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May 19, 2016

Anna Henriques, Senior Planner
Tom Villella
City of Markham

Dear Anna / Tom:

Unionville Ratepayers Association Submission for Comprehensive Zoning Bylaw Project

Please find attached Unionville Ratepayers Association URA submission for

1. Task 13a "Affordable and Shared Housing, and Secondary Suites" – see Attachment 1
2. Task 13b "Student Housing" – see Attachment 1
3. Task 4b "Review & Assessment of Minor Variance" – see Attachment 2

We also understand that the issue of zero underground setbacks is part of the Comprehensive Zoning Bylaw Review process. We strongly support this aspect of the Review.

The URA suggests that the default rule should be that in all cases the underground and aboveground setbacks should be equal. This will allow for preserving and/or planting natural buffers between buildings without relying on planters that restrict the size of trees that can be planted.

Removal of any underground setback restrictions should be dealt with only through the zoning bylaw amendment process. In more dense urban environments zero setbacks can make sense. But currently these cases are rare in Markham and it would be impossible at this stage to identify all locations where zero setbacks might make sense.

Yours Sincerely,

Alick Siu
President, Unionville Ratepayers Association

Attachment 1

URA Submission for “Affordable and Shared Housing” and “Student Housing” 18 May 2016

The Unionville Ratepayers Association (URA) recognises the need and the Official Plan (OP) to increase residential density in some areas of the City of Markham, by building more affordable housing and also increasing and approving the use of Shared Accommodation in the city.

The URA offers the following opinions and proposals to address the issues of “Affordable and Shared Housing”, a portion of Markham’s New Comprehensive Zoning By-law Project.

A. References:

1. Comprehensive By-law Project Reports
2. Task 13A Review and Assessment of Affordable and Shared Housing, and Secondary Suites. Gladki Planning Associates et al. September 2015
3. Task 13b Review and Assessment of Student Housing. Gladki Planning Associates et al. September 2015
4. New Comprehensive Zoning By-law Project. Phase 2: Strategic Direction Recommendations 2 May 2016

B. Definitions as per References:

1. Rooming Houses:

Reference 2 document includes several definitions of a Rooming House, but does not propose a definition to be used in future discussions.

- (a) Para 2.2 Current By-law Zoning Regulations (1987 Official Plan)

“Rooming Houses.....are defined.....as dwellings where lodging for four, or more persons, is provided in return for remuneration or the provision of services or both, and where the lodging units do not have both bathrooms and kitchen facilities for the exclusive use of the individual occupants.”

- (b) Para 2.3.1 Definitions, Rooming Houses or Boarding Houses (2006 Canada wide survey)

“...a Rooming House is a permanent form of housing that contains at least four separate habitable rooms, each containing either food preparation or bathroom facilities, but not both”.

- (c) Same Para, Fire Code and Building Code

“A building that does not exceed 3 storeys, with a building area not exceeding 600 square metres, where lodging is provided for more than 4 persons in return for remuneration or the provision of services (or both); and where rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants”.

2. Secondary Suites:

Reference 2 document has a definition of Secondary Suites as follows:

(a) Introduction, Definitions (Section 11.2 of the Official Plan):

“Secondary suite means a second residential unit in a detached house, semidetached house or rowhouse that consists of one or more rooms designed, occupied or intended for use, including occupancy, by one or more persons as an independent and separate residence in which a facility for cooking, sleeping facilities and sanitary facilities are provided for the exclusive use of such person or persons.

3. Student Housing:

(a) A definition of “student housing” cannot be found in the Reference 3 document, except to link it with the concept of Rooming/Boarding Houses and Secondary Suites described above.

(b) Reference 4 document recommends:

“A student residence should be defined and permitted only on university owned lands”.

C. URA Discussion and Proposals:

1. Rooming Houses, as defined in references (4 or more lodgings)

The definitions in the Reference 2 document are different and perhaps contradictory, URA proposes the following as a Rooming House definition:

A building that does not exceed 3 storeys, where lodging is provided for 4 or more persons in return for remuneration or the provision of services (or both); and where rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants.

The URA proposes that the New Zoning By-laws address the Rooming House issue by:

- (a) Restricting Rooming Houses to existing or new intensification areas as defined in the OP Land Use map. It is recognised that Rooming Houses will be required close to the proposed York University campus, and this issue is to be addressed under Task 13b “Student Housing” of the Gladki and Associates Report.
- (b) Rooming Houses should not be permitted as conversions of detached or semi-detached single family homes in low rise residential neighbourhoods, as defined in the OP Land Use map.
- (c) A Rooming House should be licensed, for a specific number of residents, following inspections and approval by Fire Safety and By-law Enforcement officials.
- (d) The owner of a Rooming House must comply with all Fire Safety regulations including, but not limited to, fire alarms, CO detectors, sprinklers(?), escape paths etc.

- (e) Each room in a Rooming House must have access to kitchen and sanitary facilities.
- (f) The Rooming House license will require an annual fee, and granting of the license will be at the discretion of City staff who may require re-inspections of the property.
- (g) Owner non-compliance of property licensing will be subject to a significant fine.
- (h) Parking for Rooming houses must be addressed, with a proposal that one parking space to be provided for every two residents.
- (i) The city must recognise that in licensing Rooming Houses, the burden of additional garbage and recycling materials collection from the property is accepted.
- (j) The city should also recognise the possible additional requirement for transit, recreational centres, park facilities, bicycle lanes etc.

Some of our members feel that rooming houses should be restricted to situations where the property owner occupies the building, in order to reduce the risk of poor house maintenance. We would request that staff research the feasibility of this”

2. Rooming Houses with 3 or less lodgings

One concern we have with the proposed framework is that rooming houses with 3 or less renters are completely unregulated. We recommend that staff review options for this class of house, and make some proposals for bylaw control. We understand that London has such a framework.

3. Secondary Suites

URA accepts the definition of Secondary Suites as noted in Reference 2 document and quoted above.

The URA proposes that the New Zoning By-laws address the Secondary Suite issue by:

- (a) Recognising that a Secondary Suite can be in a detached house, semi-detached house or townhouse style accommodations. A Secondary Suite is typically in a basement, but other locations, such as over a garage, are acceptable.
- (b) Allowing only two residences are permitted in one property; that is the primary residence and the Secondary Suite.
- (c) Restricting the size of the Secondary Suite. The 2008 Draft Secondary Suites Zoning by-law should be adopted which proposes a minimum GFA of 35 square metres and a floor area not greater than 45% of the floor area of the primary residence for the Secondary Suite
- (d) Ensuring the Secondary Suites are registered with the City and subject to inspections by the Fire Safety and By-law Enforcement officers. The Reference 2 document notes that in mid-2015 only about 709 Secondary Suites were registered with the City, although it was known about another 2000 suites are in existence.
- (e) Ensuring Secondary Suites comply with all Fire Safety regulations, as must the primary residence, and ensuring the occupants of a Secondary Suite have at least two escape routes from the property.
- (f) Acknowledging that additional garbage and recycling material will be generated and processed.

- (g) Planning for and ensuring at least one additional parking space will be required for the Secondary Suite.
- (h) Recognising that Secondary Suites may generate additional need for transit, schools, recreational and park facilities etc.
- (i) Including in the By-law regulations to restrict changes to dwelling facades when establishing new units.
- (j) Incorporation the provisions outlined in the 2008 Draft Secondary Suites Zoning By-law which states no more than one dwelling unit may be contained within any main wall facing a streetline, and the entrance to the secondary suite may not be within the garage door.

4. Student Housing

URA would support the recommendation of the Reference 4 Task 13b document in that a student residence would ideally be built and owned by a University on their own land, adjacent to the University.

However, at a public meeting in December 2015, a University representative stated categorically that the University had no plan to build a student residence as part of the proposed University campus. The University had assumed the housing of the students would be accommodated within the town.

In Reference 3 document, Para 3.4 Summary, Gladki notes that

“Markham Centre By-law already provides a solid zoning framework to promote residential intensification in specific areas of Markham” and goes on to note

“Only public authorities that build and operate purpose built student accommodation can set out rules such as restricting building occupancy to students.....” and references the Ontario Human Rights Code.

Therefore, since the University is not prepared to build a student residence and the Human Rights Codes precludes the “labelling” of a property as exclusively student housing, the City is only left with the options of Rooming Houses or Secondary Suites to house the initial estimate of 4000 students, which is expected to rise quickly to 10,000 students.

URA believes this task of housing even the initial estimate of 4000 students will be a major challenge within the City.

URA recommends strong, enforceable Zoning By-laws be introduced to monitor and control the introduction and on-going use of Rooming Houses and Secondary Suites as described above.

Attachment 2
URA submission for “Minor Variances”
May 18, 2016

The Unionville Ratepayers Association (URA) recognises the need for By-laws to ensure control and consistency in changes (Minor Variances) to buildings and properties within the City. The process of reviewing and assessing the Minor Variances should also be consistent and transparent, with the goal of ensuring Minor Variances are not disruptive to local neighbourhoods.

The URA offers the following opinions and recommendations to address the issues of “Minor Variances”, a portion of Markham’s New Comprehensive Zoning By-law Project.

A. References:

1. Comprehensive By-law Project Reports
2. Task 4B Review and Assessment of Minor Variances.
Gladki Planning Associates et al. August 2015

B. Definitions and Analytical Data:

The Reference 2 document does not define what a “Minor Variance” is in the context of residential or industrial buildings. It does however, analyse and categorise the “Minor Variances” recorded on the City data base since January 1970 in great detail.

Para 3 Selected data:

Number of variance applications analysed	5,774
Number of variances applied for	9,367

63% of applications requested a single variance (3672)
22% of applications requested two variances (1267).
8% of applications requested three variances (463).

Most variance requests were for “set back” deviations (41%)

The number of Minor Variance applications have increased over time, with the biggest trend being identified as the increase in building volume related variances. (only 4% in 1970’s, up to 27% in this decade).

The Minor Variance Approval Rate by the Committee of Adjustment was analysed from April 2009 to early November 2014.

Of the 1,151 Minor Variation decisions made by the Committee of Adjustment

73.4% were approved
23% were deferred – most later approved
3% were denied

Total approval rate was 97%

Note the City Staff recommended 6% denial and 11% deferral (17%)

C. URA Discussion and Proposals:

It is recognized that there is a broad range of minor variances, including uses, parking, setbacks and accessories.

However, URA notes with concern that the number of building-volume related variances has increased dramatically, from only 20 in the 1970's (4% of all variances) to 479 so far this decade (27% of all variances).

URA also note that, ultimately, 97% of variance applications were approved by the Committee of Adjustment, despite staff recommending a much higher (17%) denial or deferral.

So-called "monster homes" are a growing concern in many parts of Markham, including Unionville. These affect the immediate neighbours and the entire neighbourhood, including issues with privacy, shadowing, neighbourhood compatibility and storm water runoff.

It is the URA's opinion and that of a large portion of the community, that the Committee of Adjustment should be on the side of upholding the current By-Laws. The Applicants that requests relief of any by-laws, should and must prove that a NEED for such relief of the by-law is necessary.

Example of "Need":

- 1) a minor variance that is needed for the building of an accessible ramp for the purpose of allowing a disabled person to gain entry to their home.
- 2) a minor variance that is needed to build a bay window on an existing home.

It is worth noting that based on recent experiences, some members of the Committee of Adjustment may in fact need to be educated on how to calculate the proper lot coverage percentage of a property when it is based on 33.333% to the lot. and not simply take the difference of the percentages

Example:

Based on a 52.5 x 120 foot lot, 33.333% is 2099.979 sq/ft

A variance of 43.333% does not equal a 10% variance but in fact equals 2729.979 sq/ft.

This is in fact this would be a 30% increase over and above the existing by-law.

Because this basic math is not done properly, the Committee of Adjustment members are unknowingly "approving" variances over and above the existing by-laws.

D. Recommendations

URA believes that, in almost all cases, the existing bylaws provide sufficient opportunity to build a large, high value home in most parts of Markham.

URA recommends that the City and the Committee of Adjustment take a much stronger position in opposing virtually all building-volume related variances, by inserting appropriate strong language in the new Zoning Bylaw.

The default position should be "build to the bylaw".