Memorandum to the City of Markham Committee of Adjustment

December 10, 2020

File: A/048/20

Address: 220 Cachet Woods Court Markham

Applicant: 10057428 CANADA CORP.

Agent: Corbett Land Strategies Inc. (Nick Wood)

Hearing Date: December 16, 2020

Further to our previous comments provided to the Committee of Adjustment for the meetings on July 9, 2020, September 2, 2020, and December 2, 2020, the following additional 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:

b) **Section 6.4.3 (a)**:

A maximum allowable floor area ratio of 140 percent, whereas the By-law permits a maximum of 70 percent;

j) <u>Section 4.7.1 (b):</u>

A minimum landscaped strip of 1.5 m (4.92 ft.) along Cachet Woods Court, whereas the By-law requires a minimum landscape strip of 3.0 m (26.01 ft.);

The requested variances relate to a proposed 5-storey office building on the subject property.

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.

Reduced Landscape Strip Variance

As noted Staff's previous comments for the Committee Adjustment meeting on December 2, 2020, an additional variance is required to permit a reduced landscape strip of 1.5 m (4.92 ft.) along Cachet Woods, whereas a minimum landscape strip of 6.0 m (19.68 ft.) is required. Staff previously commented that we had no issue with the requested variance provided that proper notification of the variance was provided under the Planning Act. Consequently, Staff are of the opinion that the variance meets the above noted four tests of the Planning Act and can be supported.

Revised Floor Area Ratio Variance

The applicant amended the floor area ratio variance at the December 2, 2020 Committee of Adjustment hearing and is now requesting relief from the requirements of the zoning by-law to permit a maximum floor area ratio of 140 %, whereas a maximum of

70% is permitted. This represents an increased floor area ratio of 100%. Staff previously supported a variance to permit a maximum floor area ratio of 137% on the basis that the massing and design of office buildings and lot sizes within Markham's employment areas are diverse in order to meet the needs of the landowner while ensuring that development standards and criteria support consistent, high quality building and site design.

The applicant has further indicated that the actual GFA of the proposed office building is 16,282.16 m² (175,259.71 ft²) and results in a floor area ratio of 138.66%, whereas the proposed GFA was previously identified as 16,096.6 m² (173,262.3 ft²) and resulted in a floor area ratio of 137%. The applicant has further indicated the proposed increased floor area ratio of 140% will provide an additional buffer should any discrepancies in floor area calculation arise at the building permit review stage.

Staff are of the opinion that the Committee should satisfy themselves as to the appropriateness of the proposed floor area ratio to 140%.

Please see Appendix "A" of the previous Staff comments for the December 2, 2020 Committee of Adjustment hearing for applicable conditions to be attached to any approval of the amended application.

PREPARED BY:

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

REVIEWED BY:

Stephen Ketagawa

Stephen Kitagawa, Acting Manager, West District

Memorandum to the City of Markham Committee of Adjustment

November 25, 2020

File: A/048/20

Address: 220 Cachet Woods Court Markham

Applicant: 10057428 CANADA CORP.

Agent: Corbett Land Strategies Inc. (Nick Wood)

Hearing Date: December 2, 2020

Further to our previous comments provided to the Committee of Adjustment for the meetings on July 9, 2020 and September 2, 2020, the following additional 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 6.4.1 (d)(iii):

A maximum gross floor area for an accessory retail store of 278 m² (2,992.36 ft²), whereas the By-law permits a maximum of 100 m² (1,076.39 ft²);

b) Section 6.4.3 (a):

A maximum allowable floor area ratio of 137 percent, whereas the By-law permits a maximum of 70 percent;

c) <u>Section 4.6.2 (d)(i):</u>

A minimum front yard setback of 3.0 m (9.84 ft.), whereas the By-law requires a minimum front yard setback of 12.0 m (39.37 ft.);

d) <u>Section 5.2 (d)(iii):</u>

A minimum north interior side yard setback of 3.0 m (9.84 ft.), whereas the Bylaw requires a minimum interior side yard of 7.93 m (26.01 ft.);

e) Section 5.2 (d)(iii):

A minimum south interior side yard setback of 6.0 m (19.68 ft.), whereas the Bylaw requires a minimum interior side yard of 7.93 m (26.01 ft.);

f) Section 5.2. (d)(v): a yard encroachment (north) of 1.5 m (4.92 ft.), whereas the By-law permits a maximum encroachment of 0.45 m (1.47 ft.);

g) <u>Section 5.2 (d)(v):</u>

A yard encroachment (south) of 2.0 m (6.56 ft.), whereas the By-law permits a maximum encroachment of 0.45 m (1.47 ft.);

h) <u>Section 5.2 (d)(v):</u>

A yard encroachment (front) of 1.5 m (4.92 ft.), whereas the By-law permits a maximum encroachment of 0.45 m (1.47 ft.);

i) Parking By-law 28-97, Section 3.0:

A minimum of parking 344 spaces, whereas the By-law requires a minimum of 427 spaces;

The requested variances relate to a proposed 5-storey office building on the subject property.

BACKGROUND

Property Description

The 1.24 hectare (3.06 acre) subject property is located on the west side of Cachet Woods Court, north of 16th Avenue. The subject property abuts the Highway 404 right-of-way, which is located to the west and is currently undeveloped. Located to the north is a woodlot. A portion of this woodlot will be removed to facilitate a planned mid-block flyover of Highway 404, which will cross Cachet Woods Court from Markland Street in the City of Markham to Leslie Street in the City of Richmond Hill. It will require a realignment of Cachet Woods Court and will result in a 0.06 hectare (0.16 acre) reduction to the land area of the subject property. Located to the south is a recently constructed 3 (three) storey office building (Howland Green Business Centre). To the east, across Cachet Woods Court is undeveloped tableland valley corridor. Located to the west is Highway 404.

Application deferred sine die

Application A/048/20 was deferred sine die by the Committee of Adjustment at their meetings on July 9, 2020 and September 2, 2020 to provide an opportunity to confirm the accuracy of the requested variances, and additional time for the applicant's Transportation consultant to provide Transportation Planning staff with an appropriate justification for the proposed reduction in parking.

Proposal

The applicant is requesting relief from the provisions of the by-law to facilitate the development of a 5 storey office building for the headquarters of a telecommunications provider (IRISTEL), which includes underground parking and an accessory retail component with access provided from within the building. The proposed gross floor area for the office building is approximately 16,096.6 m² (173,262.4 ft²) (See Appendix 'B'). Staff are currently reviewing a site plan application for the proposed office building under file SPC 20 112635. Staff note that the IRISTEL proposal was endorsed in principle by the Development Services Committee at their meeting on November 23, 2020. In addition, site plan approval authority was delegated to the Director of Planning and Urban Design.

Official Plan and Zoning

2014 Official Plan

The subject property is designated "Business Park Employment" under the 2014 Official Plan (as partially approved on November 24, 2017 and updated by the LPAT on April 9, 2018). Business Park Employment lands are planned to be developed for prestige industrial and office development with good visibility and access to adjoining 400 series highways (404). The range of uses provided for within this designation include manufacturing, processing, warehousing, and office uses. This designation also provides for ancillary uses such retail, service and restaurant uses, provided that the combined gross floor area devoted to such ancillary uses are limited to a maximum of 15 percent of the total gross floor area of the building and, access to the premises is integrated within the building.

Zoning By-law

The subject property is zoned "M.C. 70% - SELECT INDUSTRIAL AND LIMITED COMMERCIAL" under By-law 165-80, as amended by By-law 48-93. Permitted uses under this zone category include warehousing of goods and materials, assembly,

manufacturing, repair and servicing, banks, financial institutions, as well as professional and business offices. The Zoning By-law also permits accessory retail stores and personal service shops to serve the occupants of an office building, subject to the following:

- access being provided only from the interior lobby of a building;
- no outdoor signs to advertise the accessory use; and,
- the floor area devoted to such uses not exceeding the lesser of either 5 % of the gross floor area or 100 m².

Zoning Preliminary Review Undertaken

In addition to the Building Department's Zoning review through the associated site plan application, a separate Zoning Preliminary Review (ZPR 19 136071) has been undertaken to confirm the required variances.

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.

Increased Gross Floor Area for Retail Sales Gross Variance

The applicant is requesting relief from the requirements of the zoning by-law to permit accessory retail sales on the property to have a maximum gross floor area of 278 m² (2,992.36 ft²), whereas the By-law permits a maximum of 100 m² (1,076.39 ft²). This represents an increase in gross floor area devoted to accessory retail sales of 178 m² (1,916 ft²). Staff are of the opinion that the proposed variance is desirable for the appropriate development of the site and meets the general intent of the Official Plan, as the proposed accessory retail space represents only 1.5% of the overall gross floor area of the proposed building.

Increased Floor Area Ratio Variance

The applicant is requesting relief from the requirements of the zoning by-law to permit an increased floor area ratio of 137%, whereas a maximum of 70% is permitted. This represents an increased floor area ratio of approximately 97%. However, when staff are determining whether a variance should be considered "minor in nature", it is not always based simply on the numeric value of variance requested. The proposed development, context and surrounding area is all taken in to consideration when determining whether the requested variance is considered 'minor'. Staff note that the massing and design of office buildings within Markham's employment areas are diverse in order to meet the needs of the landowner while ensuring that development standards and criteria support consistent, high quality building and site design. Staff are of the opinion that requested variance is desirable for the appropriate development of a high quality office building on the subject lands.

Reduced Front Yard and Interior Side Yard Variances Side Yard Setback Variances

The applicant is requesting relief from the requirements of the zoning by-law to permit a reduced minimum front yard setback of 3.0 m (9.84 ft.), a reduced minimum north interior side yard setback of 3.0 m (9.84 ft.), and a reduced minimum south interior side

yard setback of 6.0 m (19.68 ft.). Staff do not anticipate any adverse impacts as a result of the proposed reduced front yard and interior side yard setback variances.

Front Yard, North Yard and South Yard Encroachment Variances

The applicant is requesting relief from the requirements of the zoning by-law to permit a north yard encroachment of 1.5 m (4.92 ft.), a south side yard encroachment of 2.0 m (6.56 ft.), and a front yard encroachment of 1.5 m (4.92 ft.), whereas a maximum encroachment of 0.45 m (1.47 ft.) is permitted. These variances relate to proposed architectural features including a metal trellis to accentuate the overall design of the office building, and to support landscaping materials proposed to cover the front wall of the office building. Staff do not anticipate any adverse impacts as a result of the proposed encroachments into the north, south and front yards.

Reduced Parking Variance

The applicant is requesting relief from the requirements of the zoning by-law to permit a minimum of parking 344 spaces, whereas the By-law requires a minimum of 427 spaces. Transportation Planning Staff has indicated that based on their review of revised information provided by the applicant's Transportation Consultant (Lea Consulting Ltd.), the requested parking reduction can be supported. Consequently, Staff have no objections to the requested variance subject to the implementation of Transportation Demand Management (TDM) measures to reduce auto dependence and encourage mode share options such as transit and cycling by providing bicycle racks, and repair stations, carpool parking and signage as well as Smart Commute Membership and Implementation. The TDM requirements will be secured in the associated site plan agreement through a TDM-Letter of Credit (LC) amount.

Additional Variance required for Reduced Landscape Strip

Staff note that an additional variance to Zoning By-law 165-80, as amended, was identified through the above-noted ZPR process as follows:

Section 4.7.1 (b): to permit a minimum landscape strip along Cachet Woods of 1.5 m (4.92 ft.), whereas the By-law requires a minimum of 6.0 m (19.68 ft.);

The proposed reduced landscape strip relates to the location of the proposed five (5) storey office building to create a strong street edge along Cachet Woods Court. It also facilitates the re-alignment of Cachet Woods Court to accommodate the above-noted mid-block flyover of Highway 404. Staff are of the opinion that the requested variance is minor in nature. Staff recommends that the variance application be amended to include the additional variance to permit a reduced landscape strip of 1.5 m (4.92 ft.) adjacent to Cachet Woods Court.

Although staff have no issues with the requested variance in principle, this variance was not included in the latest public notice. Consequently, staff recommend that the variance for a reduced landscape strip be deferred to the December 16, 2020 Committee of Adjustment Hearing, so that proper notification of the variance is provided.

PUBLIC INPUT SUMMARY

One written submission was received as of November 25, 2020, requesting to be kept informed on the status of the variance application. 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

Based on the discussion above, staff are of the opinion that the requested variances meet the four tests of the Planning Act. Staff have no objections to the approval of the minor variance application. However, staff recommend that the variance to permit a reduced landscape strip from 6.0 m to 1.5 m adjacent to Cachet Woods Court, be deferred to December 16, 2020 so that proper notification of this variance can be provided. 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, Senior Planner, West District

REVIEWED BY:

Stephen Kitaguwa

Stephen Kitagawa, Acting Manager, West District

File Path: Amanda\File\20 110942\Documents\District Team Comments Memo

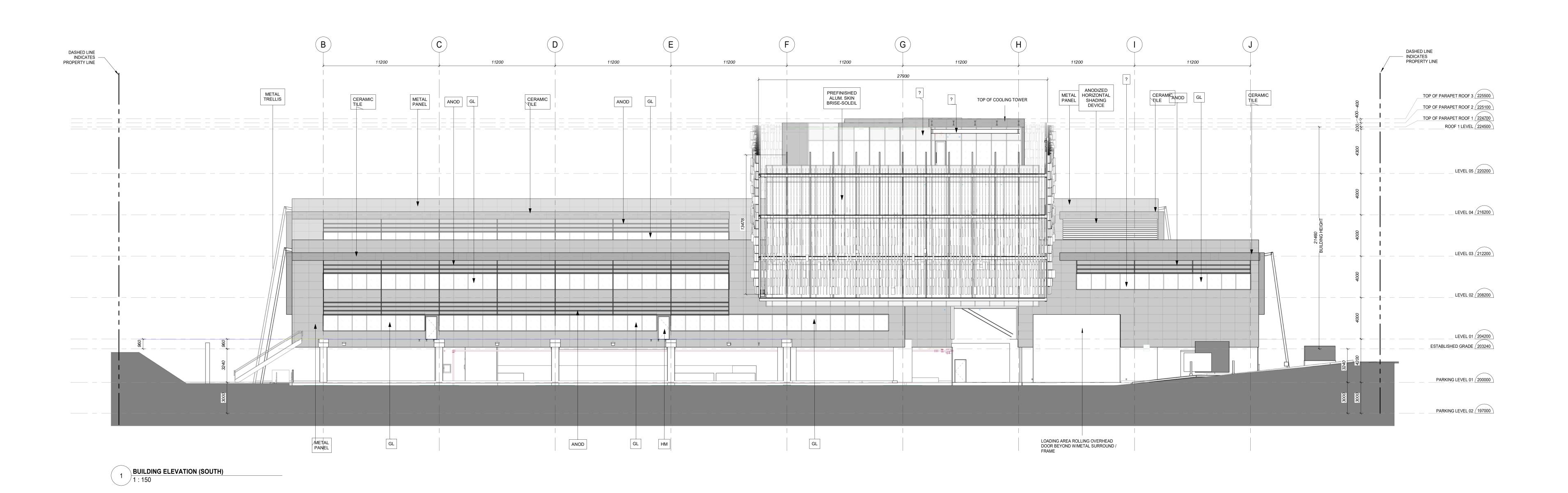
APPENDIX "A"

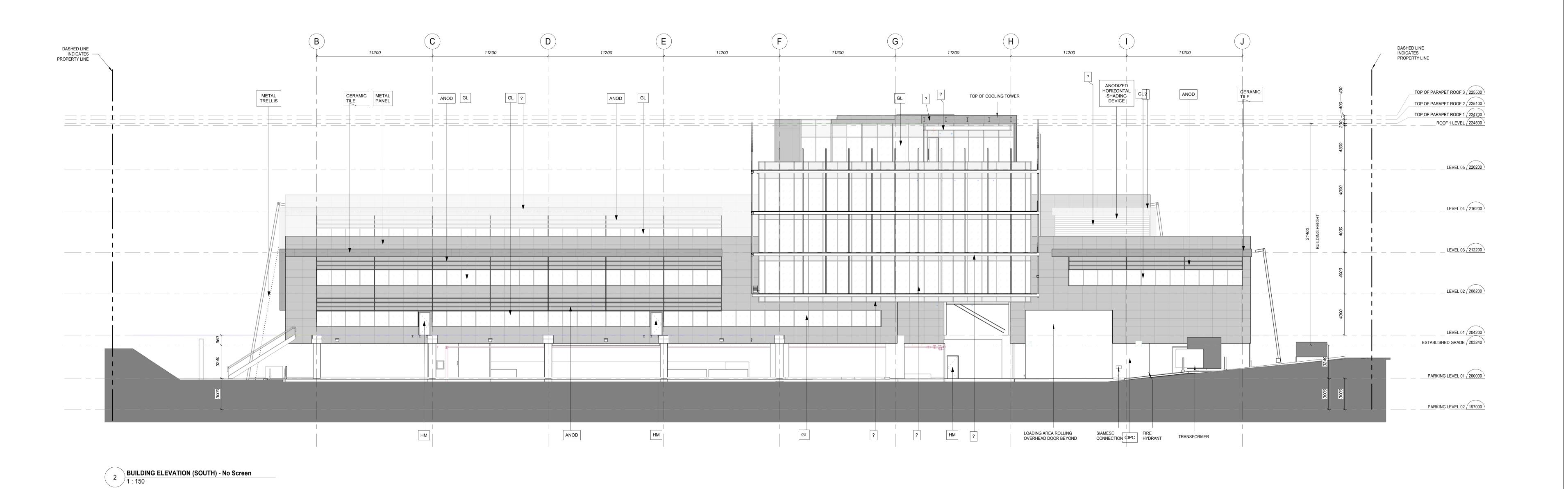
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/048/20

- 1. 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. That the maximum gross floor area for an accessory retail store shall be limited to 278 m²:
- 4. The applicant shall demonstrate to the satisfaction of the Director of Engineering or designate, that Transportation Demand Management Measures (TDM) measures are proposed for the subject site through the associated site plan application to reduce auto dependence and encourage the mode share of non-auto modes such as transit and cycling, by including the following measures:
 - Bike racks
 - Bike repair station
 - Carpool parking and signage
 - Smart Commute Membership and Implementation
- 5. That the applicant provides a payment of all of the required minor variance application fees; and, that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or their designate.

PREPARED BY:

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





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REVISIONS

DISCLAIMER:

No. Date

B 2020-08-07 SPA RESUBMISSION
A 2020-06-30 ISSUED FOR 100% DESIGN DEVELOPMENT

No. Date Description

PROJECT NAME:

CACHET WOODS

CORPORATE OFFICE

220 CACHET WOODS COURT

MARKHAM, ON

L6C 0Z8

10057428 CANADA CORP.

CONSULTANT:

ARCHITECTS INC.

517 Wellington St. W., Suite 404
Toronto, Ontario
Canada M5V 1G1

JOB CAPTAIN: PROJ. MANAGER:

SHEET TITLE:

SEAL:

SCALE:

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(914 x 1219mm)

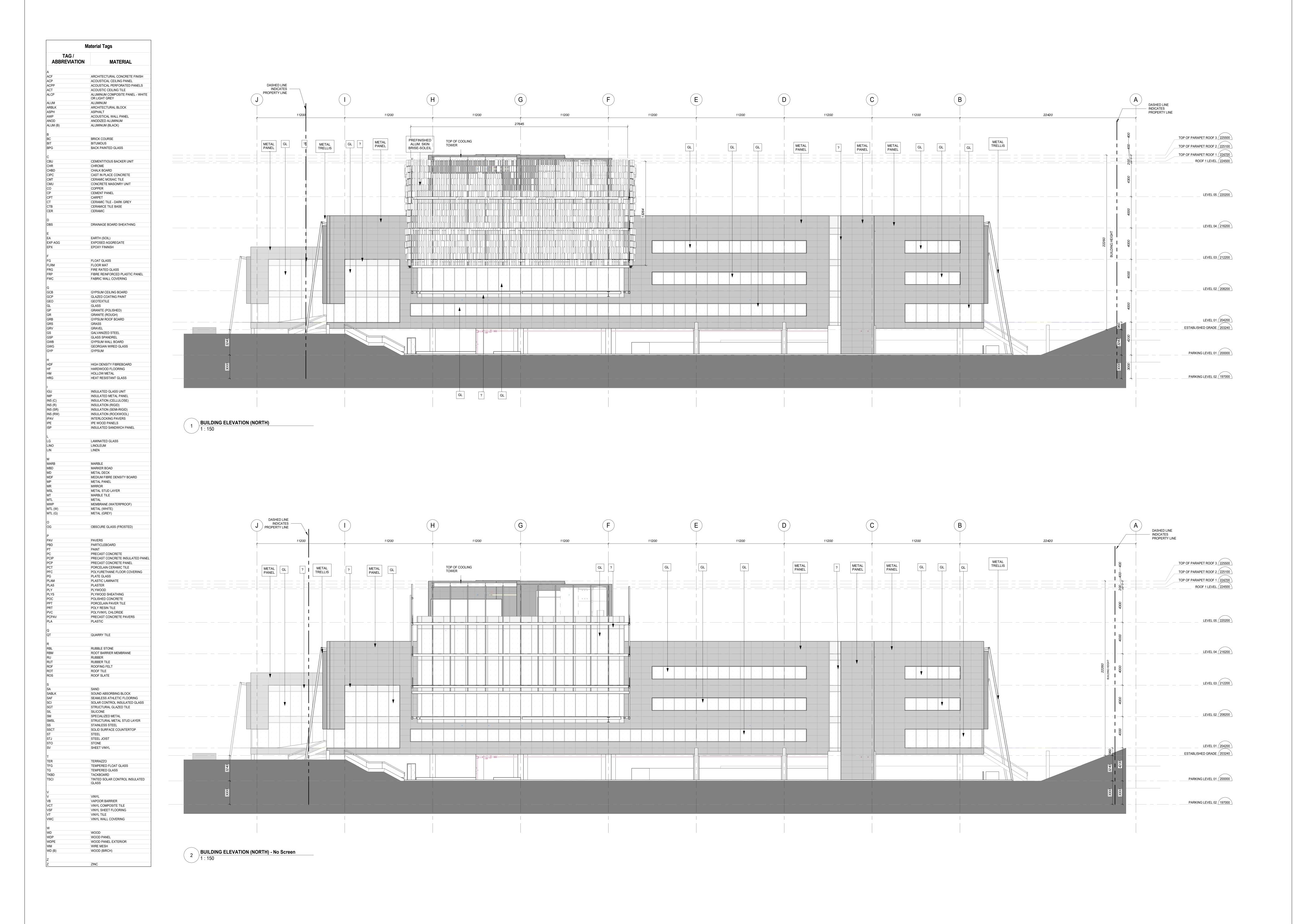
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REVISIONS No. Date

B 2020-08-07 SPA RESUBMISSION
A 2020-06-30 ISSUED FOR 100% DESIGN DEVELOPMENT

PROJECT NAME: CACHET WOODS CORPORATE OFFICE 220 CACHET WOODS COURT MARKHAM, ON L6C 0Z8

10057428 CANADA CORP.



PROJ. MANAGER: JOB CAPTAIN: SHEET TITLE: **EXTERIOR ELEVATIONS**

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PROJECT NO.:

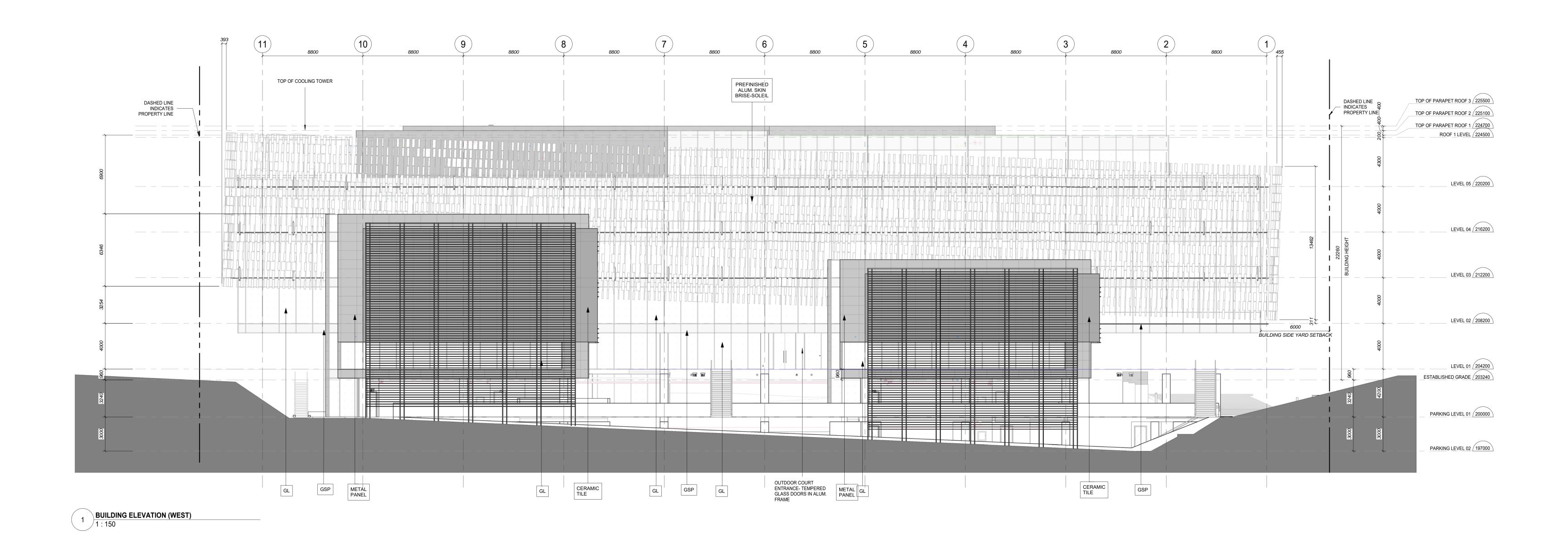
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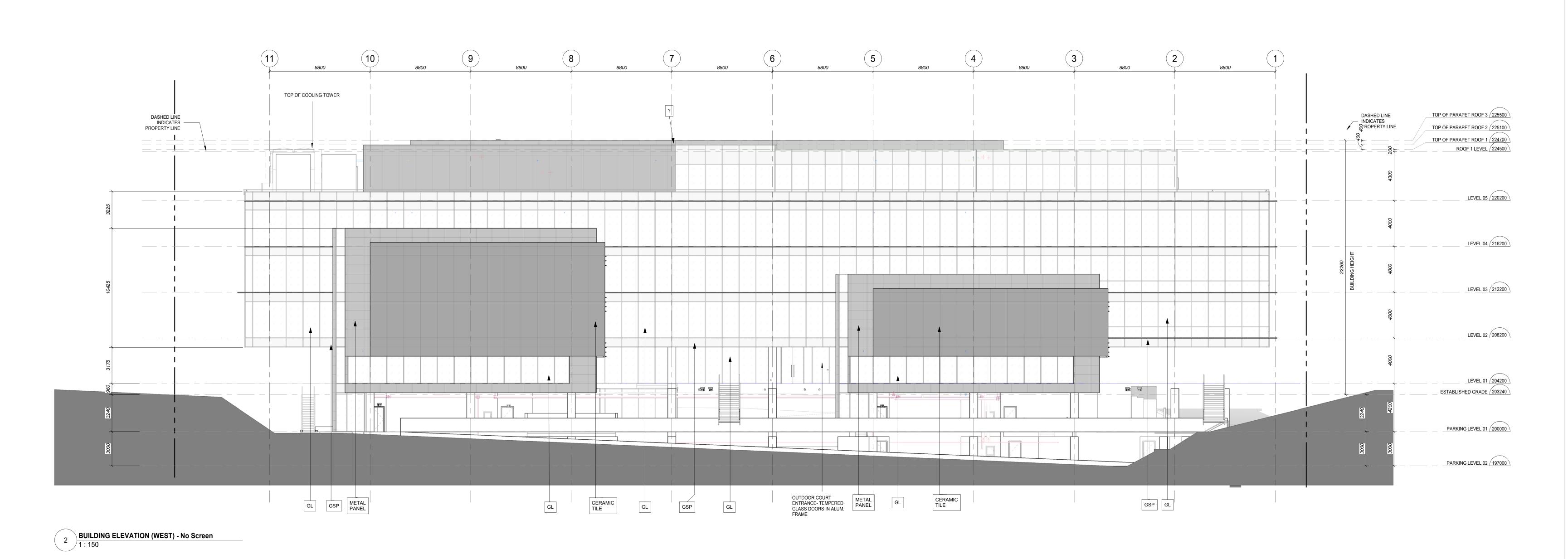
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CONSULTANT PRIOR TO COMMENCING

DISCLAIMER:

CONSTRUCTION.

E 2020-08-07 SPA RESUBMISSION D 2020-06-30 ISSUED FOR 100% DESIGN
DEVELOPMENT
C 2020-04-20 ISSUED FOR SITE PLAN APPROVAL
B 2020-03-19 ISSUED FOR MINOR VARIANCE ISSUED FOR MINOR VARIANC.
APPLICATION

A 2020-02-10 ISSUED FOR INFORMAL ZONING REVIEW

> PROJECT NAME: CACHET WOODS CORPORATE OFFICE 220 CACHET WOODS COURT MARKHAM, ON L6C 0Z8

10057428 CANADA CORP.

CONSULTANT: ARCHITECTS INC.

Toronto, Ontario Canada M5V 1G1 JOB CAPTAIN: PROJ. MANAGER: SHEET TITLE:

EXTERIOR ELEVATIONS

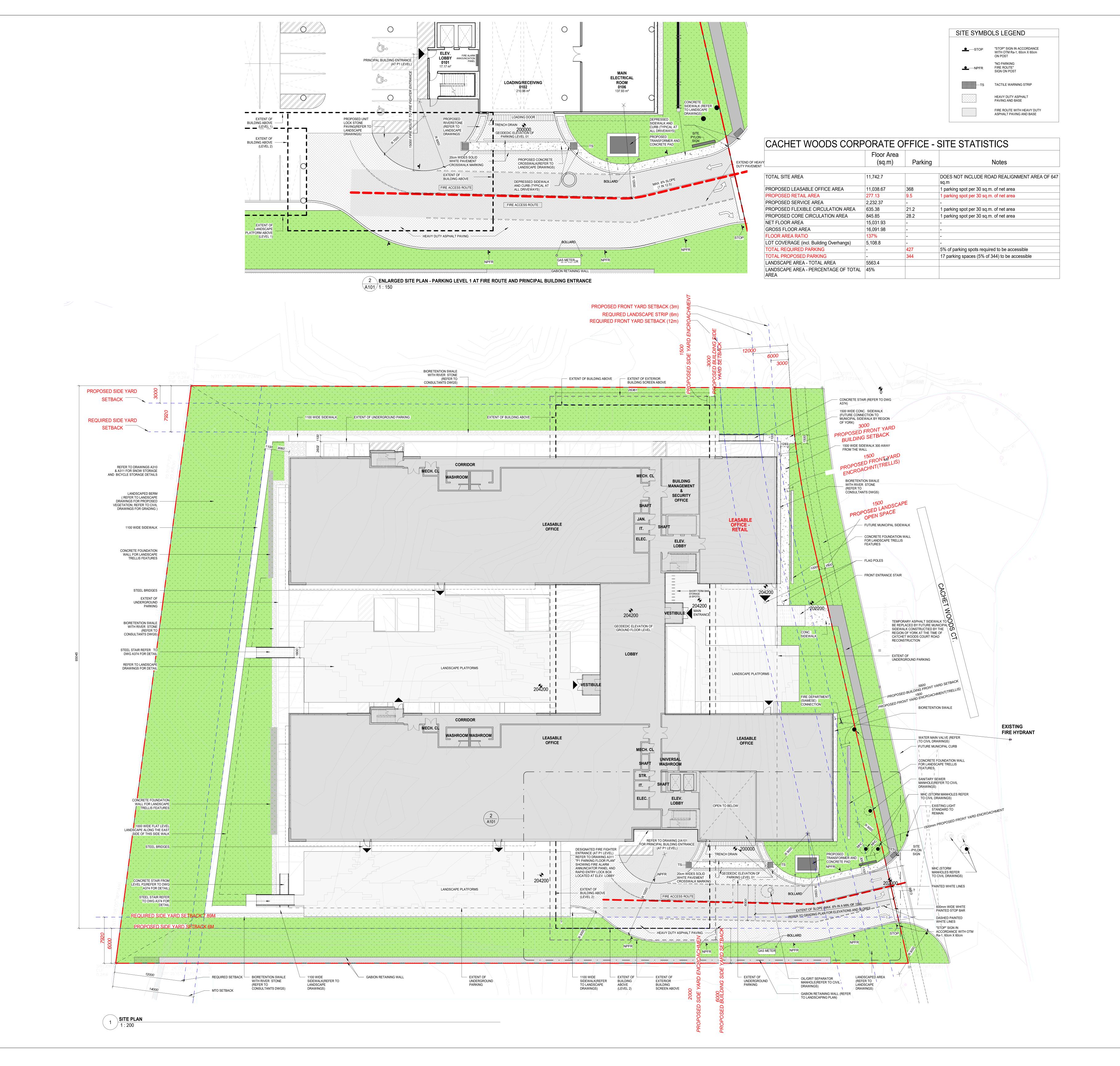
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SCALE:

SHEET NUMBER:

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No. Date

H 2020-08-07 SPA RESUBMISSION G 2020-07-06 ISSUED FOR MINOR VARIANCE APPLICATION F 2020-06-30 ISSUED FOR 100% DESIGN DEVELOPMENT

D 2020-03-19 ISSUED FOR MINOR VARIANCE APPLICATION C 2020-02-20 ISSUED FOR CLASS C COSTING B 2020-02-18 ISSUED FOR CONSULTANTS COORDINATION A 2020-02-10 ISSUED FOR INFORMAL ZONING

E 2020-04-20 ISSUED FOR SITE PLAN APPROVAL

No. Date Description

PROJECT NAME: **CACHET WOODS** CORPORATE OFFICE 220 CACHET WOODS COURT MARKHAM, ON L6C 0Z8

10057428 CANADA CORP.

675 COCHRANE DRIVE EAST TOWER, 6TH FLOOR

CONSULTANT: ARCHITECTS INC.

MARKHAM, ON L3R 0B8

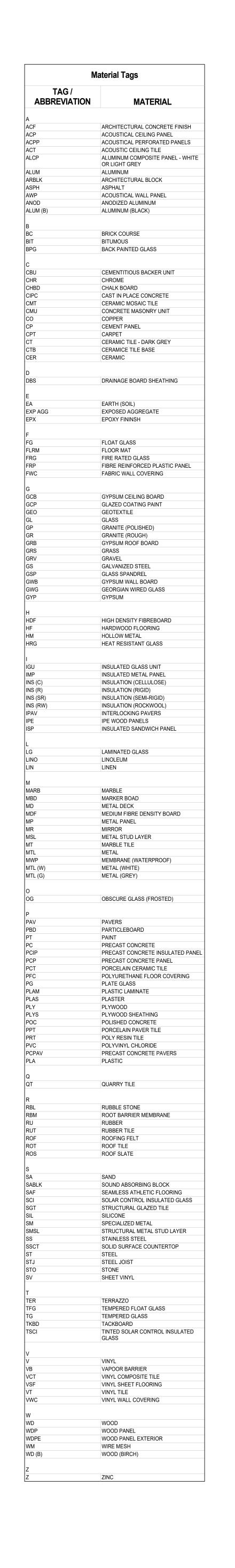
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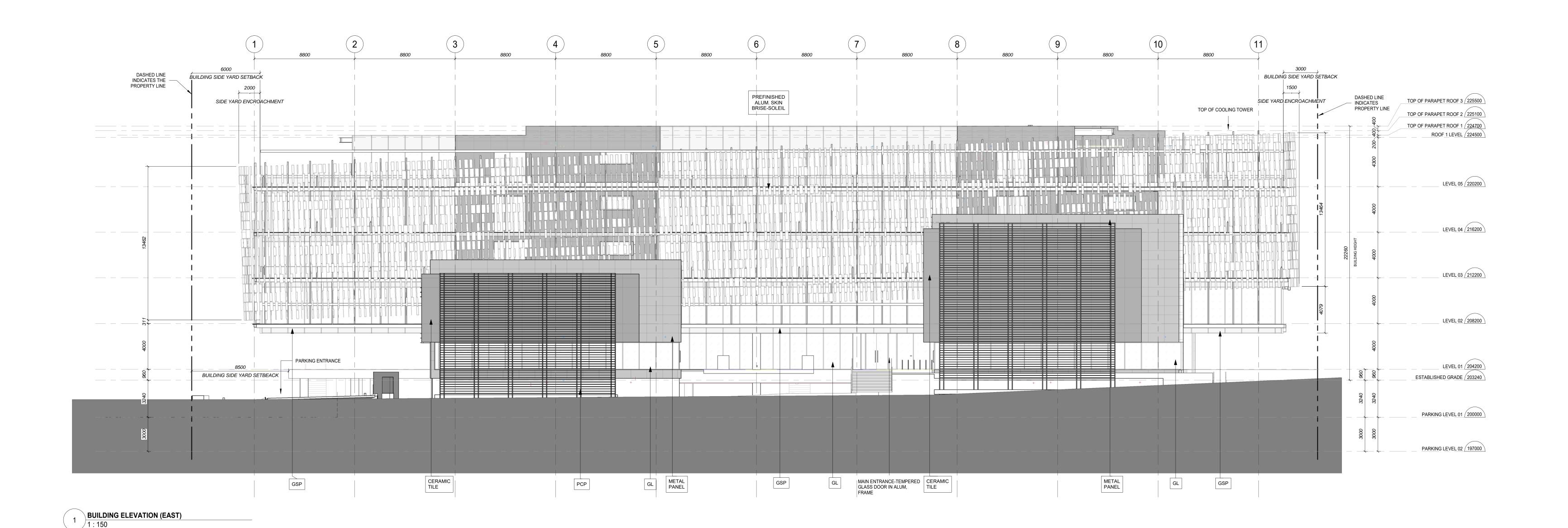
SITE PLAN

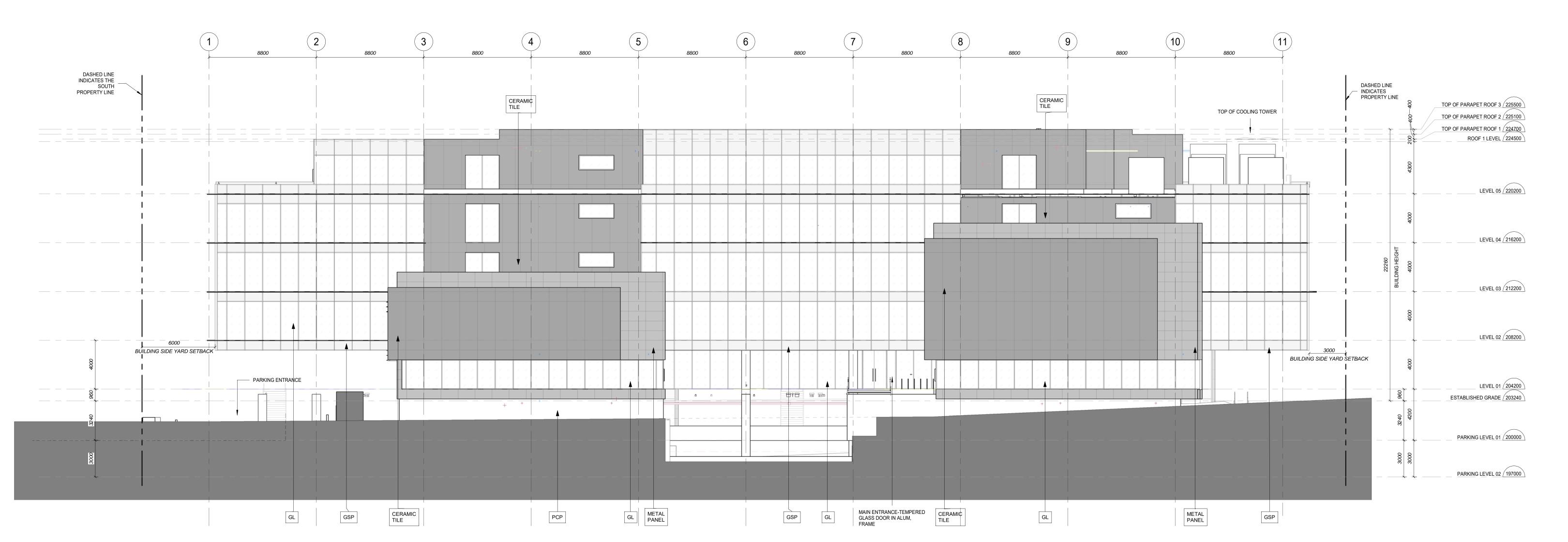
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SHEET NUMBER:

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2 BUILDING ELEVATION (EAST) - No Screen
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REVISIONS

No. Date

F 2020-08-07 SPA RESUBMISSION E 2020-07-06 ISSUED FOR MINOR VARIANCE APPLICATION D 2020-06-30 ISSUED FOR 100% DESIGN C 2020-04-20 ISSUED FOR SITE PLAN APPROVAL

B 2020-03-19 ISSUED FOR MINOR VARIANCE

APPLICATION A 2020-02-10 ISSUED FOR INFORMAL ZONING REVIEW

PROJECT NAME: CACHET WOODS CORPORATE OFFICE 220 CACHET WOODS COURT MARKHAM, ON

L6C 0Z8 10057428 CANADA CORP.

675 COCHRANE DRIVE EAST TOWER - 6TH FLOOR

MARKHAM, ON L3R 0B8

CONSULTANT:

ARCHITECTS INC.

Toronto, Ontario Canada M5V 1G1 PROJ. MANAGER: JOB CAPTAIN: SHEET TITLE: **EXTERIOR ELEVATIONS**

1:150 ON SHEET SIZE Arch - E (914 x 1219mm)

19-046

PROJECT NO.:

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