Memorandum to the City of Markham Committee of Adjustment

May 01, 2019

File:	**A/33/19**
Address:	5440 16th Ave Markham
Applicant:	**Brian Childs, The Bridge, A Markham Community Church**
Agent:	**Matt Bagnall, LARKIN + Land Use Planner**
Hearing Date:	**May 8, 2019**

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

The applicant is requesting relief from the following requirements of By-law 177-96, as amended and Table B of Parking Standards By-law 28-97, as amended to permit:

a) a minimum of 332 parking spaces, whereas the By-law requires a minimum of 438 parking spaces; as it relates to a proposed expansion to an existing place of worship.

BACKGROUND

Property Description

5440 16th Avenue (the "subject property") is located on the north side of 16th Avenue, east of Alexander Lawrie Avenue which is east of Mc Cowan Road. The site is approximately 1.8 hectares (4.5 acres) and developed with the Bridge Markham Community Church (the "Bridge church"). The subject property was recently part of a larger parcel of land (approximately 3.56 hectares/ 8.8 acres) which was owned by the Bridge church, and which was recently severed to create a separate parcel fronting onto 16th Avenue and Alexander Lawrie Avenue. The intent of the severance is to sell the severed parcel. The severance application was finalized on March 19th, 2019. Andrin Investments Limited has submitted applications to amend the zoning by-law and for draft plan of subdivision and site plan approval to allow townhouse development on the severed parcel. Those development applications are currently under review. The Bridge church submitted a site plan application (SC 18 178765) to facilitate the expansion of the existing place of worship on the subject property. Low density residential development surrounds the subject property.

Proposal

There is an existing 1619.5 m^2 (17,432 ft^2) place of worship with accessory uses located on the subject property. The Bridge church is proposing to expand the existing place of worship with an approximate 1,953.5 m^2 (21,027.3 ft^2) addtion which will result in doubling the size of the existing place of worship. Based on the most recent site plan application respecting the subject property in 2009, 315 parking spaces are required for the existing Bridge church. According to the Bridge's calculation, a total of 438 parking spaces will be required for both the existing place of worship and proposed addition. The applicant is proposing a total of 332 parking spaces which is an increase of 17 parking spaces from what was approved for the previous site plan application in 2009 for the existing place of worship.

Official Plan

The subject property is designated "Residential Low Rise" in the City's 2014 Official Plan (as partially approved on November 24th, 2017 and further updated on April 9th, 2018) (the "City's

2014 Official Plan"). Residential development as well as other land uses such as day care centres and places of worship to serve the surrounding residents are provided for in the Official Plan.

Zoning

The subject property is zoned "Open Space *428 (OS2*428) in zoning by-law 177-96, as amended. Places of worship and a day nursery are currently permitted.

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.

The proposed addition will include increasing the worship area (auditorium) from 450 seats to 726 seats, increasing the size of the atrium, as well as the children's area, multi-purpose space and administration area. The applicant has advised that there are typically two (2) activities that occur in the place of worship simultaneously, the actual service and Sunday School for the children.

The required parking for the Bridge church was based on 1 space per 9m2 of the net floor area of the worship area(s) and any accessory use areas, excluding any residential uses which results in a parking requirement of 438 spaces. The alternative applicable parking calculation would have been based on 1 space per 4 persons of the worship area capacity which would have resulted in 182 parking spaces. However, the City's parking by-law requires that the greater of the two (2) parking calculations be applied.

<u>Applicant's parking justification</u>

The applicant's transportation consultant WSP, provided a parking justification letter dated March 25th, 2019. As part of their analysis, WSP compared the subject property to a proxy site (the Cornerstone Christian Community Church), undertook a parking survey during peak service times on the subject property and provided a parking management strategy. Based on the above, WSP concluded that the proposed 332 parking spaces is sufficient to accommodate 80% occupancy. In the event that occupancy exceeds 80%, the Bridge church will consider adding additional services or expansion of facilities. However, the applicant's parking justification letter does not provide any details on what the additional services or expansion of facilities entail. Additional demand during special events and peak services such as Christmas and Easter can typically be anticipated and planned for, however, it is also unclear when regular services exceed 80% capacity how the additional demand for parking spaces will be accommodated.

The applicant proposes a parking management study which will include:

- Providing a parking attendant to assist with utilization of all on-site parking spaces;
- Parking and transit information on the Bridge church website;

- Installation of a digital display sign to advertise service times, special or additional services, and transit information;
- Increase the number of bike racks; and
- Monitor service attendance.

The proposed variance does not meet the four (4) Planning Act tests

The City's 2014 Official Plan provides policies specific to places of worship (Section 8.13.7). The design and layout of the place of worship should include among other things, managing and mitigating the potential impact of noise, light, traffic, and parking on the surrounding community and providing sufficient on-site parking.

The applicant is proposing to add 17 parking spaces to accommodate 276 additional worship seats and doubling the size of the existing place of worship building. Other than residential streets in the immediate vicinity, there does not appear to be any opportunity for shared parking arrangements to accommodate potential overflow of parking from the Bridge church. The resulting parking reduction of 106 parking spaces represents a reduction of approximately 24%. It is staff's opinion that the proposed variance does not meet the 4 tests of the Planning Act.

Applicant's Stated Reason(s) for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with Zoning is, "the supporting Parking Justification Letter states that the proposed parking supply of 332 parking spaces would accommodate the peak parking demand for the proposed expansion. The site plan application (File No: SC 18 178765) is able to accommodate a maximum of 332 parking spaces while providing for the church expansion, landscaping islands and buffers, drop-off and pick-up land, fire route and safe circulation".

Zoning Preliminary Review (ZPR) Undertaken

The applicant has not completed a Zoning Preliminary Review (ZPR) to confirm the variance required for the proposed development. Consequently 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 the Building Permit review process, further variance application(s) may be required to address the non-compliance.

PUBLIC INPUT SUMMARY

One (1) written submission was received in opposition, however, the letter did not specifically identify concerns with the proposed parking variance. 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

It is the opinion of the Planning staff that the proposed variance to reduce the required parking from 438 to 332 parking spaces to accommodate an addition to the existing place of worship does not meet the 4 tests of the Planning Act.

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.

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