

Memorandum to the City of Markham Committee of Adjustment

March 18, 2019

Files: B/04/19 & B/05/19
Address: 34 Main Street & 28 Main Street
Applicant: Amica Unionville Inc. & OnePiece Ideal (MS) Developments Inc.
Agent: David Huynh, Bousfields Inc.
Hearing Date: Wednesday March 27, 2019

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

B/04/19

- a) Establish easements on the subject property to facilitate shared driveways for vehicular and pedestrian access, building maintenance, and fire routes in favour of the lands to the immediate south (28 Main Street).

This application is related to consent application B/05/19.

B/05/19

- a) Establish easements on the subject property to facilitate shared driveways for vehicular and pedestrian access, building maintenance, and fire routes in favour of the lands to the north (34 Main Street).

This application is related to consent application B/04/19.

BACKGROUND

Property Description

The lands subject to the applications are comprised of contiguous parcels located at the northwest corner of Main Street Unionville and Enterprise Boulevard and are municipally known as 28 Main Street [OnePiece Ideal (MS) Developments Inc.] and 34 Main Street (Amica Unionville Inc.).

28 Main Street [OnePiece Ideal (MS) Developments Inc.] is approximately 2.06 ha (5.08 ac) in size and has frontage along both Main Street and Enterprise Boulevard. Bill Crothers Drive, which connects Bill Crothers Secondary School to Enterprise Boulevard, bisects the site into an east and west parcel. The westerly portion of the site is occupied by a 6,311 m² (67,933 ft²) woodlot, while the remainder of the site is vacant. This property has zoning approval for a high density, mixed-use, development with building heights of 29 and 33 stories and a total of 673 residential units.

Immediately to the north of 28 Main Street is 34 Main Street (Amica Unionville Inc.). The subject site is approximately 1.2 ha (3.1 ac) in size. Bill Crothers Drive also bisects the site into an east and west parcel. A 9-storey seniors residence (Phase 1 known as "Amica at Unionville") is located on a portion of the easterly parcel adjacent to Bill Crothers Drive, while the east end is currently used as an open space area and is the

subject of a site plan application that is currently being processed (Phase 2 – File SC 14 120628). The west parcel is occupied by a small surface parking lot. It should be noted that the west parcel is owned by an entity known as “Safe and Sound Self Storage Inc.”

Proposal

The purpose of the subject consent applications is to create easements to facilitate the development and construction of shared driveways for vehicular and pedestrian access, building maintenance and fire routes to be shared between the two sites.

As part of the Phase 1 approval for the 34 Main Street lands, the Applicant was required to provide easements in favour of the City for the future mutual accesses to Main Street Unionville South and Bill Crothers Drive. In anticipation of future development on the lands to the south, these easements were secured by the City in order to consolidate one driveway entrance off each street between the two development parcels. Through ongoing discussions, and the refinement of the proposed development at 28 Main Street, the two landowners have agreed on a reconfigured driveway for the east parcels, with shared access arrangements requiring easements, as outlined in Tables 1 a) and 1 b) below and illustrated in Figure 1. The reconfigured driveway provides for access from Bill Crothers Drive on the OnePiece Lands (requiring an easement in favour of Main Street Residence) and access from Main Street Unionville on the Main Street Residence Lands (requiring easements in favour of OnePiece).

West of Bill Crothers Drive, one easement (for “Safe and Sound Self Storage Inc.”) is proposed at the northeast corner of the west parcel on the OnePiece Lands, in order to facilitate the development and construction of a shared driveway providing vehicular access from Bill Crothers Drive to both development parcels (refer to Table 2, Figure2).

Table 1a): Proposed Easements in Favour of One Piece (MS) Developments Inc. (B/04/19) – refer to Figure 1: Shared Driveway East of Bill Crothers Drive

Parts	Description
Part 5, Part 6	Easement to grant “One Piece Ideal” access over “Amica Unionville Inc.” (subject to easement in Gross as in inst. YR1700686 – Existing Surface Driveway and New Surface Driveway).
Part 2	Easement to grant “One Piece Ideal” access over “Amica Unionville Inc.” (Not currently subject to easement – New Surface Driveway).
Part 4, Part 7	Easement to grant “One Piece Ideal” access over “Amica Unionville Inc.” (Not currently subject to easement – Existing Surface Driveway and New Surface Driveway).
Part 3	Easement to grant “One Piece Ideal” access over “Amica Unionville Inc.” (Subject to easements in Gross as in inst. YR1947237 – Existing Surface Driveway).
Part 8	Easement to grant “One Piece Ideal” access over existing Sidewalk (not currently subject to easement – Temporary easement until permanent sidewalk is in place.

Table 1b): Proposed Easement in Favour of Amica Unionville Inc. (B/05/19) – refer to refer to Figure 1: Shared Driveway East of Bill Crothers Drive

Part 1	Easement for “Amica Unionville Inc.” to have access over “OnePiece Ideal” (subject to easement as in inst. YR2775204 – New Surface Driveway).
--------	---

Table 2: Proposed Easement in Favour of Safe & Sound Storage Inc. (B/05/19) – refer to Figure 2: Shared Driveway West of Bill Crothers Drive

Parts	Description
Part 1	Easement to grant “Safe & Sound Self Storage Inc.” access over “One Piece Ideal” (subject to easement as in inst. YR2775204 – New Surface Driveway).

COMMENTS

Official Plan and Zoning

34 Main Street

The subject lands are designated “Mixed Use High Rise” and “Greenway” in the 2014 Official Plan (as partially approved on November 24, 2017 and further updated on April 9, 2018). The Markham Centre Secondary Plan (OPA 21) further designates the lands “Community Amenity Area – General”. The subject lands are zoned “Markham Centre Downtown Two” (MC-D2), “Markham Centre Downtown Two *8 (Hold 8)” [MC-D2*8(H8)], Markham Centre Downtown Two *9 (Hold 9) [MC-D2*9(H9)] and “Markham Centre Public Space Two” (MC-PS2) by By-law 2004-196, as amended.

28 Main Street

The subject lands are designated “Mixed Use High Rise” and “Greenway” in the 2014 Official Plan (as partially approved on November 24, 2017 and further updated on April 9, 2018). The Markham Centre Secondary Plan (OPA 21) further designates the subject lands “Community Amenity Area-Major Urban Place”, “Open Space” and “Open Space - Environmentally Significant” by way of site specific amendment 219 (OPA 219). The subject lands are zoned “Markham Centre Downtown Two *28 (Hold) [MC-D2*28 (H)]”, Markham Centre Public Space One *29 (MC-PS1*29), “Markham Centre Public Space One (MC-PS1)” and “Markham Centre Public Space Two (MC-PS2)” by By-law 2004-196, as amended.

Discussion

It is the opinion of Planning Staff that the proposed easements are appropriate and consistent with discussions with Transportation Planning Staff, re: driveway location/alignment; allow for driveway entrances to be consolidated between the abutting development parcels east and west of Bill Crothers Drive (which maintains the City’s intent to have consolidated and shared accesses to Main Street Unionville and Bill Crothers Drive); and, provide for an enhanced synergy between the two development parcels.

Toronto and Region Conservation Authority

The subject lands are located within TRCA’s Regulated Area, as they are partially within the Regional Storm Floodplain associated with the Rouge River. As the subject consent

applications are for the purposes of establishing easements, and no new lots, development or site alteration is associated as part of the applications, the TRCA has no issues and do not required a permit pursuant to Ontario Regulation 166/06. The only condition that the TRCA requests be imposed is the remittance of a TRCA Planning Services review fee, as outlined in Appendices "A" & "B".

Public Input Summary

No written submissions were received as of March 12, 2019. It is noted that additional information may be received aster the writing of this report and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

In concluding that the proposal is appropriate, staff have had regard for the criteria in Section 51 (24) of the Planning Act and have no objection to the consent applications.

Please see Appendices "A" & "B" for conditions to be attached to any approval of the applications.

PREPARED BY:



Sabrina Bordone, Senior Planner

REVIEWED BY:



Richard Kendall, Development Manager

File Path: Amanda\File\19 112743\Documents\District Team Comments Memo

Attachments

Appendix "A": Conditions of Approval B/04/19

Appendix "B": Conditions of Approval B/05/19

Appendix "C": Correspondence from Toronto and Region Conservation Authority dated February 22, 2019

Figure 1: Shared Driveway East of Bill Crothers Drive

Figure 2: Shared Driveway West of Bill Crothers Drive

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/04/19

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.
2. Submission to the Secretary-Treasurer of the required transfers to effect the consent for easement applied for under Files B/04/19, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act.
3. Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted.
4. That the Applicant satisfies the requirements of the Toronto and Region Conservation Authority, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix "C" to this Staff Report, to the satisfaction of the Toronto and Region Conservation Authority, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of Toronto and Region Conservation Authority.
5. Fulfillment of all of the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act, R.S.O. 1990, c.P.13.

CONDITONS PREPARED BY:



Sabrina Bordone, Senior Planner

APPENDIX "B"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/05/19

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.
2. Submission to the Secretary-Treasurer of the required transfers to effect the consent for easement applied for under Files B/05/19, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act.
3. Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted.
4. That the Applicant satisfies the requirements of the Toronto and Region Conservation Authority, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix C to this Staff Report, to the satisfaction of the Toronto and Region Conservation Authority, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of Toronto and Region Conservation Authority.
5. Fulfillment of all of the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act, R.S.O. 1990, c.P.13.

CONDITONS PREPARED BY:



Sabrina Bordone, Senior Planner



February 22, 2019

CFN: 60777.01

BY E-MAIL ONLY

Mr. Justin Leung
 Secretary-Treasurer
 Committee of Adjustment
 City of Markham
 101 Town Centre Boulevard
 Markham, ON
 L3R 9W3

Dear Mr. Leung:

Re: **Consent Application - B/04/19 & B/05/19**
28 & 34 Main Street Unionville, Markham, ON
Owner: Amica Unionville Inc. & Onepiece Ideal (MS) Developments Inc.
Agent: Bousfields Inc. (David Huynh)

This letter will acknowledge receipt of the above noted application. Toronto and Region Conservation Authority (TRCA) staff have reviewed this application and provide the following comments.

PURPOSE OF THE APPLICATION

B/04/19

Requesting provisional consent to:

- a) Establish easements on the subject property to facilitate shared driveways for vehicular and pedestrian access, building maintenance and fire routes in favour of the lands to the immediate south (28 Main Street Unionville).

B/05/19

Requesting provisional consent to:

- a) Establish easements on the subject property to facilitate shared driveways for vehicular and pedestrian access, building maintenance and fire routes in favour of the lands to the north (34 Main Street Unionville).

APPLICABLE TRCA REGULATIONS AND POLICIES

Ontario Regulation 166/06 (as amended):

The subject properties are located within a TRCA Regulated Area of the Rouge River Watershed. 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:

- 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;
- iv. the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.

Living City Policies for Planning and Development in the Watersheds of the TRCA (LCP)

The Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority (LCP) describes a "Natural System" made up of water resources, natural features and areas, natural hazards, potential natural cover and/or buffers. The LCP recommends that development, infrastructure and site alteration not be permitted within the Natural System and that it be conveyed into public ownership for its long term protection and enhancement.

APPLICATION SPECIFIC COMMENTS

The subject properties are located within TRCA's Regulated Area, as they are partially within the Regional Storm Floodplain associated with the Rouge River. Based upon staff's review of the application to establish easements on 28 & 34 Main Street Unionville, no new lots, development or site alteration is associated as part of this application. On this basis, TRCA has no issues with the proposed consent application(s) and a permit pursuant to Ontario Regulation 166/06, as amended, is not required for this application.

Please note, TRCA has an interest in all future development (i.e. Site alteration, resurfacing etc.) on the above mentioned properties and all future applications must be circulated to TRCA for review and comment. Details with respect to permit submission requirements are available at our website (<https://trca.ca/planning-permits/apply-for-a-permit/>).

APPLICATION FEE

Please be advised, in addition to TRCA's Regulating responsibilities, TRCA has a role as a commenting agency for *Planning Act* applications circulated by member municipalities to assess whether a proposed development may be impacted by the TRCA. 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 \$1,400.00 review fee (2018 TRCA Planning Fees Schedule – Consent/Severance/Land Division – Minor). The applicant is responsible for fee payment and should forward the fee to this office within 60 days of the issuance of this letter.

RECOMMENDATION

Based on the above, TRCA staff have **no objections** to the approval of the above noted application subject to the following condition:

1. The applicant remits the outstanding TRCA Planning Services review fee of \$1,400.00 within 60 days of the issuance of this letter.

I trust these comments are of assistance. Should you have any questions or comments, please do not hesitate to contact the undersigned.

Sincerely,



Aidan Pereira
Planner I, Planning & Development
apereira@trca.on.ca
(416) 661 – 6600 ext. 5723

AP/as

