

SUBJECT: **RECOMMENDATION REPORT**
Esther Wong c/o Louis Mak, Application for a Zoning By-law Amendment to rezone 269 Main Street Markham North (Ward 4) to permit a Triplex Dwelling
File No. ZA 17 151164

PREPARED BY: Peter Wokral, Senior Planner, ext. 7955
REVIEWED BY: Regan Hutcheson, Manager of Heritage Planning, ext. 2080

RECOMMENDATION:

1. That the report dated December 11, 2018 titled “RECOMMENDATION REPORT, Esther Wong c/o Louis Mak, Application for a Zoning By-law Amendment to rezone 269 Main Street Markham North (Ward 4) to permit a Triplex Dwelling, File No. ZA 17 151164”, be received;
2. That the record of the Public Meeting held on June 11, 2018 regarding the Zoning By-law Amendment application submitted by Esther Wong c/o Louis Mak be received;
3. That the Zoning By-law Amendment application submitted by Esther Wong c/o Louis Mak to amend By-law 1229, as amended, be approved, and that the draft by-law attached as Appendix ‘A’ be finalized and enacted without further notice;
4. That Council assign servicing allocation for up to 2 additional residential units for the proposed development; and
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report recommends that Council approve the Zoning By-law Amendment application to rezone the property at 269 Main Street Markham North to permit a triplex dwelling.

BACKGROUND:

The 803 m² (0.0803 ha) subject property is located at 269 Main Street Markham North, north of Bullock Drive and on the east side of Main Street Markham North (Figure 1). The property has a lot frontage of 66.0 ft. (20.12 m), lot depth of 133 ft. (40.54 m) and is located within the Markham Village Heritage Conservation District. The property is occupied by a single-detached heritage dwelling that was constructed in 1907 (See Figure 2-Photograph of the existing heritage dwelling). Although the current zoning only permits the property to be used as a single detached dwelling, the house has been internally divided and used as four residential apartment units for approximately 20 years

and has a rough gravel parking lot in the rear yard (See Figure 3- Aerial Photograph of the property). The City's Fire Department is aware of the unauthorized use of the property, and has inspected the property as recently as 2016.

Surrounding land uses are as follows:

- Single detached residences immediately to the north, south and east;
- A mix of single detached dwellings and business & medical office are located on the west side of the street.

The existing single-detached dwelling is 2 storeys and includes a habitable third storey loft space. The total Gross Floor Area for the existing single-detached dwelling is 3,492.26 ft² (324.44 m²). ~~According to information submitted with the application,~~ the current lot coverage of the existing dwelling is 10.7%.

PROPOSAL

The applicant is proposing to rezone the subject property from Residential One (R1) under By-law 1229, as amended, to Residential Two (R2), under By-law 177-96, as amended, in order to permit a Triplex (three separate dwelling units) within the existing two storey residential dwelling. The zoning amendment is intended to legalize the existing multi-residential use of the heritage dwelling, and would see the elimination of the existing basement apartment unit which is to be converted to storage, mechanical, and laundry uses.

As per the submitted concept plan, an addition at the rear of the existing dwelling is proposed (red rectangle shown on Figure 4- Conceptual Site Plan) to accommodate an additional 3,718.76 ft² (345.48 m²) of Gross Floor Area. The addition would add new floor space to each floor of the existing dwelling and will be subject to a site plan application submitted at a later date.

Based on the conceptual plan submitted, each dwelling unit would have its own separate entrance. The new total lot coverage including the addition would be 21%. Driveway and parking space would account for 3,693.57 ft² (343.14 m²) of lot area (or 42.73 % of the site). Parking is to be accommodated at the rear of the site accessed by an existing driveway located on the north side of the property line. The submitted concept plan shows 7 parking spaces. However, the City of Markham Parking Standards By-law (By-law 28-97) requires 1.5 parking spaces per dwelling unit. or five parking spaces.

Soft landscaping is proposed to cover approximately 3,213.13 ft² (298.51 m²) of lot area (or 37.17% of the site). A detailed landscaping plan is not required as part of this review. According to the submitted arborist report, no existing trees are proposed to be removed as part of the zoning amendment application, but tree removals may be proposed when a site plan application is submitted seeking permission for the proposed addition and parking lot.

OFFICIAL PLAN & ZONING

Official Plan 2014

The 2014 Official Plan (as partially approved on November 24, 2017 and further updated April 9, 2018) designates the property as 'Residential Low Rise' which provides for a variety of residential uses, including small multiplex buildings containing 3 to 6 units.

The subject site is also identified as part of the Markham Village Heritage Centre (Section 9.13.4). Land use objectives identified for the Markham Village Heritage Centre include:

- Recognizing that the area offers a variety of residential housing forms, tenures and densities;
- Ensuring that compatible infill development and redevelopment shall have regard for the protection and preservation of heritage buildings, building design, building materials and treatments, signage and lighting, landscaping and tree preservation to enhance the District's heritage character;
- Continuing the viability of the area by preserving and enhancing the predominantly residential area north of the Mixed Use Heritage Main Street lands by providing for infill development and redevelopment, only in a converted heritage building or new house form building which is compatible with the historic features and character of the surrounding heritage area.

Section 9.13.4.3 of the Official Plan states that all new development and redevelopment in the Markham Village Heritage Centre shall conform to the Markham Village Heritage Conservation District Plan which shall take precedence over any other policies of this plan.

Proposed Zoning By-law Amendment

The subject property is zoned Residential One (R1) under City of Markham By-law 1229, as amended. A single family dwelling is the only permitted use within this zone (See Figure 5- Area and Context and Zoning). A Zoning By-law amendment application has been submitted to permit the proposed triplex residential use. No changes to the existing development standards have been requested as part of the amendment.

Markham Village Heritage Conservation District Plan

The subject property is located within the Markham Village Heritage Conservation District. According to the Heritage District Plan, the existing dwelling is classified as a Type 'A' building, which means it is of major importance to the Heritage District due to its historical and architectural value.

Section 3.3 of this plan outlines that the retention of the historical and/or architectural quality of these buildings is integral to the success of the Heritage District. The intent is therefore to conserve A-type buildings and retain the historical fabric with respect to building proportion, roof, fenestration, materials and colours.

APPLICATION PROCESS TO DATE AND NEXT STEPS

- The application was submitted on March 9, 2017 and deemed complete on December 22, 2017;
- The application was reviewed by the Heritage Markham Committee on January 10, 2018;
- The Preliminary Report was received by the DSC on April 30, 2018 followed by the Statutory Public Meeting on June 11, 2018;

Next Steps:

- Approval of the proposed Zoning By-law Amendment by the Development Services Committee and Council.
- Enacting the Zoning By-law Amendment.
- Submission of a Site Plan application in the future.

PUBLIC CONSULTATION AND HERITAGE MARKHAM COMMENTS:Statutory Public Meeting

The Statutory Public Meeting was held on June 11, 2018. Comments made by residents at the Public Meeting and when the Preliminary Report was reviewed by DSC are summarized below.

One resident provided both a written submission and spoke in opposition to the proposed amendment. Written submissions were also received from three other residents in opposition to the proposed rezoning. Their concerns about the proposed zoning amendment include the following:

- The conversion of owner occupied single detached homes into absentee landlord operated rooming houses, and how this could potentially destabilize the established historic neighbourhood of Mount Joy. It was also noted that the City has permitted and encouraged major intensification in the form of tall apartment buildings north of 16th Avenue, and that the proposed intensification of the property is not necessary or desirable.
- The need to adequately protect the privacy and enjoyment of the neighbouring property owners from nuisances such as parking lots, car lights, and waste storage associated with multiple residential developments through adequate landscaped buffers and carefully considered site planning;
- The need to protect neighbouring property owners from the negative impacts of increased amounts of paving which result in less green space, and increased surface water run-off.

Heritage Markham Committee

The proposed zoning by-law amendment and rear addition was reviewed at the Heritage Markham Committee meeting on January 10, 2018. The Committee advised that they had no objection from a heritage perspective to the proposed conversion of the property

from one dwelling unit to three dwelling units, subject to the city's acquisition of a Heritage Conservation Easement Agreement to help protect the significant attributes of the existing heritage building.

The Committee also provided comments pertaining to the conceptual addition and stated that further information will need to be provided before indicating whether or not they can support the proposed addition, such as the number of required parking spaces versus amenity space, and the preservation of existing significant vegetation (See Figure 6-Conceptual Elevations).

The design of the proposed addition would be evaluated as part of a future site plan application and would need to conform to applicable heritage design guidelines contained in the Markham Village Heritage Conservation District Plan.

OPTIONS/ DISCUSSION:

Comments and concerns expressed at the Statutory Public Meeting, by the Heritage Markham Committee and Planning Staff have been addressed in the following way:

Zoning

The policies of the 2014 Official Plan do encourage a variety of housing options in the historic village of Mount Joy and permit the creation of small multi residential developments within existing heritage buildings. These current policies reflect and replace the policies of the old Main Street Markham Area Secondary Plan (OPA 108). The subject property was designated Medium Density Housing 1 in OPA 108 which permitted semi-detached, duplex, triplex and fourplex dwellings.

Instead of rezoning the property to a designation such as R3 which permits triplex dwellings as requested by the applicant, Staff recommends retaining the existing R1 Single Detached Dwelling designation, while permitting a site specific exemption that would also permit a triplex use. This would prohibit the property from being used as a fourplex, which is also permitted by the R3 designation, and which may or may not be an appropriate use of the property.

Protection of Neighbouring Property Owners

The protection of neighbouring property owners from the potential negative impacts of converting the existing single detached dwelling into a triplex can be addressed through the Site Plan Control process. Through this process, Planning staff can ensure that there is adequate onsite parking, amenity space, tree preservation, waste and snow storage, buffering of neighbouring properties, drainage, restoration of the existing heritage dwelling, and an architecturally compatible addition through implementation of the Markham Village Heritage Conservation District Plan.

Future Site Plan Approval

The following matters will be reviewed and addressed as part of the future Site Plan Control Application:

- The suitability of the existing driveway;
- The design of the proposed parking lot, including the number of parking spaces provided compared in relation to what is required by the By-law, the provision of an appropriate landscape buffer to protect the privacy of neighbouring property owners, adequate snow storage and drainage;
- The amount and quality of outdoor amenity space provided;
- Conformity of the proposed addition with the applicable development standards for single detached dwellings in the R1 zoning designation;
- Restoration and preservation of the existing heritage dwelling secured by a Heritage Conservation Easement agreement;
- The design of an architecturally appropriate addition that is compatible with the existing heritage dwelling and enhances the historic character of the district;
- Preservation of existing significant vegetation to the extent feasible and appropriate new plantings;
- Any issues resulting from the review of technical studies including, but not limited to, stormwater management and servicing reports, grading and drainage plans, etc.;
- Confirmation of any outstanding financial obligations, including but not limited to, cash in lieu of parkland dedication, development charges, tree replacement/compensation to the satisfaction of the City of Markham, as necessary.

CONCLUSION

Based on the discussion above, Planning Staff recommend approval of the zoning by-law amendment attached as Appendix 'A' in support of permitting a triplex on the property.

FINANCIAL CONSIDERATIONS

Not applicable

HUMAN RESOURCES CONSIDERATIONS

Not applicable

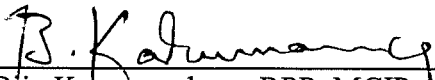
ALIGNMENT WITH STRATEGIC PRIORITIES:


The proposal has been reviewed in the context of the City's Strategic Priorities of managing growth, and respecting the built and natural environment to ensure a safe and sustainable community.

BUSINESS UNITS CONSULTED AND AFFECTED:

The application has been reviewed by various departments and external agencies.

RECOMMENDED BY:


Biju Karumanchery, RPP, MCIP
Director, Planning and Urban Design


Arvin Prasad, MPA, RPP, MCIP,
Commissioner of Development
Services

ATTACHMENTS:

- Figure 1: Location Map
- Figure 2: Photograph of the existing heritage dwelling
- Figure 3: Aerial Photograph
- Figure 4: Proposed conceptual Site Plan
- Figure 5: Area Context and Zoning
- Figure 6: Conceptual Elevations

Appendix 'A' - Zoning By-law Amendment

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Figure 1- Location Map

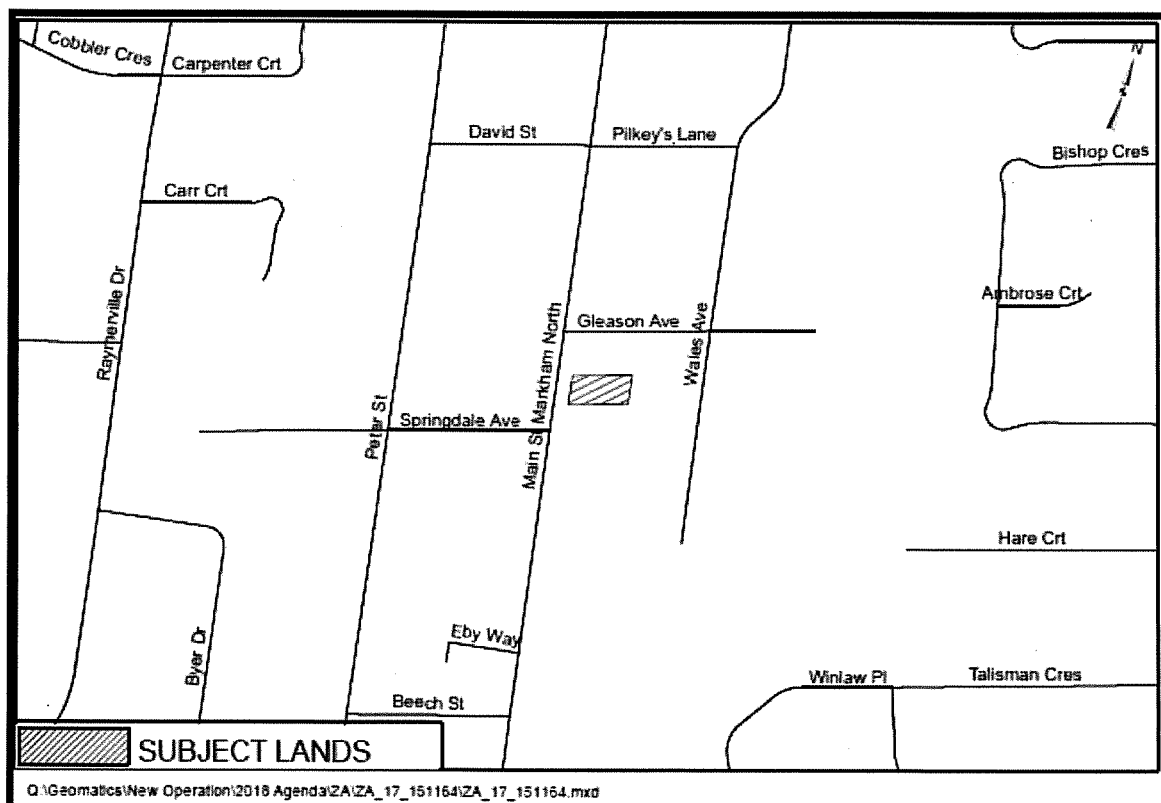
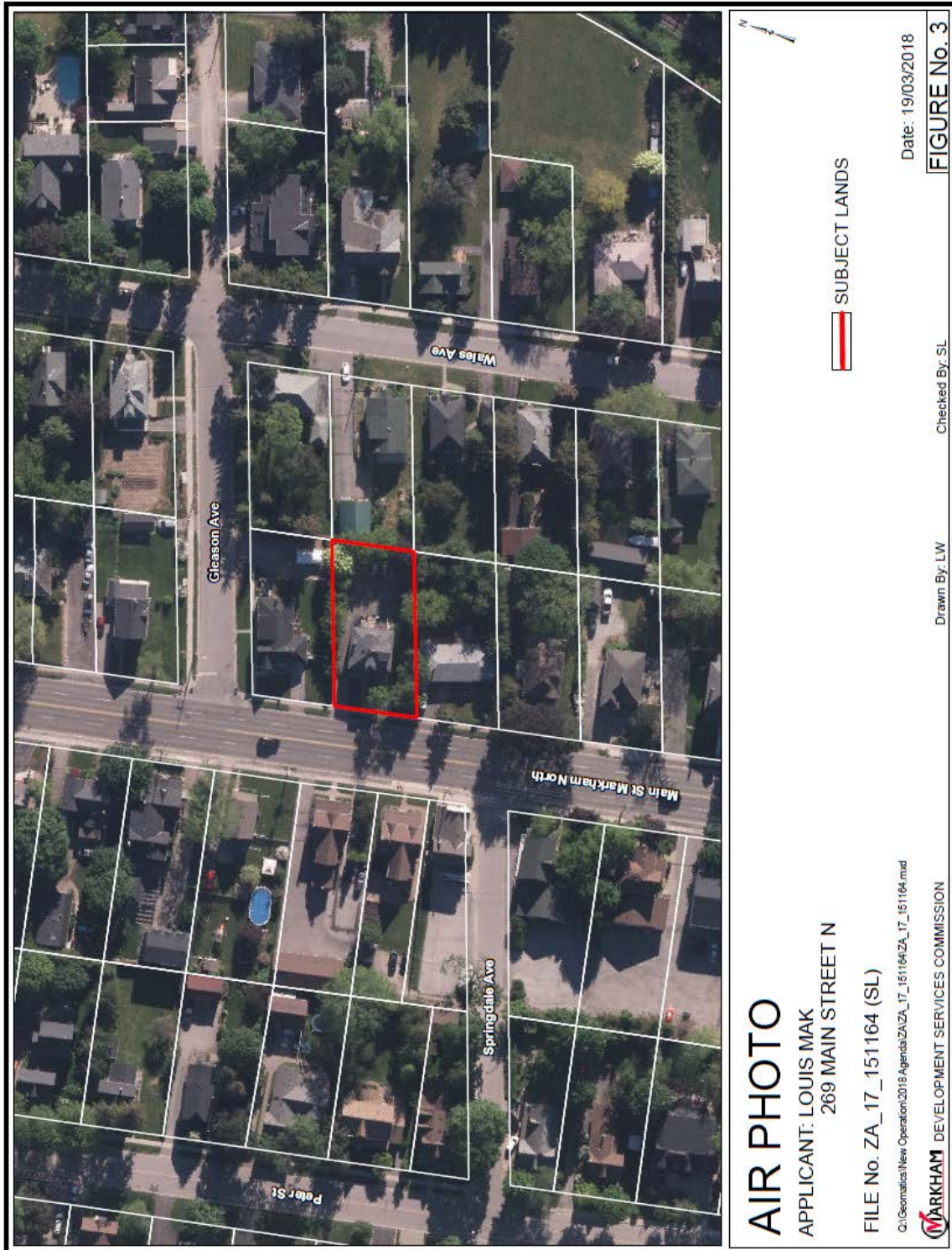
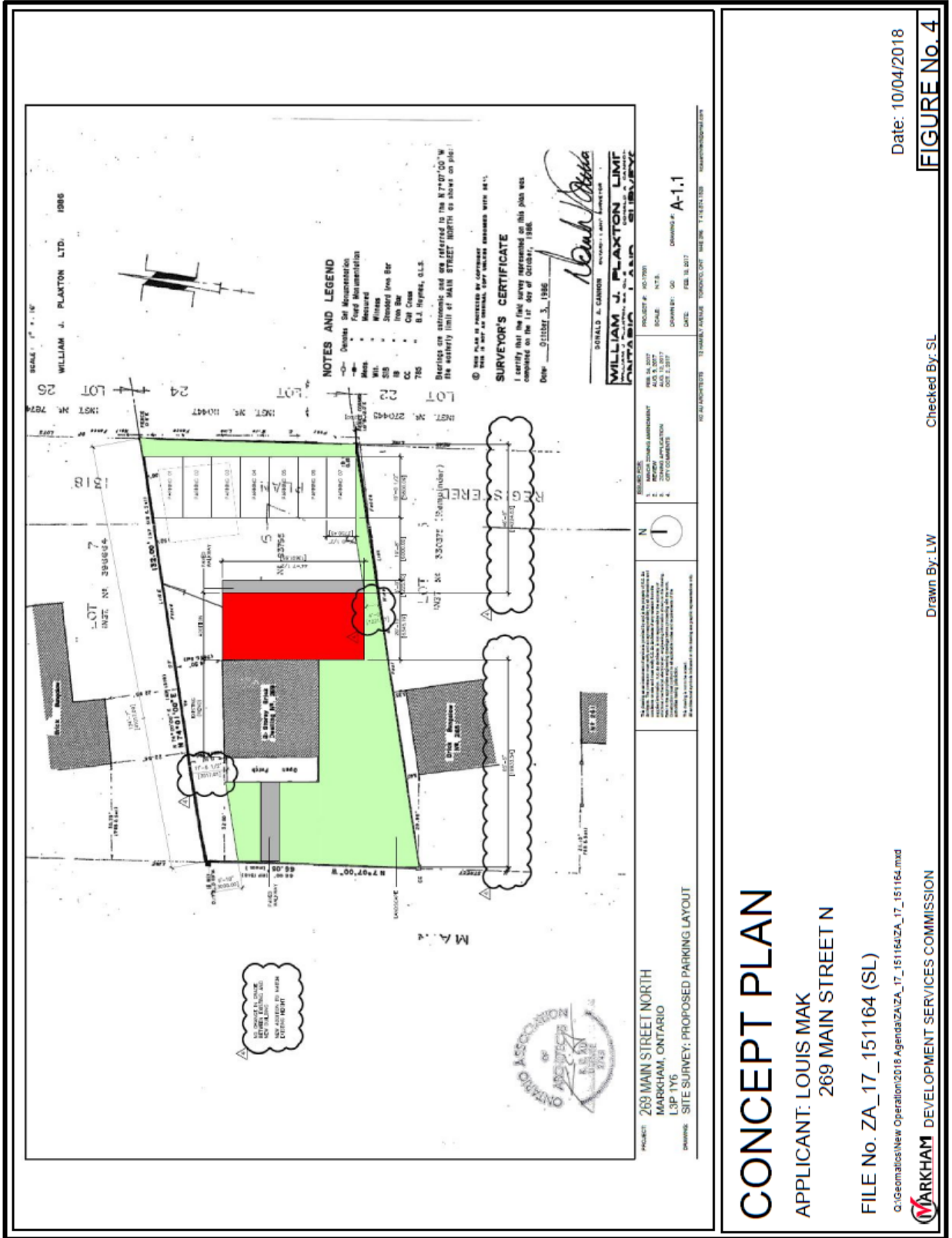


Figure 2- Photograph of existing heritage dwelling







CONCEPT PLAN

APPLICANT: LOUIS MAK
269 MAIN STREET N

FILE No. ZA_17_151164 (SL)

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MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: LW
Checked By: SL

Date: 10/04/2018

FIGURE No. 4

Figure 5 – Area Context and Zoning

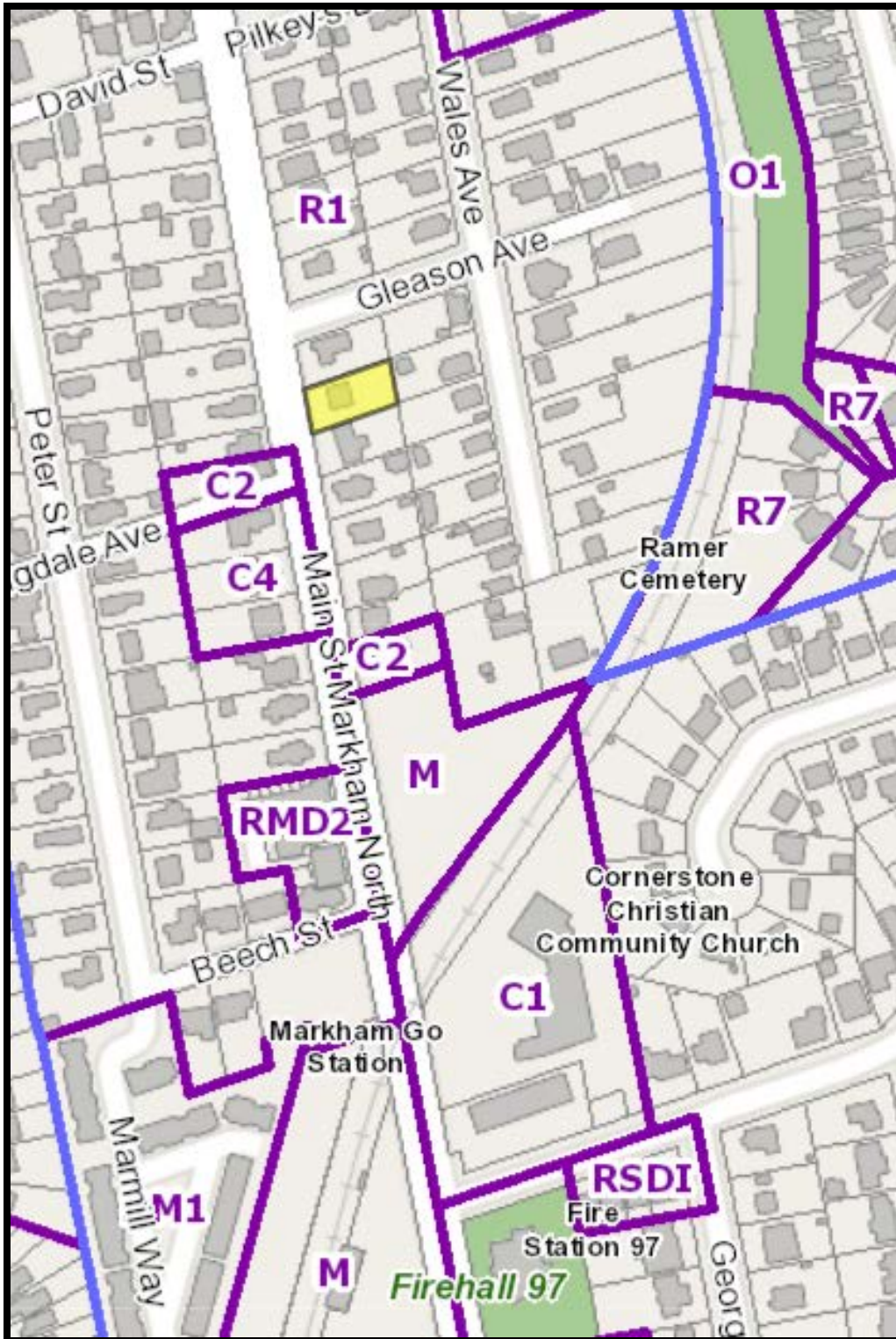


Figure 6-Conceptual Elevations



