



TO: Mayor and Members of Council

FROM: Arvin Prasad, Commissioner of Development Services

PREPARED BY: Alberto Lim, Senior Capital Works Engineer
Marty Rokos, Senior Planner

DATE: March 30, 2021

RE: Nest (VS) GP Inc., **applications for Zoning By-law Amendment and Draft Plan of Subdivision to permit 12 townhouses at 10165 Victoria Square Blvd (Ward 2)**

File No.: ZA 19 179145, SU 19 179147

RECOMMENDATION:

1. That the update memorandum titled “Applications for Zoning By-law Amendment and Draft Plan of Subdivision to permit 12 townhouses at 10165 Victoria Square Blvd (Ward 2)” be received.

PURPOSE:

This memorandum responds to the Development Services Committee direction to staff on January 25, 2021 to report back to the Committee on the feasibility of municipal water and sewer connections being provided to 10183 Victoria Square Boulevard as well as certain landscaping and maintenance matters raised by DSC.

BACKGROUND:

The subject lands are located on the east side of Victoria Square Boulevard, north of Woodbine Avenue (see Figure 1). On January 22, 2019, the owner submitted an application for zoning by-law amendment and draft plan of subdivision to facilitate the development of 12 three-storey townhouse units (see Figure 2). A statutory public meeting was held on June 18, 2019.

On January 25, 2021, Development Services Committee approved the zoning by-law and draft plan of subdivision with conditions. At this meeting, Joan Smith, the owner of the abutting property to the north, 10183 Victoria Square Boulevard, expressed concerns about potential impacts to her well water and the proposed landscape plan. The following was part of the resolution on the subject matter:

3. That staff be directed to report back to a future Development Services Committee meeting on the following:



- a. The feasibility of the applicant covering all installation connection costs for municipal water and sanitary sewers to the property at 10183 Victoria Square Boulevard, at the time of construction as part of the reconstruction at Victoria Square Boulevard in 2022, and obtaining consent from the property owner; and,
 - b. That staff be directed to discuss with the owner of 10183 Victoria Square Boulevard regarding the connection from the municipal property boundary to the private home and the associated costs, and whether the homeowner will be agreeing to pay for that connection.
4. That staff be directed to continue to work with the applicant to install landscaping along the north side of the property line adjacent to 10183 Victoria Square Boulevard;
5. That the landscaping along the frontage of the development be maintained as part of the condominium development and ensure that the municipal boulevard is maintained;

DISCUSSION:

Local Service Connection (Sanitary and Watermain) to 11083 Victoria Square Boulevard

Whereas the Committee inquired about the feasibility of the applicant covering all servicing costs for the abutting property to the north, the applicant has advised, as detailed later in this report, that they do not believe it is appropriate to pay for the municipal servicing connections for the neighbouring private property and are not willing to do so. (applicant's detailed response is attached as Appendix 'A').

From Staff's perspective there are two options for providing the local sanitary and watermain service connection for this property. The two options are as follows:

1. Through the City's [Residential Infill Grading and Servicing \(RIGS\) Application Process](#);
2. As part of the City's Victoria Square Reconstruction project.

Note that both options will only bring the service connections from the City right-of-way to the property line. A separate process will be required to bring the service from the property line to the building. The process is discussed further in this memorandum.

The following are the details for the two options:

1. [Residential Infill Grading and Servicing \(RIGS\) Application Process](#)
 - Work to be completed by the City as part of the overall RIGS contract;



- Typical cost for this type of property will be approximately **\$40,500** (\$13,500 for water service and \$27,000 for sanitary service);
- The cost identified above includes construction costs, road restoration costs and fees; and
- Refer to the Construction and Inspection tab of the City's [RIGS Application Process](#) for timing and duration of the service connection work.

2. Victoria Square Boulevard Reconstruction Project

- Work to be completed as part of the road reconstruction work;
- Cost for service connection if included with the road reconstruction work will be approximately **\$27,000** (\$9,000 for water service and \$18,000 for sanitary service);
- The cost identified above includes construction costs and fees; and
- The road reconstruction work for this section of Victoria Square Boulevard is scheduled for 2022.

In addition to the items noted above, the following are a list of additional works that may be required to connect to the municipal sewer and watermain:

1. The property owner will be required to make arrangements to extend the sanitary and water services from the property line to the building. There will be additional cost to the property owner for this and a contractor should be able to provide a quote for this work. High level cost estimate for these works is between \$15,000 to \$25,000 depending on the length of the sewer and watermain.
2. There will be costs associated with the connection to the municipal sewer and watermain (plumbing permit fees and water meters). A ¾" water meter is \$583.50 and the residential service connection fee is \$128.
3. There could also be some requirements to upgrade the internal plumbing for the building to connect to the sanitary and water service. A plumbing contractor can make this assessment and confirm the cost.
4. The existing well and septic system will be required to be decommissioned once the building is connected to the municipal sewer and watermain. The City's fee for conversion from septic system to sewer is \$249.
5. Once connected to the municipal sewer and watermain, the property owner will be charged a fee for the water and wastewater based on current City rates.

Applicant is unwilling to cover costs for extending services to the property to the north

The applicant has stated that the proposed townhouse development uses best management practices and water management measures to avoid adverse impacts on the water supply of 11083 Victoria Square Boulevard. This ensures that there will be no impact to Ms.



Smith's property. The applicant is not agreeable to paying for sewer and water connections to 11083 Victoria Square Boulevard.

Engineering staff have reviewed the Hydrogeological Report for the application and the well records for 10183 Victoria Square Boulevard. Staff concur with the conclusions in the Hydrogeological Report and have concluded that the proposed development should not have any impact on Ms. Smith's water supply. No changes to the servicing of 10183 Victoria Square Boulevard are necessary.

Owner of 11083 Victoria Square Boulevard (Ms. Smith) is unwilling to pay for costs of extending services to this property

Staff have discussed the proposed townhouse development and servicing options with Joan Smith. Ms. Smith has indicated that she would accept municipal water and sewer connections to her property if the connections are paid for by another party. She is not willing to pay for the connections.

Landscaping

The applicant has confirmed that the boulevard and the landscaping along the Victoria Square Boulevard frontage of the development will be maintained as part of the condominium development. This will be incorporated as a condition of condominium approval. An application for draft plan of condominium has not yet been submitted.

The Committee directed staff to work with the applicant to install landscaping along the north side of the property to provide privacy for the abutting property owner. The applicant has advised that a conceptual planting plan showing a proposed row of Black Cedars along the property line, within the abutting property to afford the Owner with control of the cedars over the long term, was presented to Ms. Smith. Ms. Smith indicated to staff that she does not want the landscape screening to be on her property. Staff will continue to work with the applicant to ensure that visual screening is included along the north property line on the Nest side of the property line.

CONCLUSION:

Staff are satisfied that the development proposal by Nest (VS) GP Inc. is acceptable. It is not necessary to bring municipal services to 10183 Victoria Square Boulevard.

The abutting property owner to the north, Joan Smith, has been provided with a copy of this memorandum and has been advised that this update memorandum is being brought forward to DSC on this date in the event she chooses to participate.

ATTACHMENTS:

Figure 1 – Location Map

Figure 2 – Conceptual Site Plan

Figure 3 – Conceptual Elevations



APPENDICES:

Appendix 'A' – Applicant's response to DSC discussion about covering servicing costs for
10183 Victoria Square Boulevard



APPENDIX 'A'

APPLICANT'S RESPONSE TO DSC DISCUSSION ABOUT COVERING SERVICING COSTS FOR 10183 VICTORIA SQUARE BOULEVARD

From: Billy Tung <BTung@KLMPPlanning.com>

Sent: Friday, February 12, 2021 6:08 PM

To: Karumanchery, Biju <bkarumanchery@markham.ca>

Cc: Rokos, Marty <MRokos@markham.ca>; Marshall Smith <MSmith@klmplanning.com>;
Arthur <arthur@sunrisegroup.ca>; Priscilla <priscilla@sunrisegroup.ca>

Subject: RE: 10165 Victoria Square Boulevard External Servicing Connection

CAUTION: This email originated from a source outside the City of Markham.
DO NOT CLICK on any links or attachments, or reply unless you recognize the
sender and know the content is safe.

Biju and Marty,

Further to the DSC meeting on January 25th, our client reached out to the adjacent owner, Ms. Joan Smith, of 10183 Victoria Square Boulevard to provide a hard copy of the presentation prepared by KLM Planning Partners Inc. shown at the DSC meeting. Along with a copy of that presentation, drawings for the proposed building elevation and fencing treatment were also provided. My colleague, Marshall Smith, has been in contact with Ms. Smith and her friend who is assisting her in this matter to provide answers and clarifications over the past few weeks. In addition to development materials as submitted to the City, a conceptual planting plan showing a proposed row of Black Cedars along the property line, on Ms. Smiths' side was presented stemming from a landscape treatment suggestion from DSC. Ms. Smith indicated that it was not necessary and have confirmed she is satisfied with the as-proposed treatment. Ms. Smith did have a request that during construction the weeping tile currently discharging water to the property line be adjusted to discharge to the base of the proposed retaining wall, to continue the existing condition where water is directed away from her home. Our client has no issues with this request and will incorporate this in the construction works and will continue to work with her.

Below are our responses and clarifications on other questions brought up by members of the DSC:

Q: Will the future condominium corporation maintain the front yard landscaping as well as the municipal boulevard within Victoria Square Blvd?

A: Yes, these areas be maintained by the condominium corporation and will be described in the future condominium documents.

Q: What is the proposed timeline for construction?

A: Our client would like to be able to start construction as soon as possible. If demolition and site prep can occur in the Spring, that would be ideal.



Q: What is the applicant's position regarding providing servicing connections to the adjacent property at 10183 Victoria Square Boulevard (VSB)? Is it appropriate for the applicant to pay for their neighbour's municipal service connection due to potential impacts on their well?

A: Together with our client's civil engineering consultant, we offer the following response:

- 1) Under the 2006 Ontario Building Code (OBC), indirect service connections are not feasible given the different ownership structures between lots (Private residence and Townhouse Condominium). Service connections should be installed directly from municipal infrastructure if feasible. As such, a connection from the proposed townhouse development directly to 10183 VSB is not possible.
- 2) The subject townhouse development of 10167 VSB is self contained and incorporates best management practices (BMPs) and water balance measures. This is a consistent requirement for all development applications within the City and the TRCA's jurisdiction to ensure development proposals do not result in adverse impacts to the surrounding properties. As such, any external impacts to groundwater recharge related to well operation within the 10183 VSB property is expected to be minimal. For greater context, it is the opinion of the applicant's civil engineering consultant that the planned urbanization of Victoria Square Boulevard would have a comparatively larger impact on groundwater recharge within the area given the scale of work.
- 3) We understand that landowners of properties along VSB which are not currently on municipal services are being asked by the City if they would like to establish the connections as part of the planned urbanization efforts for VSB. The costs for these connections are to be paid for by the individual owners. With these factors in mind, any municipal servicing connections to 10183 VSB, should it be desired by the owner, should be paid for by the individual benefitting owner, consistent with the practice for all landowners along VSB, including the applicant.

Given the above considerations, our client does not believe it is appropriate to pay for the municipal servicing connections for the neighbouring private property. They are not in agreement to pay for such external connections.

I trust the above responses and clarifications to DSC's questions will assist in bringing the Recommendation Report back to the February 22nd DSC meeting.

Regards,

Please note that I am working remotely due to the COVID-19 pandemic and can be reached by email and my mobile phone at 416-904-4945.

Billy Tung BES, MCIP, RPP
PARTNER

KLM PLANNING PARTNERS INC.
Planning | Design | Development



64 Jardin Drive, Unit 1B Concord, Ontario L4K 3P3

T 905.669.4055 (ext. 225) **M** 416.904.4945 **F** 905.669.0097 **E** btung@klmplaning.com **W** www.klmplaning.com



Please consider the environment before printing this email