

Memorandum to the City of Markham Committee of Adjustment

February 7, 2023

File: A/004/23
Address: Enterprise Boulevard, Markham
CON 5 PT LOT 9 RP 65R26718 PT PART 1
Applicant: The Remington Group
Agent: The Remington Group
Hearing Date: Wednesday, February 15, 2023

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

The Applicant is requesting site-specific relief from the “Markham Centre Public Space One (MC-PS1)”, “Markham Centre Downtown Three, Hold 1 and Hold 2 (MC-D3 H1-H2)”, “Markham Centre Downtown Five, Hold 1 to 4 (MC-D5 H1-H4)”, “Markham Centre Downtown Three Hold 1, 2 and 5 (MC-D3 H1-H2 H5)”, “Markham Centre Public Space Two (MC-PS2)”, “Markham Centre Public Space One, Hold 5 (MC-PS1 H5)”, “Markham Centre Downtown Four, Hold 1 to 3 (MC-D4 H1-H3)”, and “Markham Centre Public Space Two, Hold 5 (MC-PS2 H5)” zones under the Markham Centre By-law 2004-196, as amended, as it relates to a proposed temporary parking lot with paid parking spaces. The variance is to permit:

a) Table A1:

a Temporary Commercial Parking Lot, whereas the By-law does not permit this use.

This Minor Variance application is related to a Site Plan Control Application (File Number: SPC 22 252081).

BACKGROUND

Property Description

The 30.5 hectare (75.37 acre) subject property is located on the north side of Enterprise Boulevard, east of Andre de Grasse Street, and is generally located west of Kennedy Road. The Minor Variance, and focus of this report is the 4.3 hectare (9.98 acre) south-east portion of the property (the “Subject Lands”), located on the north-east corner of Enterprise Boulevard and the Metrolinx Stouffville GO line train tracks (refer to Appendix “A” – Aerial Photo).

There is currently a gravel parking lot located on the Subject Lands, with vacant lands to the north and west, the Unionville GO Station to the south, and the future York University Campus further to the east.

Proposal

The Applicant is proposing to construct a temporary commercial parking lot with paid parking spaces on the south-east corner of the Subject Lands for future patrons of York University (refer to Appendix “B” – Site Plan). The proposed commercial parking lot will be provided on a temporary basis until such time that the Subject Lands are redeveloped. According to the Applicant, the temporary commercial parking lot will include 907 parking spaces, including 26

accessible spaces, gate-controlled access, lighting, and pedestrian connections. Access is proposed to be full movement access via Enterprise Boulevard.

The Applicant has indicated that approximately “500 of the paid parking spaces are to be used by students of the nearby York University Markham campus which is currently under construction.”

History and Related Site Plan Control Application

The Subject Lands were previously used as a temporary gravel public parking lot to facilitate overflow parking for the Pan Am Centre during the 2015 Pan American Games. The gravel lot is currently being used as a temporary construction staging area by Metrolinx.

The Applicant submitted Site Plan Control Application (File Number: SPC 22 252081) for the aforementioned temporary commercial parking lot which received [Staff Endorsement](#) on January 16, 2023 subject to a number of conditions including, but not limited to, the obtainment of Minor Variance approval to permit the proposed use of a temporary commercial parking lot.

Official Plan and Zoning

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

The 2014 Official Plan designates the Subject Lands “Mixed Use High Rise”, which supports the greatest levels of residential intensification with a mix of office and commercial uses along Highway 7 and within Markham Centre.

The policies of the 2014 Official Plan state that until an updated Secondary Plan is approved, the provisions of the 1987 Town of Markham Official Plan, as amended by the Markham Centre Secondary Plan (“OPA 21”), shall apply to the Subject Lands.

Markham Centre Secondary Plan – OPA 21

OPA 21 designates the Subject Lands “Community Amenity Area – General”, which permits medium and high density residential uses and is intended to accommodate a mix of residential, commercial, employment, and community uses in a pedestrian friendly manner.

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

Markham Centre By-law 2004-196

The Subject Lands span across multiple zones under the Markham Centre By-law 2004-196, as amended (refer to Appendix “C” – Zoning Map), which include: “Markham Centre Public Space One (MC-PS1)”, “Markham Centre Downtown Three, Hold 1 and Hold 2 (MC-D3 H1-H2)”, “Markham Centre Downtown Five, Hold 1 to 4 (MC-D5 H1-H4)”, “Markham Centre Downtown Three Hold 1, 2 and 5 (MC-D3 H1-H2 H5)”, “Markham Centre Public Space Two (MC-PS2)”, “Markham Centre Public Space One, Hold 5 (MC-PS1 H5)”, “Markham Centre Downtown Four, Hold 1 to 3 (MC-D4 H1-H3)”, and “Markham Centre Public Space Two, Hold 5 (MC-PS2 H5)”.

These zone categories, with the exception of the MC-PS2 and MC-PS2 H5, permit a wide range of uses including municipal parking lots and parking garages. The MC-PS2 and MC-PS2 H5 zone categories only permits parks and public transit systems.

The Proposed Development does not comply with the by-law requirements with respect to use, as a commercial (for profit) parking lot which are not permitted in these zone categories.

Planning Staff further note that the Hold provisions (H1 to H5) associated with the Subject Lands would not apply to the proposed development of the temporary parking lot, as the Hold provisions only apply to developments which require Building Permits. The Building Standards Department have confirmed that the proposed temporary commercial parking lot will not require a Building Permit at this location.

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 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.

Proposed Temporary Commercial Parking

The Applicant is requesting relief to permit a temporary commercial parking lot, whereas the By-law does not permit the use. The proposed temporary commercial parking lot will be privately owned and operated as a parking lot with user fees intended for students, faculty, and staff of the Markham York University Campus.

It is Staff's opinion that the requested variance is minor in nature and maintains the general intent and purpose of the Zoning By-law as the proposed temporary commercial parking lot is similar to the parking garage and surface parking area uses that are already permitted under the Zoning By-law. Although the MC-PS2 and MC-PS2 H5 zones do not permit parking garage or surface parking area as uses, Staff are of the opinion that given that the proposed use is temporary in nature, the use will not adversely impact the planned function of the area. As such, Staff considers the proposed use to be appropriate for the Subject Lands.

EXTERNAL AGENCIES

TRCA Comments

The Subject Lands are located within Toronto Region and Conservation Authority (TRCA)'s Regulated Area. The northern portion and western portion of the property is traversed by a valley corridor associated with the Rouge River Watershed. However, the location of the temporary commercial parking lot is proposed to be located outside of the TRCA's Regulated Area. TRCA provided comments indicating that they have no objection to the proposed variance, with the understanding that any outstanding TRCA comments will be addressed as part of the Site Plan Control Application.

Metrolinx Comments

Metrolinx provided comments on the Site Plan Control application and on this Minor Variance application and advised the following:

“Warning: Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. There may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the including of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.”

Comments provided on the Site Plan Control application will be addressed separately under that process.

PUBLIC INPUT SUMMARY

No written submissions were received as of February 7, 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 variance request meets the four tests of the Planning Act and have no objection. Staff recommend that the Committee consider public input in reaching a decision.

The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

Please refer to Appendix “D” 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\ 23 111131 \Documents\District Team Comments Memo

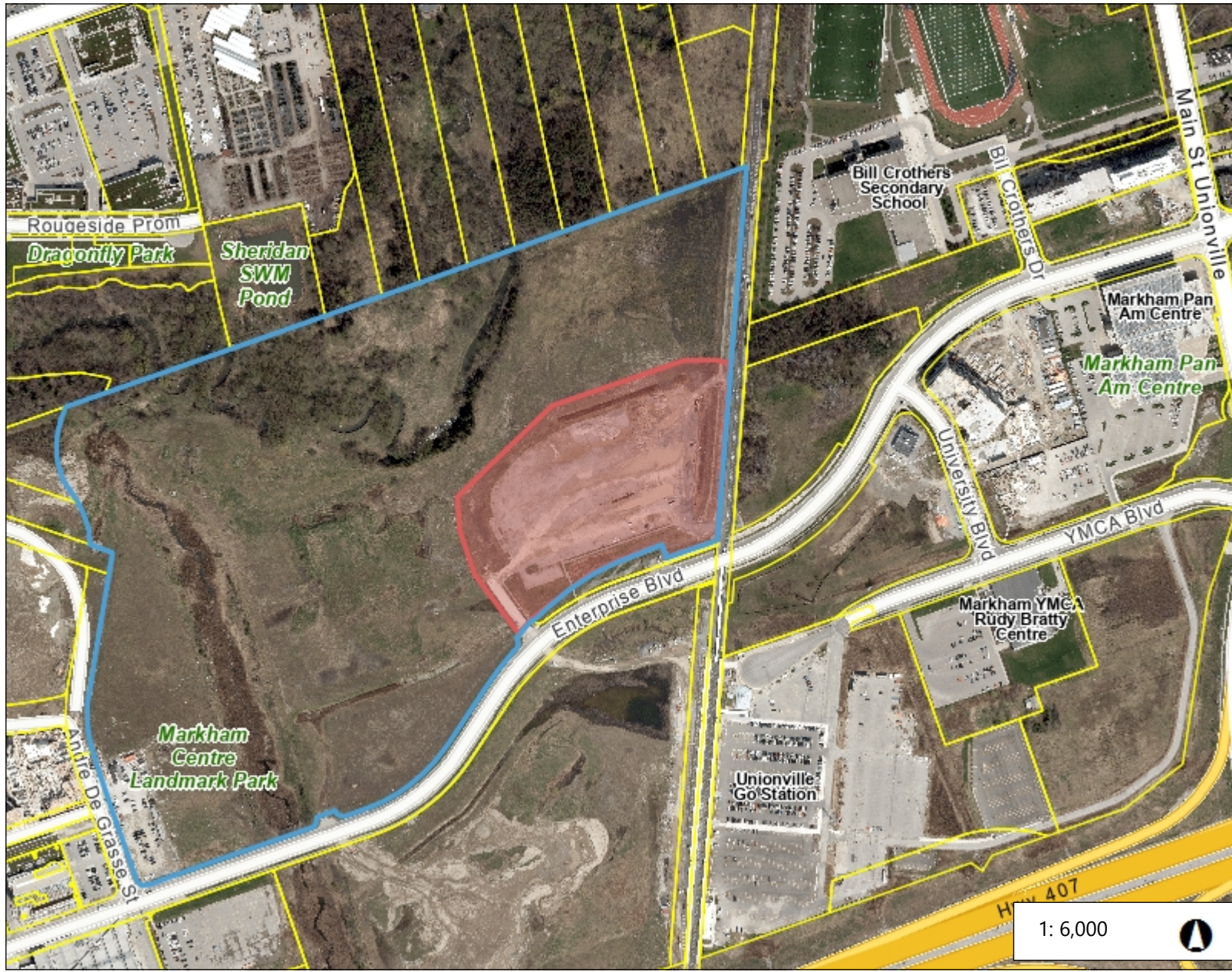
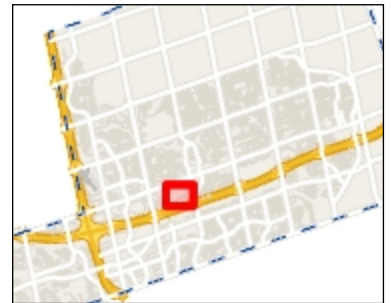
APPENDICES

Appendix "A" – Aerial Photo

Appendix "B" – Site Plan

Appendix "C" – Zoning Map

Appendix "D" – Conditions



- Legend**
- Parcel Overlay
 - Ontario Road Network
 - Ontario Water Body
 - Entirety of the Applicant's property
 - Proposed Temporary Parking Lot (the "Subject Lands")

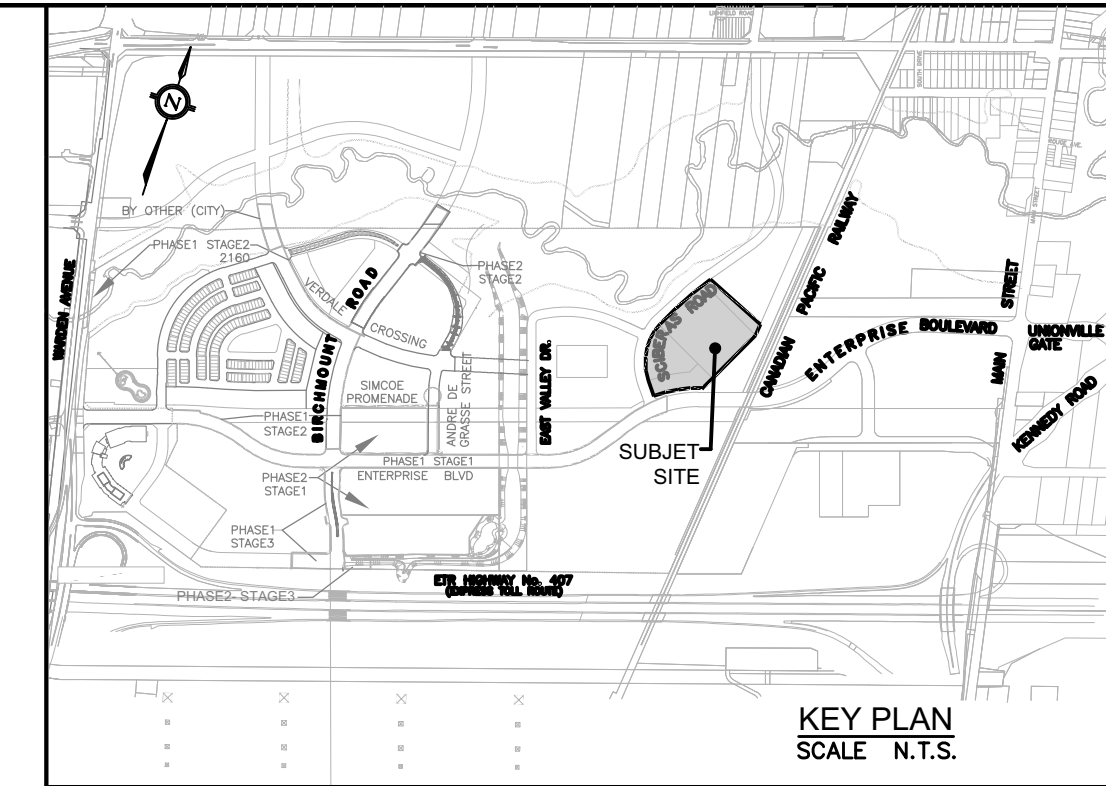
1: 6,000

304.8 0 152.40 304.8 Meters

NAD_1983_UTM_Zone_17N
© City of Markham

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/004/23 - York University Temporary Parking Lot



LEGEND:

- PROPERTY LINE
- STREET LINE
- SEDIMENT CONTROL FENCE
- 1.2m CHAIN LINK FENCE
- TRCA FLOOD PLANE (2020-01-10)
- PROPOSED SOD AREA
- S/L PROPOSED LIGHT POLE
- STOP BLOCK
- Rg-1 STOP SIGN (60cmX60cm)
- Wg-8B DEAD END (CHECKERBOARD)
- ACCESSIBLE PARKING SIGN

SITE STATISTICS

| | |
|--|--|
| LEGAL DESCRIPTION: | PART OF PART 2 PLAN 65R-37092 (NORTH QUADRANT OF ENTERPRISE BOULEVARD AND GO TRANSIT R.O.W.) |
| MUNICIPAL ADDRESS: | ENTERPRISE BLVD. |
| EXISTING LAND USE: | PARKING LOT (GRAVEL) |
| PROPOSED LAND USE: | PARKING LOT (PAVED) |
| TOTAL SITE AREA: | 43 000 m ² |
| LOT FRONTAGE: | 190 m |
| WORK LIMIT: | 43 000 m ² |
| WORK LIMIT COVERAGE: | 100% |
| TOTAL ASPHALT AREA: | 29 564 m ² |
| TOTAL LANDSCAPED AREA: | 13 136 m ² |
| LANDSCAPE % OF WORK AREA: (INCLUDING UNDISTURBED AREA) | 30 % |
| TOTAL NUMBER OF PARKING SPACES PROVIDED: | TOTAL 910 (26 ACCESSIBLE) |

BENCHMARK 1:
ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO CITY OF MARKHAM MONUMENT No. 092901504
ELEVATION: 188.130m

BENCHMARK 2:
ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE RELATED TO THE CITY OF MARKHAM BENCHMARK No. M-20-006 HAVING A PUBLISHED ELEVATION OF 178.119m

| NO. | DESCRIPTION | DATE | BY |
|-----|----------------------|--------------------|------|
| 2 | RESUBMISSION FOR SPA | MARKHAM 2022/11/22 | L.E. |
| 1 | SUBMISSION FOR SPA | MARKHAM 2022/07/19 | L.E. |

MECP-ECA No: 2260-B9SS9M DATED MARCH 9, 2019
MECP-DWFP DATED FEBRUARY 19, 2019

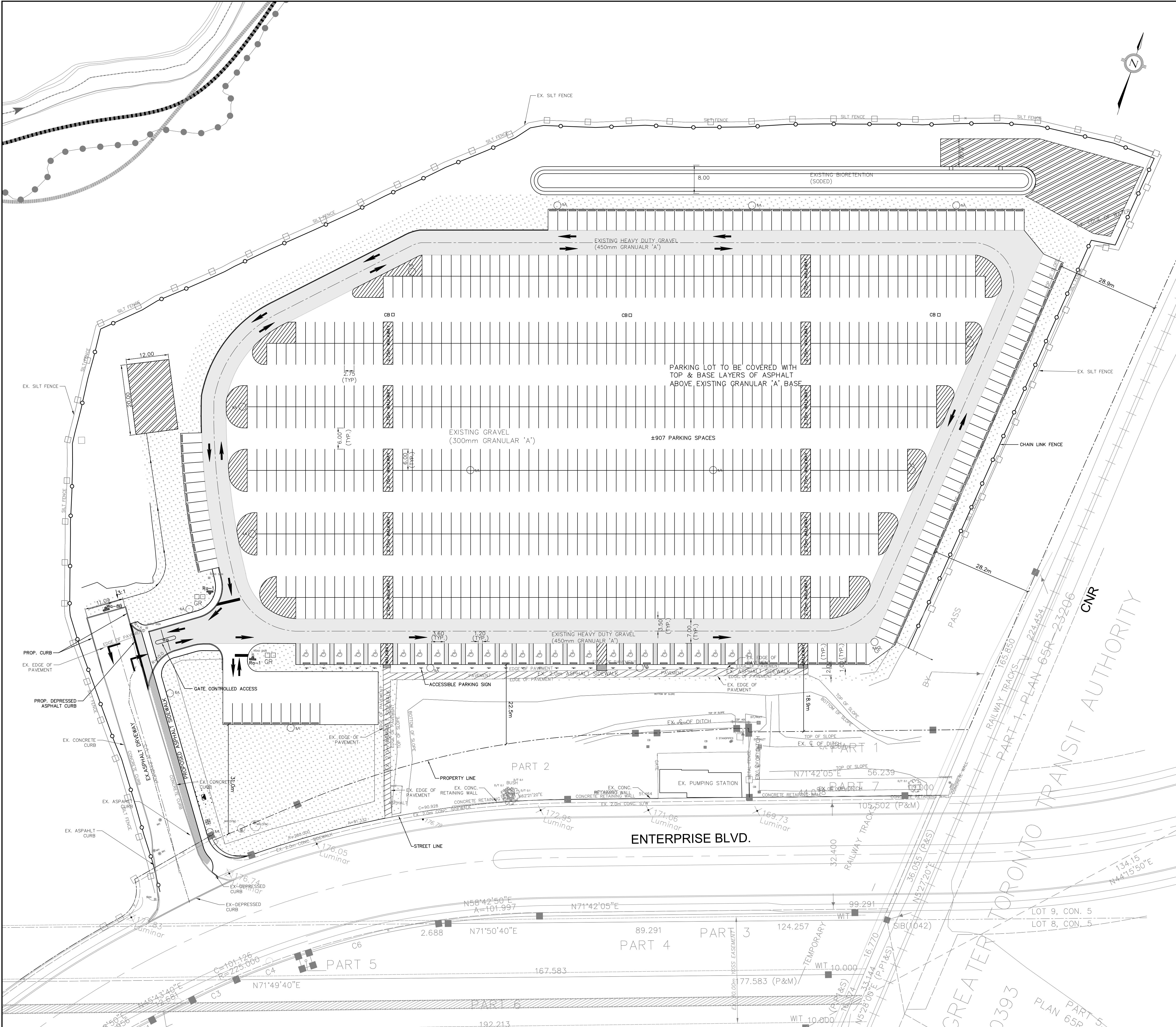
MARKHAM
THE CORPORATION OF THE CITY OF MARKHAM
ENGINEERING DEPARTMENT

DOWNTOWN MARKHAM
YORK UNIVERSITY
TEMPORARY PARKING LOT
SITE PLAN

MASONGSONG ASSOCIATES
7800 KENNEDY ROAD
SUITE 301
MARKHAM, ONTARIO
L3R 2C7
T: (905) 944-0162
www.masongsong.ca

| | | |
|-----------------|----------------------|-------------|
| DESIGN BY: D.H. | CHECKED BY: L.E. | PROJECT No. |
| DRAWN BY: I.S. | CHECKED BY: A.W.C.I. | 2000-23 |
| SCALE: 1:500 | DATE: NOVEMBER 2022 | |

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



Appendix C

File: 23.111131.000.00.MNV

Date: 02/07/23

MM/DDYY

- LEGEND:
- PROPERTY LINE
 - STREET LINE
 - SEDIMENT CONTROL FENCE
 - 1.2m CHAIN LINK FENCE
 - TRCA FLOOD PLANE (2020-0)
 - PROPOSED SCD AREA
 - PROPOSED LIGHT POLE

SITE STATISTICS

| |
|--|
| LEGAL DESCRIPTION: |
| MUNICIPAL ADDRESS: |
| EXISTING LAND USE: |
| PROPOSED LAND USE: |
| TOTAL SITE AREA: |
| LOT FRONTAGE: |
| WORK LIMIT: |
| WORK LIMIT COVERAGE: |
| TOTAL ASPHALT AREA: |
| TOTAL LANDSCAPED AREA: |
| LANDSCAPE % OF WORK AREA (INCLUDING UNDISTURBED AREA): |
| TOTAL NUMBER OF PARKING SPACES PROVIDED: |

MC-D3 H1-H2

MC-D5 H1-H4

BY-LAW 2004-196

MC-D4 H1-H3

MC-PS1

MC-D2*19(H)

MC-D3 H1-H2 H5

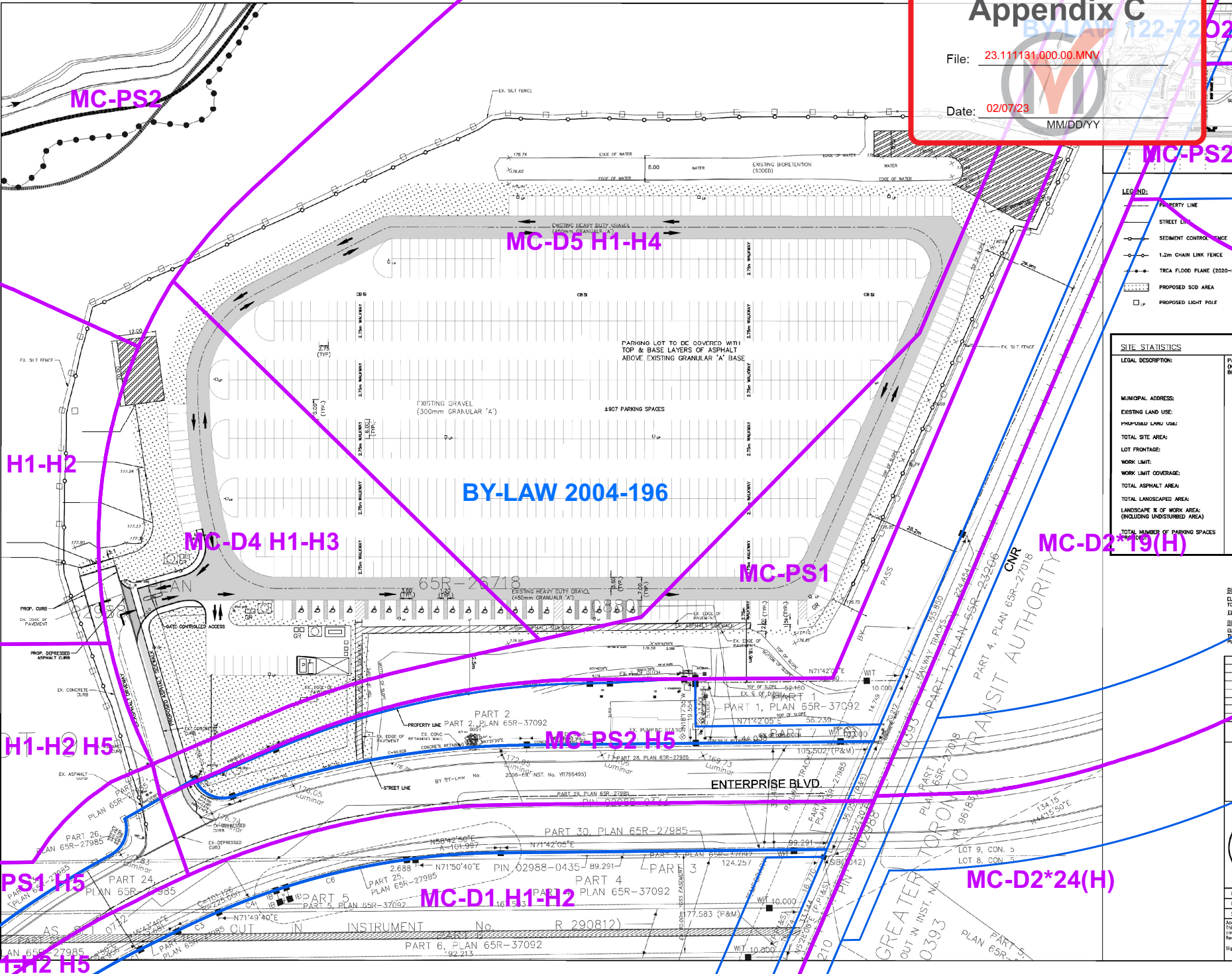
MC-PS2 H5

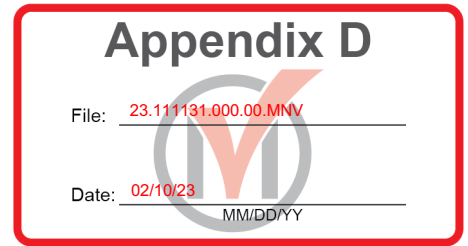
MC-PS1 H5

MC-D1 H1-H2

MC-D2*24(H)

MC-D2 H1, H2 H5





APPENDIX "D"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/004/23

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 22 252081.

CONDITIONS PREPARED BY:

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

Melissa Leung, MCIP RPP, Planner II, Central District