

Report to: Development Services Committee

| SUBJECT: | Recommendation Report Digram Developments Markham 2 Inc. Applications to amend the Zoning By-law and for Site Plan Approval to allow townhouses fronting onto Swan Park Road, north of Castlemore Avenue (Part of Block 78, 65M3834), Ward 5. |
|---------------------|--|
| | File Nos: ZA 16 113212 & SC 18 113212 |
| PREPARED BY: | Stacia Muradali, Ext. 2008 Senior Planner, East District |
| REVIEWED BY: | Ron Blake, Ext. 2600 Senior Development Manager |

RECOMMENDATION:

- That the report titled "Recommendation Report, Digram Developments Markham 2 Inc., Applications to amend the Zoning By-law and for Site Plan Approval to allow townhouses fronting onto Swan Park Road, north of Castlemore Avenue (Part of Block 78, 65M3834), Ward 5," be received;
- 2) THAT the Zoning By-law Amendment application (ZA 16 113212) be approved and the draft implementing Zoning By-law, attached as Appendix 'A' to this report, be finalized and enacted without further notice;
- 3) That the site plan application (File No. SC 18 113212) submitted by Digram Developments Markham 2 Inc., to allow 21 townhouses fronting onto Swan Park Road, north of Castlemore Avenue, be endorsed in principle, subject to the conditions attached as Appendix 'B';
- 4) That Site Plan Approval (SC 18 113212) be delegated to the Director of Planning and Urban Design or his designate; not to be issued prior to the execution of a site plan agreement;
- 5) That site plan endorsement shall lapse after a period of three (3) years from the date of endorsement in the event that a site plan agreement is not executed within that period;
- 6) That Council assign servicing allocation for a maximum of 21 townhouses; and
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not applicable.

PURPOSE:

The purpose of this report is to recommend approval of the Zoning By-law Amendment and Site Plan applications submitted by Digram Developments Markham 2 Inc., to allow 21 townhouses fronting onto Swan Park Road, north of Castlemore Avenue.

Process to date:

- Preliminary Report June 12, 2017
- Statutory Public Meeting held on June 20, 2017
- Recommendation Report to Development Services Committee September 10, 2018

Next steps:

- Enactment of the Zoning By-law
- Issuance of Site Plan Endorsement
- Execution of Site Plan Agreement
- Issuance of Site Plan Approval

BACKGROUND:

Subject land and area context

The subject land is rectangular in shape and is approximately 0.4 hectares (1 acre). It is located north of Castlemore Avenue, on the east side of Swan Park Road (Figure 1). The subject land, which is currently vacant with minimal vegetation was formerly part of a designated school block but was declared surplus by the York Region District School Board (YRDSB) when it acquired the surrounding lands for high school purposes. The lands to the immediate east are still part of a future potential high school block. The Sam Chapman Public School is located to the north east and there is residential development consisting of single and semi-detached homes and townhouses across Swan Park Road to the west (Figure 3).

Abutting natural heritage features to the north and south

1.Woodlands with wetlands to the north

The Gord Weedon Park which is located to the north at the south-east corner of Alfred Patterson Drive and Swan Park Road, is approximately 2 hectares (4.9 acres) and comprised of woodlands and two (2) small wetlands.

2. Wetland to the south

There is a 0.3 hectare (0.7 acre) wetland to the south of the subject land which is owned by the City (Figure 3). This wetland consists of two (2) vegetation communities and a marsh community.

The applicant was required to provide an Environmental Impact Study (EIS) to evaluate the impacts of the proposed development on the aforementioned natural heritage features and to recommend appropriate mitigation and compensation measures. This EIS is described in more detail later in this report.

Proposal for townhouses

The applicant has reduced their previous proposal from a 23 townhouses to 21 townhouses to provide larger environmental buffers to the north and south of the proposed townhouses (Figure 4). The proposed townhouses will be developed in three (3) blocks of seven (7) units each. The townhouses will be 5.5 metres (18 feet) wide and three (3) storeys high. Private amenity space is provided in the form of back yards with depths larger than 7 metres (23 feet) and in some cases larger than 8 metres (26 feet) and balconies in the front and back of all of the proposed townhouses. Each of the proposed townhouses will have a single car garage accessing Swan Park Road with one (1) additional parking space on the driveway (Figures 5 & 6).

A 10 metre (32.8 feet) wide Vegetation Protection Zone (VPZ) containing storm pipes is proposed to the south (Figure 4). Previously the applicant had proposed a 6 metre (19.7 feet) wide VPZ with the storm pipe. A walkway will also be provided as part of the VPZ. A 7.66 metre (xx feet) wide VPZ is provided at the north end of the subject land where previously the applicant had proposed a 0 to 2.5 metre (0 to 8.2 feet) setback to the woodlands to the north. Both VPZs will be conveyed to the City (Figure 4).

Official Plan and Zoning

The subject land is designated "Residential Low Rise" in the City's 2014 Official Plan (as approved on November 24th, 2017 and updated on April 9th, 2018) (the "City's 2014 Official Plan"). The proposed development conforms to the City's 2014 Official Plan which allows single and semi-detached homes and townhouses up to a maximum of three (3) storeys.

The subject land is zoned "Open Space Two (OS2)" in Zoning By-law 177-96, as amended, which permits schools, parks, libraries, art galleries and museums. The current zoning was implemented to facilitate the future potential high school. The subject land needs to be rezoned to permit the proposed townhouses.

Public Input

The statutory Public Meeting was held in June 20, 2017 and no one from the public spoke on this item. Four (4) written submissions in objection to the proposed development were received from members of the public mainly indicating concerns with the effect on the woodlots and wildlife, preference for a park and that the proposed development will detract from the character and quality of the area. These concerns are addressed later in this report.

OPTIONS/DISCUSSION:

The zoning by-law amendment implements site-specific development standards and zones the VPZs "Open Space One (OS1)"

The proposed zoning by-law amendment (Appendix 'A') will implement site-specific development standards including the following:

| BY-LAW REQUIREMENT (177-96) | PROPOSED |
|---|----------|
| Minimum lot frontage (interior lot unit) -7.5m | 5.5m |
| Minimum lot frontage (interior lot end unit)- 8.7m | 5.5m |
| Minimum lot frontage (end unit on a corner lot)- 9.9m | 5.5m |
| Minimum required exterior side yard – 2.4m | 0.8m |
| Maximum height – 11m | 12m |

Allowances have been made for the smaller unit widths and setbacks to facilitate the provision of more appropriate VPZs while still being compatible with existing development. The VPZs will be zoned "Open Space One (OS1)".

Building design

The proposed built form along Swan Park Road is a 3-storey massing that appropriately responds to the existing neighbourhood height and massing including a traditional roof structure. The façade treatments are well articulated using traditional masonry and colours that are consistent with the Greensborough community and approved Architectural Control Guidelines. The proposed front elevations provide adequate fenestration to encourage eyes on the street and visual interest from the public realm. The dominant materials are of high quality stone and brick used to accent appropriate features with variation between townhouse blocks.

Vegetation Protection Zones (VPZs)

The City's 2014 Official Plan allows consideration of reduced VPZs within the Urban Area if an Environmental Impact Study (EIS) is provided to the satisfaction of the City and Toronto and Region Conservation Authority (TRCA). The City's 2014 Official Plan requires minimum VPZs of 15 metres (49 feet) from wetlands and 10 metres (32.8 feet) from woodlands in this urban area context. However, because the Zoning By-law Amendment application was submitted in 2016 before the VPZ policies of the 2014 Official Plan came into effect, the proposed development is subject to the City's Official Plan (Revised 1987), as amended which require a minimum 10 metre (32.8 feet) VPZs (environmental buffers) or as determined by an EIS. Both the TRCA and the City's Natural Heritage Staff have no objections to the proposed VPZs. It is preferable to not allow infrastructure within the VPZ however, if the EIS can demonstrate that any impacts from the proposed infrastructure on the natural heritage feature (in this case storm pipe) can be minimized and is supported by the City and TRCA, then in some cases infrastructure is permitted to be located within the VPZ.

Environmental Impact Study (EIS)

Cole Engineering Group Ltd prepared a Swan Park Road Scoped Environmental Study Addendum (the "Environmental Study") to evaluate the potential impacts the proposed development may have on the two (2) abutting natural heritage features (the woodlands consisting of two (2) small wetlands to the north and the wetland to the south). The EIS also recommends mitigation and compensation measures which the applicant will be required to implement to minimize any potential impacts on the abutting woodlands and wetlands (Appendix 'B').

Potential impacts on adjacent natural heritage features

The EIS identified the following potential impacts of the proposed development on the adjacent natural heritage features to the north and south of the subject land including but not limited to the following:

- 1. Drainage and water balance may be affected as a result of impacts to infiltration, surface runoff, and groundwater flow.
- 2. Erosion and sedimentation may increase as a result of vegetation removal, soil disturbance and removal.
- 3. Effects on the edges (vegetation) of the adjacent natural heritage features may occur from construction activities.
- 4. Potential pollution from soil and groundwater contamination through spills of substances such as oils and gasoline from heavy machinery.
- 5. Noise and construction related activity has the potential to cause temporary disturbance to nearby wildlife.

Mitigation measures

- **f**. A sediment and erosion control plan will be submitted to detail measures to be taken to identify the limits of development, designate areas for hoarding and equipment storage during construction, and to identify protective measures to prevent erosion and sedimentation during construction. The sediment and erosion control plan will also include a requirement for regular monitoring by a qualified inspector during construction.
- 2. A stormwater management plan will be submitted which incorporates Low Impact Development (LID) measures to compensate for the increase in impermeable surfaces as a result of the proposed development. The applicant is required to provide a list of LID measures which will be incorporated into the proposed development to the satisfaction of the Director of Planning and Urban Design.
- 3. Vegetation protection zones/ environmental buffers (VPZ) are being provided to protect the woodlands and wetlands to the north and south.
- 4. Continuous 1.2 metre chain-link fencing will be installed at the rear lot line and outside of the two (2) VPZs to restrict access to the natural features.

- 5. Homeowner stewardship manual to educate the future residents will be distributed which will describe the adjacent natural features and promote measures to avoid impacts to those features. The City's Natural Heritage staff also require that information on Markham's textile recycling program also be included as part of the manual. The applicant is required to provide a copy of the homeowner stewardship manual to the satisfaction of the Director of Planning and Urban Design.
- 6. Construction equipment and material will be stored towards the end of the property because the woodland is less vulnerable than the wetland to the south.

Compensation measures to promote a net ecological benefit:

- 1. The Owner has submitted a Restoration and Compensation Plan for the two (2) VPZs which will be reviewed by both the City and TRCA until it is satisfactory.
- 2. The Owner is required to monitor potential encroachment into both VPZs for three (3) years plus monitoring and replacement (if needed) of VPZs restoration plantings.
- 3. Stewardship and community engagement in the form of designing and installing interpretive signage for the natural features. Cole Engineering will also partner with Sam Chapman Public School to implement activities that promote education and stewardship of the community's natural features.

The mitigation and compensation measures will be included as conditions in the site plan Agreement (Appendix 'B').

Removal of dedicated on-street parking spaces

City staff requested that the applicant examine the impact of removal of the existing dedicated parking bays along this stretch of Swan Park Road in front of the subject land. A revised Traffic Review (the "traffic review") dated July 21, 2017 was submitted by C.C. Tatham & Associates Ltd., on behalf of the applicant. The traffic review assumed that approximately 16 parking spaces will be lost as a result of the proposed development. The traffic review concluded that "the removal of 16 parking spaces is not expected to create a shortage of parking in the area" as there are on-street parking opportunities with dedicated parking bays provided on the surrounding roads including Castlemore Avenue, Williamson Road and Alfred Paterson Drive. The traffic review also notes that there are no high parking demand land uses located on Swan Park Road between Castlemore Avenue and Williamson Road and that the proposed townhouse development will not result in any undue parking demand.

Toronto and Region Conservation Authority (TRCA)

The TRCA has not issued formal comments on the site plan application, however, they have advised in writing that they are satisfied with the proposed VPZs. They have also advised that one of the key outstanding matters which remains to be resolved is related to

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water balance. The water balance matter and any other outstanding matters must be resolved prior to issuance of site plan endorsement. A TRCA permit is also required for any work related to the proposed development. The TRCA must provide written confirmation that site plan endorsement can be issued (Appendix 'B').

York Region District School Board

The subject land was previously part of a larger parcel of land including the abutting parcel of land to the east which was acquired by the York Region District School Board (YRDSB). The subject land was declared surplus by YRDSB and sold to the current landowner. The YRDSB retained ownership of the remaining parcel of land for a potential future high school. The applications were reviewed and commented on by YRDSB not only from a capacity perspective but also in terms of any potential impacts with the future development of a high school. YRDSB has advised that they have no concerns with the proposed development.

Sustainable initiatives

The applicant has provided a list of sustainable features (Appendix 'C') which they are committed to implementing including but not limited to the following:

Architectural/ Building

- 1. Minimum furnace efficiency of 94% is required and 94% or greater will be provided;
- 2. Minimum efficiency of 60% Heat Recovery Ventilator is required and 60% or greater will be provided;
- 3. High efficiency fluorescent and/or LED lighting will be provided;
- 4. Energy star appliances;
- 5. Low consumption water closets; and
- 6. Low output water saver faucets and showers.

Landscape

- 1. Existing trees in boulevard to be retained where feasible;
- 2. Native and drought-tolerant vegetation will be provided; and
- 3. Special landscaping treatment provided in VPZs.

Miscellaneous

- 1. Proximity to transit routes along Bur Oak Avenue and Donald Cousens Parkway;
- 2. Owner will work with York Region Transit in promoting PRESTO cards and transit incentive program including transportation information packages to all new residents; and
- 3. Owner will distribute travel surveys (provided by the City) to all homeowners at the time of purchase.

Engineering

1. Infiltration trenches will be provided.

Parkland dedication requirements

The landowner will be required to pay the required cash-in-lieu of parkland dedication. Payment of the appropriate amount of cash-in-lieu of parkland will be required as a condition in the site plan agreement (Appendix 'B').

Public Art contribution

It is appropriate to consider a public art contribution through Section 37 for the proposed development through Section 37 for the proposed development. The public art contribution will be a condition in the site plan agreement (Appendix 'B').

CONCLUSION:

The proposed development is appropriate and Staff recommend approval and enactment of the zoning by-law amendment (Appendix 'A') and endorsement in principle of the site plan subject to the site plan conditions in Appendix 'B'.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link) Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed development aligns with the City's growth management and environmental strategic priorities.

BUSINESS UNITS CONSULTED AND AFFECTED:

The applications have been circulated to various City departments and external agencies and their requirements have been incorporated into the proposed Zoning By-law amendment and site plan conditions.

RECOMMENDED BY:

Biju Karumanchery, M.C.I.P., R.P.P. Director of Planning & Urban Design

Arvin Prasad, M.C.I.P., R.P.P. Commissioner of Development Services

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| ATTACHMENTS | : |
|---------------|--------------------------------------|
| Figure 1: | Location Map |
| Figure 2: | Area Context/ Zoning |
| Figure 3: | Air Photo |
| Figure 4: | Site Plan |
| Figure 5: | Coloured Rendering 1- Front and Rear |
| Figure 6: | Coloured Rendering 2- Front and Rear |
| Appendix 'A': | Draft Zoning By-law Amendment |
| Appendix 'B': | Site Plan Conditions |
| Appendix 'C': | Sustainable Initiatives |

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APPENDIX 'B'

SITE PLAN CONDITIONS DIGRAM DEVELOPMENTS MARKHAM 2 INC. SC 18 113212

That prior to site plan endorsement:

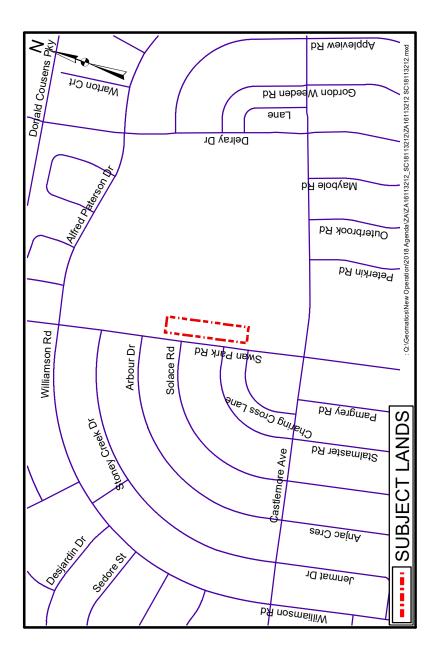
- 1. The the Toronto and Region Conservation Authority (TRCA) provide written confirmation that site plan endorsement can be issued.
- 2. The Owner shall satisfy all City Departments technical requirements to the satisfaction of the Director of Planning and Urban Design.
- 3. The Owner provide a list of LID measures to be implemented to the satisfaction of the Director of Planning and Urban Design.

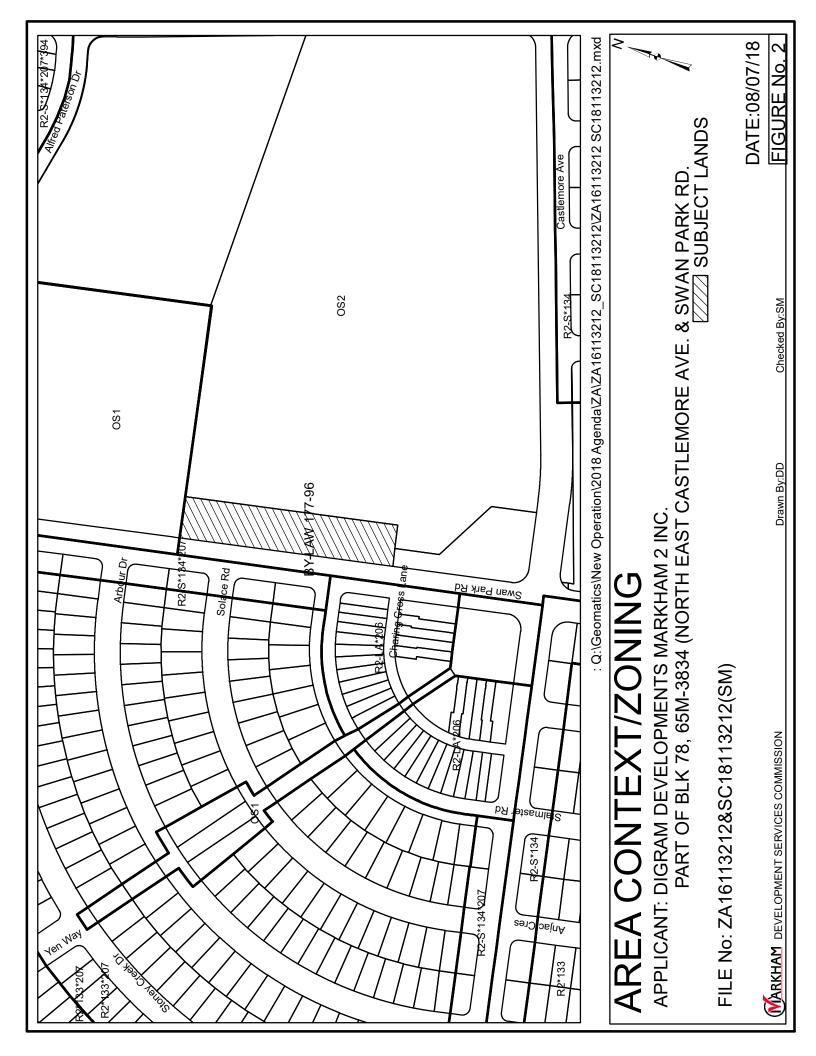
That the Owner shall enter into a Site Plan Agreement with the City, containing all standards and special provisions and requirements of the City and external agencies, including but not limited to:

- 1. Provisions for the payment by the Owner of all applicable fees, recoveries, development charges, provision of parkland dedication (including cash-in-lieu of parkland), public art contribution, and any other financial obligations and securities.
- 2. That the Owner agrees to implement any agreed upon Bird Friendly Measures to the satisfaction of the Director of Planning and Urban Design.
- 3. That the Owner agrees to implement the sustainable initiatives attached as Appendix 'C' to the satisfaction of the Director of Planning and Urban Design.
- 4. That the Owner agrees to implement mitigation and compensation measures to protect the adjacent natural heritage features as recommended by Cole Engineering in the "Swan Park Road Scoped Environmental Impact Study Addendum" dated May 30, 2018 and any subsequent revisions, to the satisfaction of the Director of Planning and Urban Design.

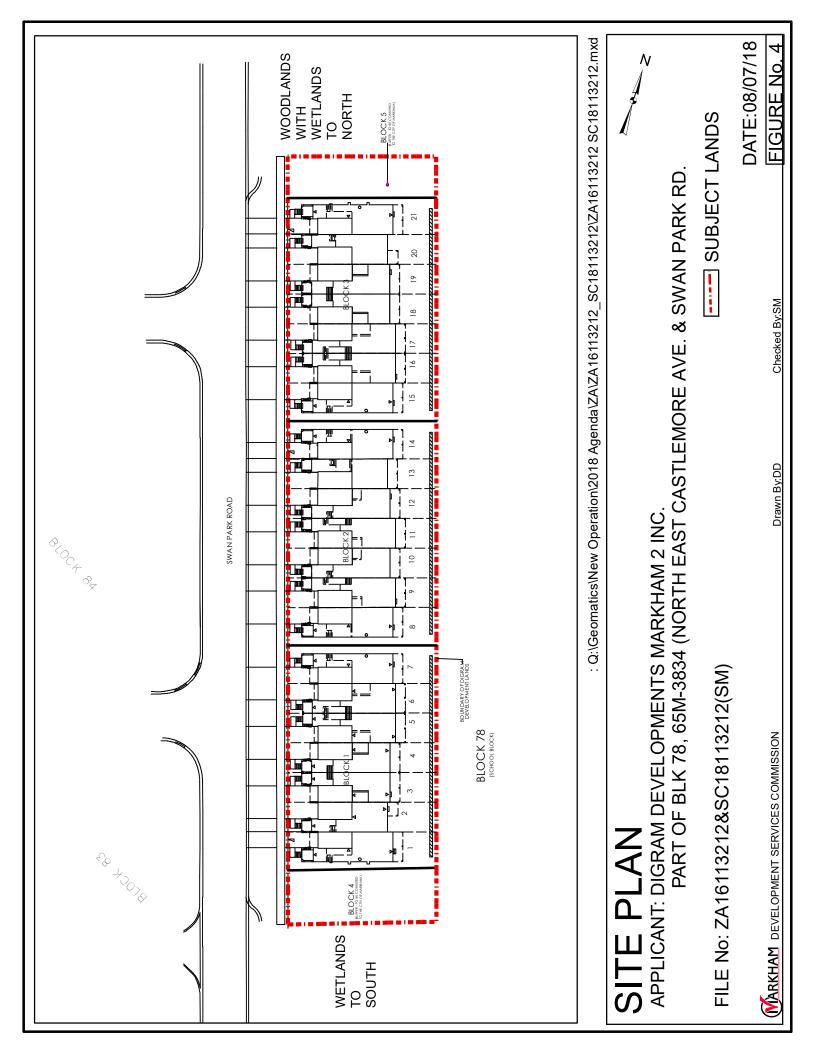
That prior to execution of the Site Plan Agreement:

1. The Owner shall submit final site plans, building elevations, engineering drawings, lighting plans, landscape plans and tree preservation plans, along with any other drawings, plans, studies, reports which are required to comply with the requirements of the City and external agencies, to the satisfaction of the Commissioner of Development Services.

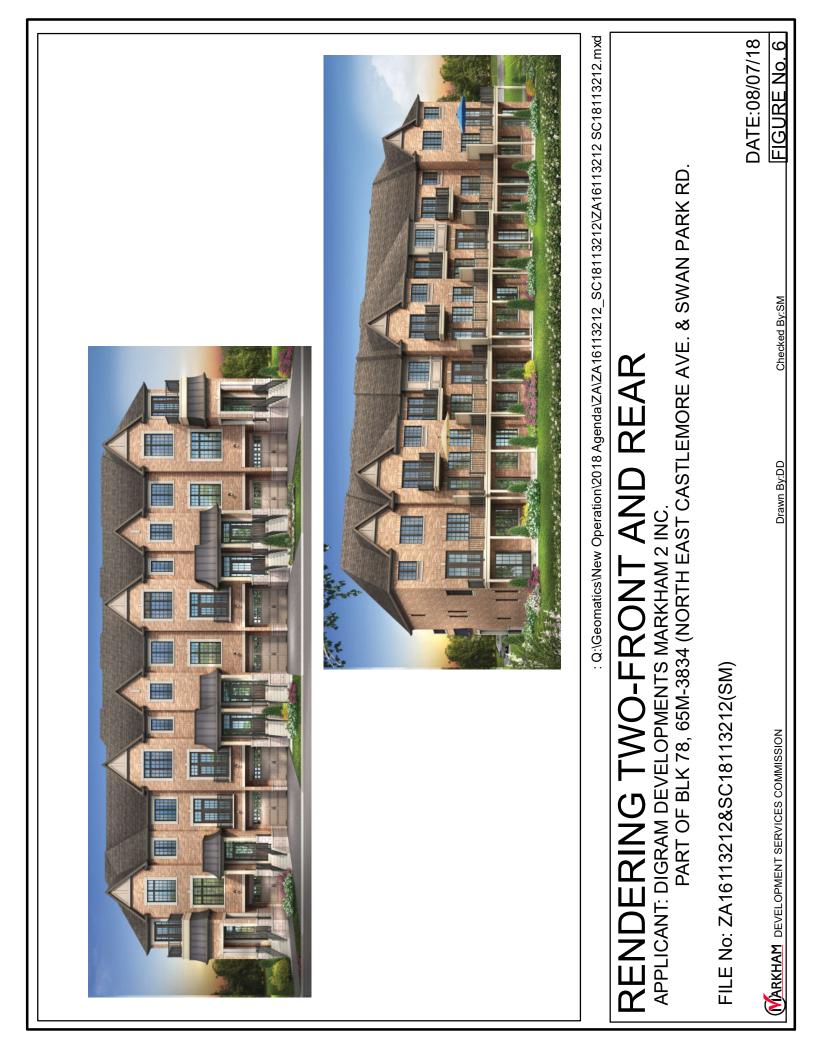








| <image/> | : Q:\Geomatics\New Operation\2018 Agenda\ZA\ZA16113212_SC18113212\ZA16113212 SC18113212 SC18113212.mxd | RENDERING ONE-FRONT AND REAR APPLICANT: DIGRAM DEVELOPMENTS MARKHAM 2 INC. PART OF BLK 78, 65M-3834 (NORTH EAST CASTLEMORE AVE. & SWAN PARK RD. | FILE No: ZA16113212&SC18113212(SM) | MARKHAM DEVELOPMENT SERVICES COMMISSION Drawn By:DD Checked By:SM |
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BY-LAW 2018-____

A By-law to amend By-law 177-96, as amended

The Council of The Corporation of the City of Markham hereby enacts as follows:

- 1. That By-law 177-96, as amended, is hereby further amended as it applies to the lands outlined on Schedule 'A' as follows:
 - 1.1 By rezoning the lands outlined on Schedule 'A' attached hereto

from: Open Space Two (OS2) Zone

to:

Residential Two * 605 (R2*605) Zone Open Space One (OS1) Zone

1.2 By adding the following subsections to Section 7 – EXCEPTIONS:

| | Exception | Digram Developments Markham 2 Inc. | Parent Zone | | |
|---|--|---|-----------------|--|--|
| | 7.605 | Part of Block 78, 65M-3834 | 177-96 | | |
| | File | (North of Castlemore Ave, East of Swan Park Rd) | Amending By-law | | |
| Z | ZA 16 113212 | | 2018 | | |
| Not | Notwithstanding any other provisions of this By-law, the following provisions shall apply to the | | | | |
| land denoted by the symbol *605 on the schedules to this By-law. All other provisions, unless | | | | | |
| spe | cifically modified/a | amended by this section, continue to apply to the lands s | subject to this | | |
| sec | tion. | | | | |
| 7.60 | 05.1 Only Pern | nitted Uses | | | |
| The | following are the | only permitted uses: | | | |
| a) | a) Townhouse dwellings | | | | |
| b) | Home occupation | | | | |
| 7.605.2 Special Zone Standards | | | | | |
| The | following special | zone standards shall apply: | | | |
| a) | a) Minimum width of all townhouse dwellings- 5.5m | | | | |
| b) | | | | | |
| c) | Minimum required interior side yard – 1.5m | | | | |
| d) | Maximum <i>height – 12m</i> | | | | |
| | | | | | |
| | | | | | |

2. SECTION 37 CONTRIBUTION

2.1 A contribution by the Owner to the City for the purposes of public art of \$ 1425.00 per residential unit in 2017 dollars, based on the total number of units, to be indexed to the Ontario rate of inflation as per the consumer price index (CPI), in accordance with Section 37 of the Planning Act, as amended, shall be required. Payments shall be collected in accordance with the terms of an agreement to secure for the Section 37 contribution. Nothing in this section shall prevent the issuance of a building permit as set out in Section 8 of the Building Code Act or its successors

| Read and first, second and third time and p | bassed on | _, 2018. |
|---|--------------------------|----------|
| Kimberley Kitteringham City Clerk | Frank Scarpitti Mayor | |
| Amanda File No. ZA 16 113212 | | |
| | | |
| | | |



EXPLANATORY NOTE

BY-LAW 2018-____ A By-law to amend By-law 177-96, as amended

Digram Developments Markham 2 Inc. Part of Block 78, 65M-3834 North of Castlemore Avenue, East side of Swan Park Road ZA 16 113212

Lands Affected

The proposed by-law amendment applies to a parcel of land with an approximate area of 0.4 hectares (1 acre), which is located north of Castlemore Avenue, south of Alfred Patterson Drive, on the east side of Swan Park Road, in the Greensborough Community.

Existing Zoning

The subject lands are zoned Open Space Two (OS2) Zone under By-law 177-96, as amended.

Purpose and Effect

The purpose and effect of this By-law is to rezone the subject lands under By-law 177-96, as amended as follows:

from:

Open Space Two (OS2)

to:

Residential Two * 605 (R2*605) and Open Space One (OS1);

in order to permit residential development on the lands in addition to zoning two (2) Vegetation Protection Zone (VPZ) blocks.

Note Regarding Further Planning Applications on this Property

The *Planning Act* provides that no person shall apply for a minor variance from the provisions of this by-law before the second anniversary of the day on which the by-law was amended, unless the Council has declared by resolution that such an application is permitted.

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| Solace Rd |
| FROM OS2 TO OS1 |
| |
| |
| FROM OS2 |
| TO R2*605 |
| |
| Stalmaster Rd |
| |
| |
| Charing Cross Lane FROM OS2 TO OS1 |
| |
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| $\square \square $ |
| Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y |
| Swan Park Rd |
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| |
| Castlemore Ave |
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| A A |
| SCHEDULE "A " TO BY-LAW |
| AMENDING BY-LAW 177-96 DATED |
| BOUNDARY OF AREA COVERED BY THIS SCHEDULE |
| BOUNDARY OF ZONE DESIGNATION(S) |
| R2 RESIDENTIAL TWO OS2 OPEN SPACE TWO |
| OS1 OPEN SPACE ONE *No. EXCEPTION SECTION NUMBER |
| THIS IS NOT A PLAN OF SURVEY. Zoning information presented in this Schedule is a representation sourced from Geographic Information |
| Systems. In the event of a discrepancy between the zoning information contained on this Schedule and the text of zoning by -law, the information contained in the text of the zoning by -law of the municipality shall be |
| Q:\Geomatics\New Operation\By-Laws\ZA\ZA16113212\ZA16113212.mxd deemed accurate. |
| WARKHAM DEVELOPMENT SERVICES COMMISSION Meters Drawn By:CPW Checked By: SM DATE: 08/21/2018 NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the City of Markham Clerk's Office DATE: 08/21/2018 |

City of Markham Sustainable Features

Architectural

• Maximum U Value for windows and sliding glass doors is 1.8; 1.8 or lower will be provided with argon filled, Low-E windows

- Minimum furnace efficiency of 94% is required; 94% or greater efficiency, High Efficiency Stage 2 furnaces will be provided
- Minimum efficiency of 60% Heat Recovery Ventilator is required; 60% or greater Heat Recovery Ventilator to be provided
- Hot water heater with minimum Energy Factor of 0.67; 0.67 or greater tankless water heater system to be provided
- High efficiency fluorescent and/or LED lighting will be provided
- Energy Star rated appliances will be provided
- Energy Star rated, Stage 2, low consumption water closets will be provided
- Low output water saver faucets and showers will be provided

Landscape

- Tree-lined and shaded street
- Existing trees in boulevard to be retained, where feasible
- Native and drought-tolerant vegetation will be provided

• Special Landscaping treatment is being provide within the Buffers along the South and North edge of the property

Miscellaneous

- High standard of urban design
- Close proximity to transit routes along Bur Oak Ave and Donald Cousens Pky will be utilized

• Owner will work with York Region Transit in promoting PRESTO Cards and transit incentive program, distributing transportation information packages to all new residents and tenants, and participate in marketing outreach to encourage alternative modes of transportation

• Owner will distribute travel surveys (provided by the City) to all homeowners at the time of purchase

Engineering

• Ex-Filteration Trenches are being provided.

