spaces (approximately 25%).

The applicant requesting the reduced parking variance is based on the concept of shared parking. The concept shared parking is described by the Urban Land Institute as "the use of a parking space to serve two or more individual uses without conflict or encroachment" whereby different uses have different peak parking utilization. Staff note that the City's Parking By-law recognizes this concept. Consequently, the use of shared parking rates are permitted.

Staff note that the applicant's Transportation consultant has provided a rationale in support of the reduced parking. Transportation staff advise that the justification for the reduction in parking is acceptable, subject to the following conditions being met:

- The applicant will be responsible to provide parking monitoring surveys of the site one year after occupancy of the hotel. The monitoring plan and scope shall be reviewed by the City prior to any surveys taking place.
- The applicant shall confirm that since the parking supply is premised on the shared parking concept, all parking spaces must be available for all uses on site.
- That the Transportation Demand Management (TDM) measures to be implemented for the proposed development include the following:
 - Bicycle racks;
 - Bike repair station;
 - Carpool parking signage;
 - Smart Commute Membership and Implementation; and,

- Hotel shuttle service

These TDM requirements will be secured in the associated site plan agreement. Consequently, staff are of the opinion that the requested parking variance can be supported.

Reduced Number of Loading Spaces

The applicant is proposing: **h)** two (2) loading spaces, whereas the By-law requires a minimum of four (4) loading spaces.

The applicant provided a comparison of loading space needs for similar sized hotels in the vicinity of the subject lands to demonstrate that the two (2) loading spaces can adequately service the proposal. Staff do not anticipate any adverse impact as a result of the requested variance.

Reduced Centreline Setback to an Arterial Road and Reduced Front Yard Setback

The applicant is proposing: **b)** a reduced front yard setback of 4.89 m (16.04 ft.), whereas the By-law requires a minimum front yard setback of 12.0 m (39.37 ft.), and **i)** an Arterial Road Centreline setback (Woodbine Avenue) of 28.23 m (92.62 ft.), whereas the By-law requires a minimum setback of 40.0 m (131.23 ft.).

The proposed Arterial Road Centreline and front yard setbacks will facilitate the development of the four (4) storey office building, with a strong built form at the northwest corner of Woodbine Avenue and Lanark Road. The office building, at this location, will animate both street frontages and create a strong street edge. Staff do not anticipate any adverse impact as a result of the requested variance. It is noted that York Region has confirmed that they had no comments on the variance application.

Reduced East and South Landscape Strips

The applicant is proposing **j)** an east landscape strip of 4.89 m (16.04 ft.), whereas the By-law requires a minimum landscape strip of 9.0 m (29.52 ft.), and **k)** a south landscape strip of 3.0 m (9.84 ft.), whereas the By-law requires a minimum landscape strip of 6.0 m (19.68 ft.).

The proposed east landscape strip relates to the location of the proposed four (4) storey office building to create a strong street edge along Woodbine Avenue. It also facilitates the conveyance of land to accommodate a road widening along Woodbine Avenue. The proposed reduced minimum south landscape strip will allow additional parking spaces to be provided adjacent to Lanark Road. Staff are of the opinion that the reduced landscape strips will continue to provide an opportunity appropriate landscaping adjacent to Woodbine Avenue and Lanark Road. Consequently, staff do not anticipate any adverse impacts as a result of the requested variances.

PUBLIC INPUT SUMMARY

No written submissions were received as of June 4, 2019. 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 variances a), b), c), d), e), g), h), i), j), k), l), and m) described above meet the four (4) tests of the Planning Act and have no objection. Staff recommend that the Committee

satisfy themselves as to the appropriateness of requested variance f), to permit a restaurant use on the subject property. Staff further 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.

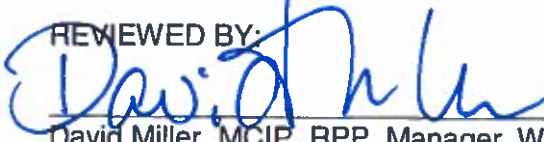
Please see Appendix "A" for conditions to be attached to any approval of this application

PREPARED BY:



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

REVIEWED BY:



David Miller, MCIP, RPP, Manager, West District

File Path: Amanda\File\19 115410\Documents\District Team Comments Memo

APPENDIX "A"

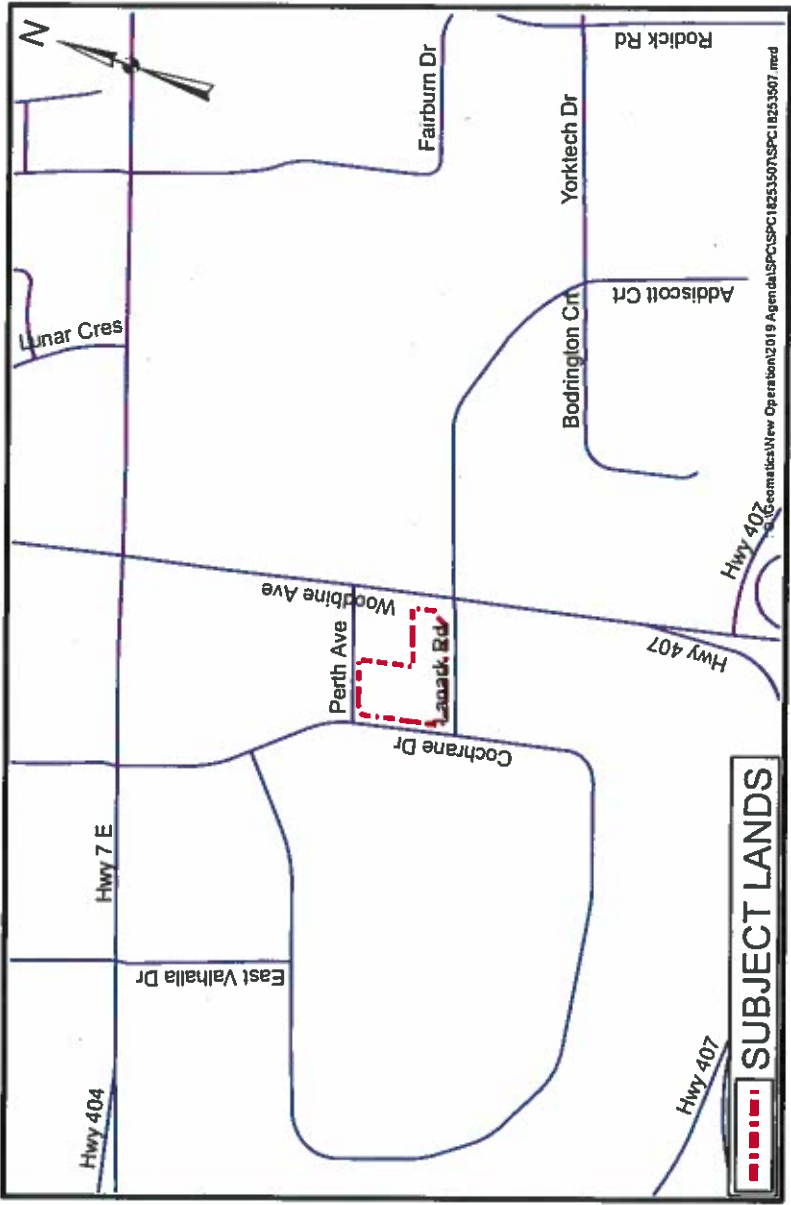
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/28/19

1. That 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 plan(s) 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. The applicant will be responsible to provide parking monitoring surveys of the site one year after occupancy of the hotel. The monitoring plan and scope shall be approved by the Director of Engineering prior to any surveys taking place.
4. The applicant shall confirm that since the parking supply is premised on the shared parking concept, that all parking spaces must be available for all uses on site, including the underground parking garage.
5. That the Transportation Demand Management (TDM) measures to be implemented for the proposed development include the following:
 - Bicycle racks
 - Bike repair station
 - Carpool parking signage
 - Smart Commute Membership and Implementation
 - Hotel shuttle service

PREPARED BY:



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



--- SUBJECT LANDS

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Appendix B



EXTERIOR ELEVATION LEGEND

101. 20% SOLAR SHIELD GLASS BY AREA ON SOUTH FACED BY BUILDING OR APPROX 10%
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 116. 20% SOLAR SHIELD GLASS BY AREA ON SOUTH FACED BY BUILDING OR APPROX 10%

NOT ISSUED FOR CONSTRUCTION

REV	DATE	DESCRIPTION	BY	CHKD
01	11/13/20	ISSUED FOR PERMIT	...	...
02	11/13/20	ISSUED FOR PERMIT	...	...
03	11/13/20	ISSUED FOR PERMIT	...	...
04	11/13/20	ISSUED FOR PERMIT	...	...
05	11/13/20	ISSUED FOR PERMIT	...	...

SAI SAPIENS
 ARCHITECTS

API
 ARCHITECTS

HOME2
 REAL ESTATE

TU
 TECHNISCHE UNIVERSITEIT UTRECHT

EAST ELEVATION (FRONT)

A303

DATE: 11/13/20

SCALE: 1/8" = 1'-0"

