

SUBJECT:**RECOMMENDATION REPORT**

City Park (Town Crier) Homes Inc.

Proposed Draft Plan of Subdivision 19TM-16007, Official Plan Amendment and Zoning By-law Amendment applications for up to 11 single detached lots and one residual lot at 7 Town Crier Lane (north of Hwy 7, east of Main Street Markham). Ward 4

FILES:

SU 16 175583, OP 16 175583 and ZA 16 175583

PREPARED BY:

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Senior Planner, East District

REVIEWED BY:

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RECOMMENDATION:

- 1) That the report entitled "Recommendation Report, City Park (Town Crier) Homes Inc., Proposed Draft Plan of Subdivision 19TM-16007, Official Plan Amendment and Zoning By-law Amendment applications for up to 11 single detached lots and one residual lot at 7 Town Crier Lane, (north of Hwy 7, east of Main Street Markham) Ward 4, Files SU 16 1755583, OP 16 175583 and ZA 16 175583", be received;
- 2) That the record of the Public Meeting held on November 22, 2016, regarding the applications for approval of Draft Plan of Subdivision 19TM-16007, and Official Plan and Zoning By-law Amendments, be received;
- 3) That the Official Plan Amendment application submitted by City Park (Town Crier) Homes Inc., to amend the 2014 Official Plan (partially approved by the Ontario Municipal Board in Oct 2015, May 2016, March 2017 and April 2017), be approved, and that the draft Official Plan Amendment attached as Appendix 'A' be finalized and enacted without further notice;
- 4) That the Zoning By-law Amendment application submitted by City Park (Town Crier) Homes Inc., to amend Zoning By-law 1229, as amended, be approved and that the draft by-law attached as Appendix 'B' be finalized and enacted without further notice;
- 5) That Draft Approved Plan of Subdivision 19TM-16007 submitted by City Park (Town Crier) Homes Inc., be draft approved subject to the conditions outlined in Appendix 'C';

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- 6) That the Director of Planning and Urban Design, or his designate be delegated authority to issue draft approval, subject to the conditions set out in Appendix 'C' and as may be amended by the Director of Planning and Urban Design;
 - 7) That the draft plan approval for Plan of Subdivision 19TM- 16007 will lapse after a period of three (3) years from the date of Council approval in the event that a subdivision agreement is not executed within that period;
 - 8) That Council assign servicing allocation for up to 12 single detached dwellings;
 - 9) That the existing Class A heritage building, formerly known as the Markham Dairy /Carman Lewis Home be preserved in situ, and that the draft plan be redlined revised, as necessary, to ensure preservation of this building;
 - 10) That the Owner enter into a Heritage Easement agreement with the City to ensure preservation and maintenance of the existing Class A heritage building onsite; and
 - 11) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

This report recommends approval of a draft plan of subdivision, official plan amendment and zoning by-law amendment applications, submitted by City Park (Town Crier) Homes Inc. (the 'Applicant') to facilitate the development of up to 11 single detached lots on a private road on the subject lands, municipally known as 7 Town Crier Lane (See Figures 1, 2 and 3). The subject lands are located within the Markham Heritage Conservation District and contain an existing Class A heritage building, known as the former Markham Dairy/Carman Lewis Home. Registration of the draft plan will also create one freehold residual lot for a future single detached dwelling fronting and accessing Parkway Avenue. The draft plan and conceptual site plan are shown in Figures 4 and 5.

The Official Plan amendment seeks to allow dwellings that front a private street, which is not provided for in the 2014 Official Plan (partially approved in by the Ontario Municipal Board Oct 2015, May 2016, March 2017 and April 2017 (the "2014 Official Plan")). The Zoning By-law amendment seeks to rezone a strip of land on the subject site from Institutional (I) to Residential One (R1) under By-law 1229, as amended, and includes site specific development standards to facilitate the proposed development.

The proposal contemplates removal of the existing Class A heritage building (former Markham Dairy and Carman Lewis Home) to be replaced with a new single detached dwelling. This is contrary to the recommendation of Heritage Markham Committee and Development Services staff. Staff are of the opinion that the heritage building should be preserved in situ, and are recommending draft subdivision conditions requiring its preservation. Heritage Markham Committee also did not support the scale and massing of the proposed dwellings fronting Town Crier Lane. Copies of the Heritage Markham Committee resolutions are provided in Appendices D and E. Written comments submitted

by the Applicant in support of removal of the heritage building are provided in Appendix F. Additional historical information, prepared by Heritage Planning staff, is provided in Appendix G.

Site Plan Control and draft plan of condominium applications have also been submitted and are being reviewed concurrently by staff and external agencies. The approval authority for the subdivision, official plan and zoning by-law amendments is Development Services Committee ("DSC"), whereas the approval authority for the site plan and condominium applications is delegated to staff.

PURPOSE:

This report recommends approval of Draft Plan of Subdivision 19TM-16007, and Official Plan and Zoning By-law Amendment applications submitted by City Park (Town Crier) Homes Inc. to permit up to 11 single detached lots and one residual lot on the subject lands. This report also provides information on site plan control and draft condominium applications submitted by the Applicant, which are being reviewed concurrently

BACKGROUND:

The 1.27 ha (3.13 ac) subject site, known municipally as 7 Town Crier Lane, is located on the south side of Parkway Avenue, east of Main Street Markham North (See Figures 1, 2 and 3). The subject lands are within the Markham Village Heritage Conservation District (the "Conversation District") and are subject to the policies and guidelines of the Markham Heritage Conservation District Plan (the "District Plan") and are also designated under Part V of the Ontario Heritage Act. The site contains a two storey building originally constructed c.1942 as the Markham Dairy, the second storey subsequently being used as a residential dwelling unit. This structure is classified as a heritage building (Class A) in the District Plan. The south portion of the site was most recently used as a privately owned, publically accessible community garden.

Surrounding land uses are predominantly residential, comprised of existing single detached dwellings, including a Heritage Dwelling, located on the north side of 'Lot 11' on the proposed draft plan (See Figure 4) and dwellings within the Conservation District to the south along Markham Street. Grace Anglican Church and Morgan Park are located west of the subject lands, and Franklin Public Elementary School is located to the southwest.

PROPOSAL

City Park (Town Crier) Homes Inc. has submitted Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment applications to permit a residential development consisting of 11 single detached lots on the subject lands. These lots will be part of a common element condominium, with shared access on a private street, which is an extension of Town Crier Lane. A residual 12th lot will be created east of the existing heritage dwelling at 1 Town Crier Lane, with frontage and access onto Parkway Avenue (Figure 4).

Each of the 11 lots will be developed with a single detached dwelling accessed via a shared private condominium street. This proposal contemplates removal of the heritage structure

on the site, to be replaced with a new single detached dwelling. Given that the property is within the Conservation District, the applications have been circulated to the Heritage Markham Committee ("Heritage Markham") for comment. Comments on removal of the heritage building are provided in the Discussion Section of this report. The location of the heritage building is shown on Figure 4, with a current photo provided in Appendix 'G'.

The proposed extension of Town Crier Lane terminates as a cul-de-sac towards the south end of the subject lands. This private street has a 3.0 m wide landscape strip along the west side, and a 1.5 m wide sidewalk along the east side. A pedestrian connection is provided as part of the common elements condominium through a walkway to Maple Street at the south west corner of the subject lands, which also serves as a secondary emergency access point. The proposed draft plan and conceptual site plan are provided as Figures 4 and 5, respectively. Conceptual elevations for the proposed development are provided in Figure 6 (sheets 1 through 3).

Residual Lot on Parkway Avenue

Approval of the draft plan of subdivision will have the effect of creating one residual lot on the north side of Lot 11 on the draft plan (Figure 4) and east of the heritage dwelling at No. 1 Town Crier Lane. While this residual lot is not included in the draft plan of subdivision, as a condition of draft plan of subdivision approval (Appendix 'C') staff recommend that the Owner be required to satisfy any outstanding financial obligations that are required for the creation of this residual lot. This lot is zoned to permit a single detached dwelling, and given that it is within the Conservation District and designated under Part V of the Ontario Heritage Act, a future site plan control application will be required prior to its development. Should any proposed development on the residual lot not conform to any applicable zoning provisions, a subsequent zoning by-law amendment or minor variances will be required.

Draft Plan of Condominium & Site Plan Control Applications have been Submitted

The applicant has submitted a Draft Condominium (Common Element) application to facilitate development of up to 11 lots on a private condominium road. A Site Plan Control application has also been submitted for the proposed development within the Conservation District. Approval of these applications cannot occur until after the Draft Plan of Subdivision has been registered, and the Official Plan Amendment and Zoning By-law Amendment applications have been approved by DSC and Council. The approval authority for both the site plan and condominium applications is delegated to the Director of Planning and Urban Design in accordance with Delegation By-law 2002-202.

OFFICIAL PLAN AND ZONING

Proposed Official Plan Amendment

The subject lands are designated 'Residential Low Rise' in the 2014 Official Plan which provides for single detached dwellings with direct frontage on a public street, or private street where development blocks are fronting arterial roads or major collector roads. Since the proposed dwellings will front a private street and the development block does not front an arterial or major collector road, an official plan amendment is required.

The 2014 Official Plan sets out development criteria for infill housing development within established communities with the intent of encouraging development that respects and reflects the existing pattern and character of adjacent development in relation to lot frontage, lot area, building heights and scale, setbacks, architectural style, tree preservation and planting, amongst other considerations.

Proposed Zoning By-law Amendment

The majority of the subject lands are zoned Residential One (R1) under By-law 1229, as amended, which permits single detached dwellings. Dwellings within the R1 zone are subject to Residential In-fill By-law 99-90, which provides additional development standards related to maximum building heights, building depth, net floor area ratio and garage projection as a mechanism to help control the size of new development in established neighbourhoods. A strip of land approximately 5.5 metres in width along the west side of the subject lands is zoned Institutional (I) under By-law 1229, as amended, which permits a range of institutional land uses and reflects a previous situation whereby the lands may have been developed as part of the adjacent place of worship use.

The applicant proposes to amend Zoning By-law 1229, as amended, by rezoning the lands zoned Institutional (I) to Residential One (R1). The amendment will also provide site specific development standards for the detached dwellings. The applicant specifically requests the following development standards:

Development Standard	By-law Requirement	Proposed Standards
Min Lot Frontage	60 ft (18.3 m)	49.2 ft (15 m)
Min Front Yard	25 ft (7.62 m)	14.9 ft (4.55 m)
Min Interior Side Yard	4 ft (1.21 m) - 1 st storey 6 ft (1.83 m) - 2 nd storey	5.1 ft (1.55 m) for both storeys
Min Rear Yard	25 ft (7.62 m)	24.77 ft (7.55 m)
Max Building Height	9.8 m (32.15 ft)	Range between 9.57 m (31.4 ft) to 11.2 m (36.5 ft)
Max Building Depth	16.8 m (55.2 ft)	24 m (78.7 ft)
Max Lot Coverage	35%	Range between 24.79% to 47.29%
Max Net Floor Area Ratio	45%	55.46% to 84.2%

The ranges noted above, particularly as they apply to building height, lot coverage and net floor area ratios reflect differences in model home size, lot size and lot configuration, and will vary depending on which home model is ultimately sited on which particular lot. The applicant has not indicated which specific home models will be sited on each lot, but is proposing that the dwellings will have a minimum gross floor area (GFA) of 5055.76 ft² (469.7 m²) and a maximum GFA of 5631.08 ft² (523.2 m²), which is inclusive of garage space. The siting of the dwellings will be determined through subsequent review and approval of the site plan application, which consideration may include, but not be limited to, requiring the smaller unit types to be located adjacent to the existing homes within the Conservation District on Markham Street.

APPLICATION PROCESS AND NEXT STEPS

- The applications were submitted on June 16, 2016 and deemed complete on July 13, 2016.
- A Community Information Meeting was held on September 16, 2016.
- The applications were presented to Heritage Markham Committee on October 12, 2016.
- The Preliminary Report was received by DSC on November 7th, 2016 followed by the Statutory Public meeting on November 22, 2016.
- Revised application submissions were made on April 21, 2017 and July 10, 2017 to respond to comments made at the Community Information Meeting, Statutory Public Meeting and Heritage Markham Committee meetings.
- The revised submission was presented to Heritage Markham Committee on July 12, 2017.
- If the draft plan of subdivision and official plan and zoning by-law amendments are approved, the applicant would have to enter into a subdivision agreement with the City. Conditions of draft plan approval will have to be cleared prior to registering the plan of subdivision.
- Site Plan Approval can be issued following registration of the plan of subdivision.
- Draft condominium approval can be issued following execution of the site plan agreement.

PUBLIC CONSULTATION AND HERITAGE MARKHAM COMMENTS:**Community Information and Statutory Public Meeting**

A community information meeting, arranged through the local Ward Councillor's office was held on September 29, 2016 at Grace Anglican Church. The statutory public meeting was held on November 22, 2016. Both meetings were well attended by residents from the Markham Village community. Comments made by residents at both meetings are summarized below. The Options/Discussion subsection of this report addresses how these comments have been addressed or considered. It should also be noted that at the statutory Public Meeting, Development Services Committee (DSC) requested the staff recommendation be brought forward at an evening DSC meeting for the benefit of residents interested in the applications.

Community Information and Statutory Public Meeting Comments:

- Concerns about the possible removal of a heritage structure (Markham Dairy) on the subject lands, and options for its commemoration;
- That the architectural style, size and massing of the proposed dwellings is not compatible with the surrounding built form of the Markham Heritage District;
- Questions about the proposed private condominium street, configuration of the cul-de-sac, and connectivity/access to Maple Street at the south side of the site;
- Whether or not there will be fencing between the site and abutting properties, including Grace Anglican Church to the west;
- Concern over the proposed reduction of lot frontages to 49.2 feet (15 m), whereas the zoning by-law requires minimum lot frontages of 60 feet (18.3 m);

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- How access will be provided to the Grace Anglican Church rectory (30 Maple Street) from either the proposed private condominium street on the subject lands or from Maple Street;
 - Questions about how emergency vehicle access, snow and waste removal and visitor parking will be provided for the development on a private condominium street;
 - Concerns that the south end of the private condominium street will be used as a drop off area to Franklin Public Elementary School;
 - Concerns over the adequacy of park land to support the proposed development;
 - Questions about how construction access will be provided and the time-frame for construction/completion of the development;
 - Comments about whether the private condominium street should be a through street (connecting Markham Street and Parkway Avenue);
 - Access onto Parkway Avenue, and related concerns regarding safety, noise and traffic congestion;
 - Tree preservation and loss of green space;
 - Comments from representatives of the abutting church property and associated rectory dwelling, with concerns about impacted access to Maple Street, ongoing flooding issues (on the church properties) and desire to connect to City sewers;

Heritage Markham Committee (“Heritage Markham”)

At the Heritage Markham meeting of October 12, 2016, the following concerns regarding the proposed development concept were expressed:

- proposed loss of the former Markham Dairy building;
- proposed distance and separation between buildings;
- size of new dwellings (Floor Area Ratio) in comparison with the surrounding neighbourhood;
- compatibility of the proposed architectural styles and building designs, as they relate to the guidelines provided in the District Plan (massing, height, garage placement, style and materials)
- loss of trees; and
- desirability of an entrance feature

The revised submission was considered by Heritage Markham on July 12, 2017, which reiterated its previous comments, and recommended the following:

- Preserving the former Markham Dairy building onsite and securing a heritage easement agreement as a condition of development approval;
- Dwellings should provide 6 ft (1.83 m) side yards in accordance with the zoning by-law;
- Dwellings should comply with the maximum permitted net floor area ratio of 45% in the zoning by-law, which would average approximately 3,993 ft²;
- Detached rear yard garages or attached garages set back from the front façade of the dwellings should be considered;
- To retain as much mature vegetation as possible, and to reintroduce trees and other vegetation as part of the new development; and

- That staff hire an independent professional heritage consultant to review and help design a development concept for the property on behalf of the Heritage Markham and the City to create an alternative vision appropriate to the special context of this significant piece of land in the heart of the Markham Village Heritage Conservation District.

In addition to the above, Heritage Markham was of the opinion that the proposed infill development does not fit the Conservation District context and that the concept is not supported from a heritage perspective. Heritage Markham did note at its July 12th 2017 meeting that the revised elevations better reflected the materials, roof forms and architectural details of Markham's late 19th and early 20th century homes, and that the reduced roof heights are more in scale with surrounding homes in the neighbourhood. The full recommendations of the Heritage Markham from October 12, 2016 and July 12, 2017 are attached as Appendices "D" and "E", respectively.

OPTIONS/ DISCUSSION

Resubmissions following Public Consultation & Heritage Markham Meetings

With the exception of preserving the heritage structure onsite and reduction in the size of buildings, other comments made at the community information and public meetings, and those made by Heritage Markham and Planning staff have been addressed by the applicant. A summary of how comments have been addressed is provided as follows:

- The length of the cul-de-sac has been reduced resulting in a revised lot configuration for the site. Initially, all the proposed lots were on the east side of the private street, whereas the revised configuration includes pie-shaped lots around the cul-de-sac. This achieves a relationship where the back yards of the proposed lots will be adjacent to the back yards of existing lots on Markham Street, which is a more appropriate adjacency. This also increased the lot area of the smallest lots, so that each lot will comply with the minimum zoning by-law lot area requirement of 6600 ft² (613 m²).
- The building heights have been reduced so that the maximum proposed height is 11.2 m (36.5 ft), in comparison to the original proposal which had a maximum height of 12.33 m (40.45 ft). The 11.2 m height is applicable to one of the building models, whereas the other models propose heights of 9.57 m (31.4 ft), 10.5 m (34.4 ft) and 10.87 m (35.6 ft).
- The side yards have been increased from 1.25 m (4.1 ft) to 1.55 m (5.1 ft) to provide additional spacing between each dwelling. As a result each dwelling will be separated by a total distance of at least 3.1 m (10.2 ft).
- The building elevations have been revised to generally comply with the requirements of the District Plan. These revisions have reduced or eliminated the amount of stone veneer facing, in favour of brick and siding. The colours and types of materials will be addressed through the review of the site plan application, and will be subject to acceptance by the Planning Department (including Heritage and Urban Design).

Cul-de-Sac Configuration, Winter Maintenance, Operations and Access

- The width of the private street and radius of cul-de-sac are sized in accordance with City Standards. The cul-de-sac is of adequate size to allow for the safe operation of emergency and waste removal vehicles, and is satisfactory to both the Fire and Emergency Services and Waste Management Departments.
- Waste removal for the site will be provided by municipal curb-side pick-up for each of the dwellings.
- Snow removal will be the responsibility of the condominium corporation. There are adequate areas for the temporary storage of snow onsite, including the 3 m wide landscaped area on the west side of the private street and on both sides of the private driveways on each lot.
- A portion of land at the northwest corner of the site (located on the abutting property to the west, Grace Anglican Church), is to be acquired by the Owner to achieve an access point onto Parkway Avenue that meets City standards with respect to the required turning radius. The Applicant and church group have come to an agreement in principle for this portion of land to be incorporated into the draft plan. The acquisition of this parcel is a condition of draft plan approval (Appendix 'C').
- The Fire and Emergency Services Department requires two access points into the development. The secondary access point is provided at the south end of the site as a 5 m wide emergency access to Maple Street. (Maintenance of the emergency access will be required as part of the future site plan agreement and condominium approval).

Coordination with Grace Anglican Church and Rectory Properties

- The applicant and church group have come to an agreement in principle regarding the acquisition of land by the applicant to achieve the required entrance width for the private street onto Parkway Avenue.
- As part of this agreement, the applicant will be making improvements to both the church site at 19 Parkway Avenue and the associated rectory at 30 Maple Street, including the installation of new municipal sanitary and water service connections from Markham Street, a new private catchbasin to address existing ponding issues on the church property and re-alignment of the rectory driveway to Maple Street.

Tree Preservation & Replacement and Parkland Considerations

- A tree protection and preservation plan was submitted as part of the applications, which identifies existing trees to be preserved. These are predominantly located along the east and south lot lines of the site, adjacent to existing homes.
- Additional tree plantings will be required onsite in accordance with an approved landscape plan as part of approval of the site plan application.
- Financial Compensation will be required for trees removed onsite during redevelopment in accordance with the Trees for Tomorrow Streetscape Manual.
- No land will be conveyed to the City for park purposes as part of the proposed development. The area is generally well served by existing parks and trails with Morgan Park and the trails at Carman Lewis Park and Markhaven Park within a 5

minute walk from the subject lands. As an alternative, the Owner will be required to provide cash-in-lieu of parkland dedication in accordance with Planning Act provisions and the City's Parkland Dedication By-law.

- Tree removal compensation and cash-in-lieu of parkland are required as conditions of draft plan approval (Appendix 'C'). The total amount owing for tree compensation will be determined through the review and acceptance of a Tree Inventory and Preservation Plan and landscape plans by the Urban Design section. The total amount owing for cash-in-lieu of parkland will be determined through the submission and acceptance of a land value appraisal, to the satisfaction of the City's Manager of Real Property in consultation with Urban Design.

Traffic and parking

- A traffic impact study was submitted in support of the applications. The Transportation Engineering section has reviewed the study and has not identified any concerns with respect to traffic infiltration from the site.
- As noted, the Transportation Engineering section requires the Owner to obtain a parcel of land from the abutting church site to achieve an appropriate turning radius from the site onto Parkway Avenue in accordance with City standards.
- Parking Standards By-law 28-97, as amended, requires a minimum of two parking spaces per single detached dwelling and 0.25 spaces per unit for visitor parking on developments accessed by a private street. Accordingly, 22 spaces are required for the dwellings, with an additional 3 spaces specifically for visitors. The site plan submitted actually shows four spaces for each dwelling (two in the garage and two on the driveway), totaling 44 spaces, with an additional 6 spaces for visitor parking along the east side of the private street. Sufficient parking is provided in accordance with the City's Parking Standards By-law.

Heritage Structure

The applicant proposes to demolish the existing Markham Dairy building, which is a designated Class A structure on the subject lands, as identified in the Markham Village Heritage Conservation District Plan.

The applicant has submitted a Heritage Impact Assessment which contends the 'site possesses no particular heritage significance' and that the '1942 building does not meet the Provincial or municipal criteria for significance'. In a supplementary letter dated June 5, 2017, the applicant submitted that the building does not meet Provincial criteria with respect to having physical or contextual significance. This letter is attached as Appendix F and is accompanied by historical notes for the site prepared by the previous land owner and resident of No. 1 Town Crier Lane. It notes, that the Webster family had owned the subject lands since the 1920s, and the existing dairy building was built in 1942 by Uncle Carman Lewis. The resident of No. 1 Town Crier Lane is of the opinion that the building has no architectural or cultural significance and states there is no justification to moving or preserving this building. The proponents intend to present further verbal evidence regarding removal of the heritage building when this report is considered at DSC.

Notwithstanding the above, the recommendations from Heritage Markham (attached as Appendix D and E) are to preserve the heritage structure onsite and to secure a Heritage Easement Agreement as a condition of development approval. Staff agree with Heritage Markham that the former Markham Dairy building should be preserved in situ and do not concur with the applicant's consultant's findings in the Heritage Impact Assessment. Heritage staff has undertaken additional research on the dairy building and the life of Carman Lewis who built and resided in the house (See Appendix 'G'). As per Ontario Regulation 9/06 (Criteria for Determining Cultural Heritage Value or Interest), the property has physical value as a representative example of a *type of building* (small local farm dairies); historical value because it has direct association with both an *activity* (milk production) and a *person* (Carman Lewis) which were significant to the community; and contextual value as it supports the *character* of the area and is *historically linked* to its surroundings (both the heritage village and the adjacent heritage house at 1 Town Crier Lane). Although this property is identified as significant and protected by district designation, a property may be individually designated if it meets one or more of the provincial criteria. This property meets at least five of the criteria.

Retention of this heritage building is supported by the policies of the 2014 Official Plan for the protection of cultural heritage resources (Section 4.5). It is the policy of Council:

- "To promote conservation of Markham's cultural heritage resources by...reviewing any application for development approval, building permit or demolition permit that directly affects a cultural heritage resource itself and adjacent lands to ensure new development, site alteration and additions are contextually appropriate and maintain the integrity of any cultural heritage resource" (4.5.1.1.c.ii)
- "To use secondary plans, zoning by-laws, subdivision and site plan control agreements...to ensure that development that directly affects a cultural heritage resource itself and adjacent lands, is designed, sited or regulated so as to protect and mitigate any negative visual and physical impact on the heritage attributes of the resource, including scale, massing, height, building orientation and location relative to the resource" (4.5.3.3)
- "To impose conditions of approval on development containing a cultural heritage resource itself and adjacent lands to ensure the continued protection of the cultural heritage resource. (4.5.3.4)
- "To retain and conserve cultural heritage resources and consider the following options, in order of priority: a) retention of the resource in its original location and its original use (i.e. a heritage dwelling retained on its own lot is residential use in a new plan of subdivision)." (4.5.3.12)

Preservation of the heritage structure may require the reconfiguration of Lots 9, 10 and 11 on the Draft Plan (Figure 4) to provide appropriate spacing between other proposed dwellings on the site, and to meet the side yards contemplated as part of the zoning by-law amendment. Accordingly, staff recommend, that should the draft plan of subdivision be approved, a redline revision be required, as a condition of draft approval (Appendix 'C') to adjust lot lines where necessary to preserve the heritage building onsite.

Architectural Style, Building Size and Heights are Generally Compatible

The District Plan indicates that new buildings should be assessed on compatibility with adjacent heritage buildings in terms of three key aspects: massing, proportion and size. Any modifications must aim to enhance the heritage character of the area and measures must respect the original older materials, colours, height, roof line, fenestration and scale of existing heritage buildings. In order to conserve the heritage character, the maintenance of certain heights and proportions is necessary, but this must be considered in conjunction with the location of the development site, and its surroundings (including any nearby heritage resources). As the District Plan notes, each situation must be assessed on an individual basis.

The applicant has worked with Planning staff to simplify the building elevations by reducing the amount of stone work and architectural details from the initial submission. The revised elevations for each proposed home model are shown in Figure 6 (Sheets 1 through 3), which generally conform to the requirements of the District Plan from a style perspective.

The proposed building heights also have been reduced from the initial submission, and dwellings will have heights ranging between 9.57 m (31.4 ft) to 11.2 m (36.5 ft), measured to the top of each roof, resulting in an appearance of 1 ½ and 2 storey homes. The applicant has agreed to continue working with staff on the site plan control application to ensure that an appropriate mix and variety of dwelling types and heights is provided within the development. Specifically, to the extent possible, the 1 ½ storey models should be located on lots at the south of the subject lands where they back onto the existing Markham Street homes and at 1 Town Crier Lane.

The issue of building size/proportion is more challenging from a heritage perspective. The applicant is proposing dwellings which will be substantially larger than what is currently permitted by the Infill By-law and what exists in the immediate area. The table below provides an indication of the general size of the proposed dwellings and those in the neighbouring area.

	Size of Dwelling (inclusive of garage)
Range proposed by current application	5,055ft ² to 5,631ft ²
By-law 1229 / 99-90 (Floor Area Ratio of 45%) applied to the site	Approximately 4,000 ft ²
New Homes on Elm Street (since 2010), 10 properties Largest New Home 4,942 sq ft Smallest New Home 3,546 sq ft	Average is 4,177 ft ²
New Homes in Immediate Neighbourhood (since 2010), 13 properties	Average is 4,225 ft ²
Immediate Neighbourhood including Elm Street (east side), 36 properties	Average is 2,563 ft ²

Immediate Neighbourhood including Elm Street (both sides), 50 properties	Average is 2,608 ft ²
Elm Street Alone (Parkway to Church), 25 properties	Average is 2,789 ft ²

The table above shows that the proposed homes on the draft plan will have a floor area that is larger than newer homes introduced on Elm Street since 2010, which have an average floor area of 4,177 ft². They will also have floor area greater than the largest new home on Elm Street which has a floor area of 4,942 ft². The size of the new homes is of concern to Heritage Markham Committee and to Heritage Section Staff. As per the Heritage Markham Committee resolutions (Appendix D and E) a floor area cap of around 4,000 ft² for any dwelling was recommended to achieve a balance between existing development in the Heritage District and the emerging form of development in the immediate neighbourhood.

In considering the appropriateness of development from a zoning perspective, the size of the proposed homes in the context of the character of the neighbouring area needs to be balanced against any demonstrable negative impacts that may result from the proposed development. Consideration should be given to the fact that the site presents somewhat of a secluded enclave. It does not result in direct frontage onto a public road nor are there direct public views, as it is buffered by the church and school properties to the west and by larger replacement dwellings outside the heritage district boundary to the north and east.

The immediate area context has very few heritage buildings; there is one heritage building adjacent to the subject property (1 Town Crier Lane) and one on Markham Street. This type of development scenario is different than the typical application involving the introduction of a replacement dwelling within an existing heritage streetscape. The site will be well screened due to the preservation of existing mature vegetation adjacent to residential homes to the south and east and the existing trees on the church property provide tree cover from Parkway, which will be enhanced by proposed tree planting along the west side of the proposed private street. Further, the preservation of the Markham Dairy building would result in almost no direct views to the proposed new homes from Parkway Avenue. Therefore, Planning staff are of the opinion that any potential visual impacts of the proposed dwellings will be mitigated and consider the scale of the proposed dwellings and building elevations to be acceptable.

Site Servicing and Servicing Allocation

The Engineering Department has not identified any concerns with respect to the servicing feasibility and configuration for the draft plan. Final approval of the Functional Servicing Plan will be a condition of draft plan of subdivision approval (Appendix 'A'). Servicing allocation is available for the development of up to 11 single detached lots.

Sustainable Features to be included within Development

The applicant will incorporate sustainable design features as part of the proposed development, including energy efficient buildings with high thermal insulation values of roofs, walls, foundations, flooring, furnaces and hot water tanks; energy star windows; programmable thermostats; water saver toilets; light colour reflective roof shingles; soak-

away pits which are a low impact drainage feature; and native and drought resistant landscape plantings. These features will be secured as part of a future site plan agreement.

Region of York Comments

In a letter dated November 17, 2016, the Region of York delegated the approval authority of the Official Plan Amendment to the City of Markham. In a letter dated May 18, 2017, the Region further indicated that there was no objection to approval of the applications subject to the conditions, which have been included in Appendix 'C'.

York Region District School Board Comments

In a letter dated June 30th, 2017 the York Region District School Board provided conditions of draft plan of subdivision approval to mitigate potential impacts affecting Maple Street which is located at the south end of the subject site. The existing Franklin Street Public Elementary School uses this section of Maple Street for school bus pick-up/drop off and waste collection, and therefore the school board has recommended conditions to restrict construction traffic and parking on Maple Street, and to require the Owner to communicate with the school board regarding a construction management plan. These conditions have been included in Appendix 'C'.

The Proposed Official Plan Amendment is Appropriate

The 2014 Official Plan provides for low rise residential development on a private street if the development site fronts an arterial or major collector road. In this case, an official plan amendment is required to allow the proposed development because the site does not front an arterial or major collector road. Had the proposed extension of Town Crier been a public street from Parkway Avenue to Maple Street then an official plan amendment would not have been required. This option was considered, however, through the community consultation process, it was apparent that such a public street connection was a concern for area residents, as it could be used as a shortcut to Franklin Street Public Elementary School and potentially result in traffic infiltration through the established neighbourhood to the south. The Transportation Engineering section confirms that a public street connection through the site is not necessary for the proposed development to function in the context of the fine grained street network in Markham Village and accordingly an extension of Town Crier Lane as a City owned public street is not warranted.

In considering the appropriateness of the official plan amendment staff have had regard for the proposed number and type of residential lots and are of the opinion that the intent of the policy is to direct more intensive forms of in-fill development, such as multiple townhouse blocks, to the edges of established neighbourhoods where access can be conveniently achieved from an arterial or major collector road rather than being nestled within the core of an established neighbourhood where traffic and compatibility are likely to be more of a concern. Staff are of the opinion that the principle of allowing up to 11 single detached lots on a private street is an appropriate form of development in this case and preferable for a small scale in-fill development of this nature. Planning staff recommend approval of the Official Plan Amendment, attached as Appendix 'A'.

Zoning By-law Amendment and Proposed Development Standards

The subject site is situated on a parcel of land that forms part of the east limits of the Markham Village Conservation District, and is relatively isolated from existing residential development, both within and outside of the Conservation District. The proposed dwellings will front onto a private street that is only accessible to those dwellings. The Grace Anglican Church, its associated parking lot and rectory are located on the west side of the private street and do not present an adjacent land use that requires any special zoning standards to be introduced for the proposed development. Where the site does abut existing residential development, the rear yards of proposed lots will be adjacent to the rear yards of existing homes, and will be separated by mature vegetation to be preserved. In the opinion of staff, this presents an acceptable adjacency condition wherein the site specific zoning standards proposed are themselves unlikely to result in negative impact on the existing homes. In that regard, staff are of the opinion that the unique characteristics of the site provide basis for supporting the development standards contemplated as part of the zoning by-law amendment, and recommend approval of the amendment in Appendix 'B'.

The proposed lot frontages will not substantially deviate from the existing lot pattern of the surrounding community. Reduced front yard setbacks assist in siting the buildings further away from existing development and closer to the private street, while allowing sufficient driveway lengths to accommodate required parking. Staff are satisfied that the reduced side yards, which only apply to the 2nd storey of the dwellings, as the ground floor setbacks exceed the current by-law requirement, will provide sufficient spacing between dwellings.

While the proposed increases to building depth, lot coverage and net floor area ratio will result in dwellings that are larger than existing homes within the surrounding area, staff are of the opinion that any perceived impact resulting from the size of dwellings will be isolated and can be mitigated through architectural details and landscaping as part of the site plan application. The zoning by-law amendment (Appendix 'B') includes maximum lot coverage and gross floor area requirements consistent with the concept site plan submitted. The applicant has indicated a willingness to work with staff to finalize a site plan that ensures the smallest lots abutting heritage dwellings to the north and south are not overdeveloped and that those lots backing onto the Markham Street and 1 Town Crier Lane are used for some of the smaller model types which is reflected in the Zoning By-law.

The applicant has requested a slight reduction to the minimum required rear yard from 25 ft (7.62 m) to 24.77 ft (7.55 m). However, whilst this reduction would only apply to lots 1 and 4 on the draft plan and concept site plan (Figures 4 and 5), staff want to ensure that all of the dwellings are adequately separated from existing homes and therefore recommend that the rear yard setbacks are provided in accordance with the R1 provisions of By-law 1229, as amended (i.e. minimum 25 foot rear yard to be required).

As the majority of the site is already zoned R1, to permit single detached dwellings, S. 37 contributions for any increase in site density is not applicable. However it is anticipated that the Owner provide financial contributions to be secured for public art in accordance with City policy. Accordingly the zoning by-law (Appendix 'B') includes a provision for the collection of public art.

CONCLUSION

Based on the discussion above, Planning staff recommend approval of the Official Plan and Zoning By-law Amendments attached as Appendix 'A' and 'B', respectively. Planning staff recommend approval of the Draft Plan of Subdivision, subject to the conditions outlined in Appendix 'C'. The former Markham Dairy / Carman Lewis Home, a designated Class A heritage building, should be preserved onsite, and the Owner enter into Heritage Easement Agreement with the City for its preservation and continued maintenance. Draft plan conditions have been included in Appendix 'C' requiring the preservation of the heritage building, including the requisite redline revision to the draft plan for re-lotting to maintain this building in situ.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

Not Applicable.

HUMAN RESOURCES CONSIDERATIONS

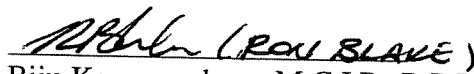
Not Applicable.

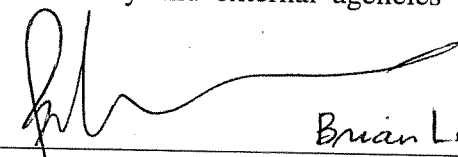
ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed applications will be reviewed in the context of the City's Strategic Priorities of managing growth; managing the transportation and road network; protecting and respecting the built and natural environment to ensure a safe and sustainable community.

BUSINESS UNITS CONSULTED AND AFFECTED:

These applications have been circulated to various departments and external agencies and are currently under review. Requirements of the City and external agencies will be reflected in a future recommendation report.


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


for James Baird, M.C.I.P., R.P.P.
Commissioner of Development Services

ATTACHMENTS:

- Figure 1 – Site Location
- Figure 2 – Area and Zoning Context
- Figure 3 – Aerial Photograph
- Figure 4 – Proposed Draft Plan of Subdivision
- Figure 5 – Proposed Conceptual Site Plan
- Figures 6, Sheets 1 to Y – Proposed Model Home Elevations
- Appendix A – Official Plan Amendment
- Appendix C – Zoning By-law Amendment
- Appendix C – Draft Plan of Subdivision Conditions
- Appendix D – Heritage Committee Extract – October 12, 2016
- Appendix E – Heritage Committee Extract – July 12, 2017
- Appendix F – Heritage Building Statement and letter
- Appendix G – Markham Heritage Section – Background Research, May 2017

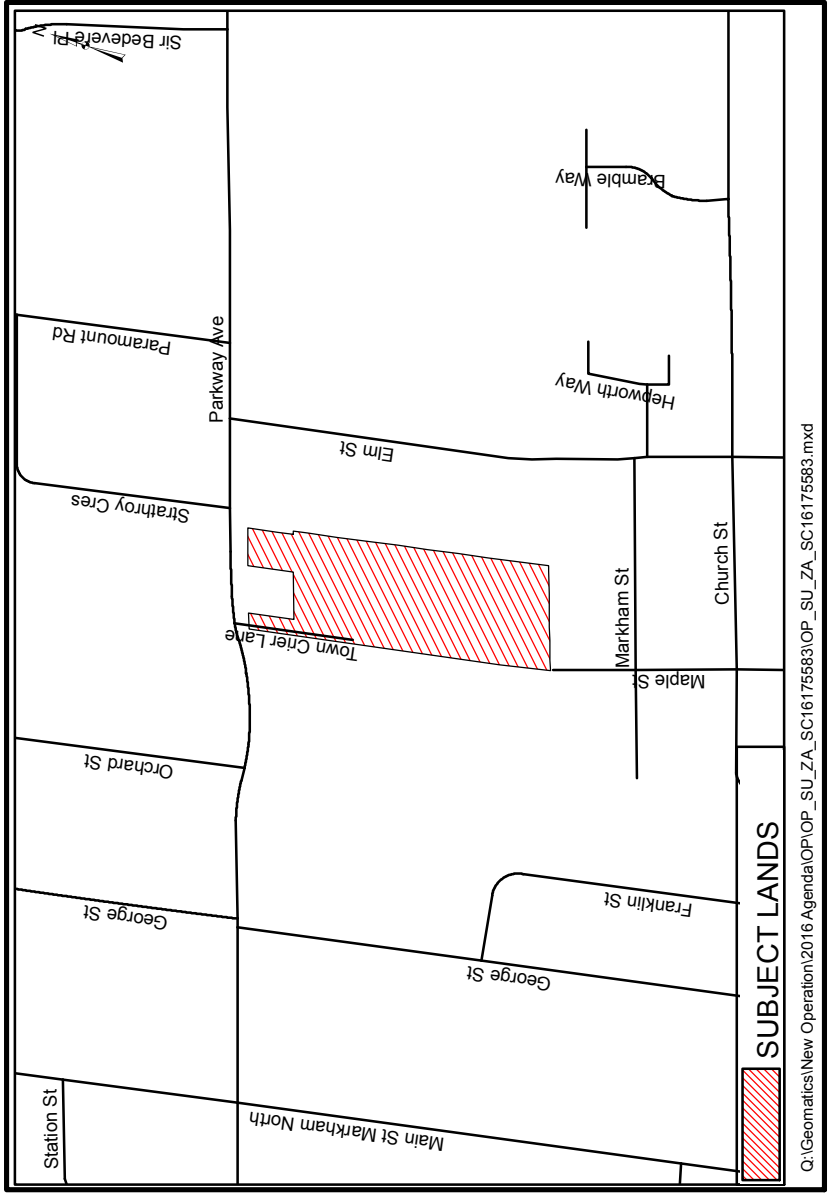
OWNER

Christopher Zeppa
City Park (Town Crier) Homes Inc.
950 Nashville Road
Vaughan ON L0J 1C0
Ph (905) 552-5200 email chriszeppa@rogers.com

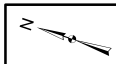
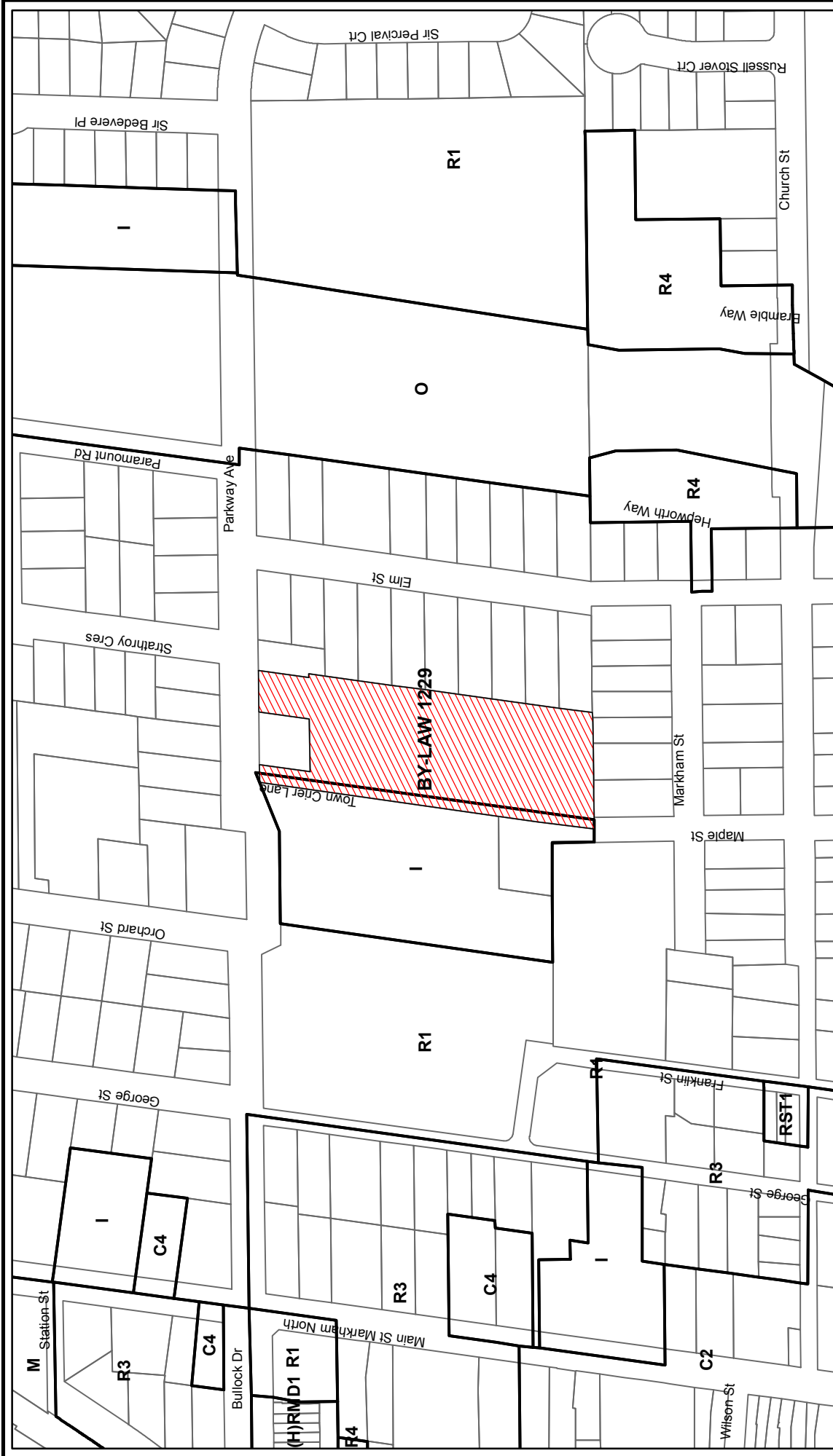
AGENT

John Zipay
Weston Consulting
201 Milway Avenue, Unit 19
Vaughan ON L4K 5K8

File path: Amanda\File 16 175583\Documents\Recommendation Report



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AREA CONTEXT / ZONING

APPLICANT: CITY PARK (TOWN CRIER) HOMES INC.

FILE No. OP_SU_ZA_SC 16175583

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DEVELOPMENT SERVICES COMMISSION

Drawn By: LW

Checked By: SC

DATE: 07/07/2016

FIGURE No. 2

 SUBJECT LANDS

DRAFT PLAN OF SUBDIVISION

APPLICANT: CITY PARK (TOWN CRIER) HOMES INC.

FILE No. OP_SU_ZA_SC 16175583

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DATE: 15/08/2015

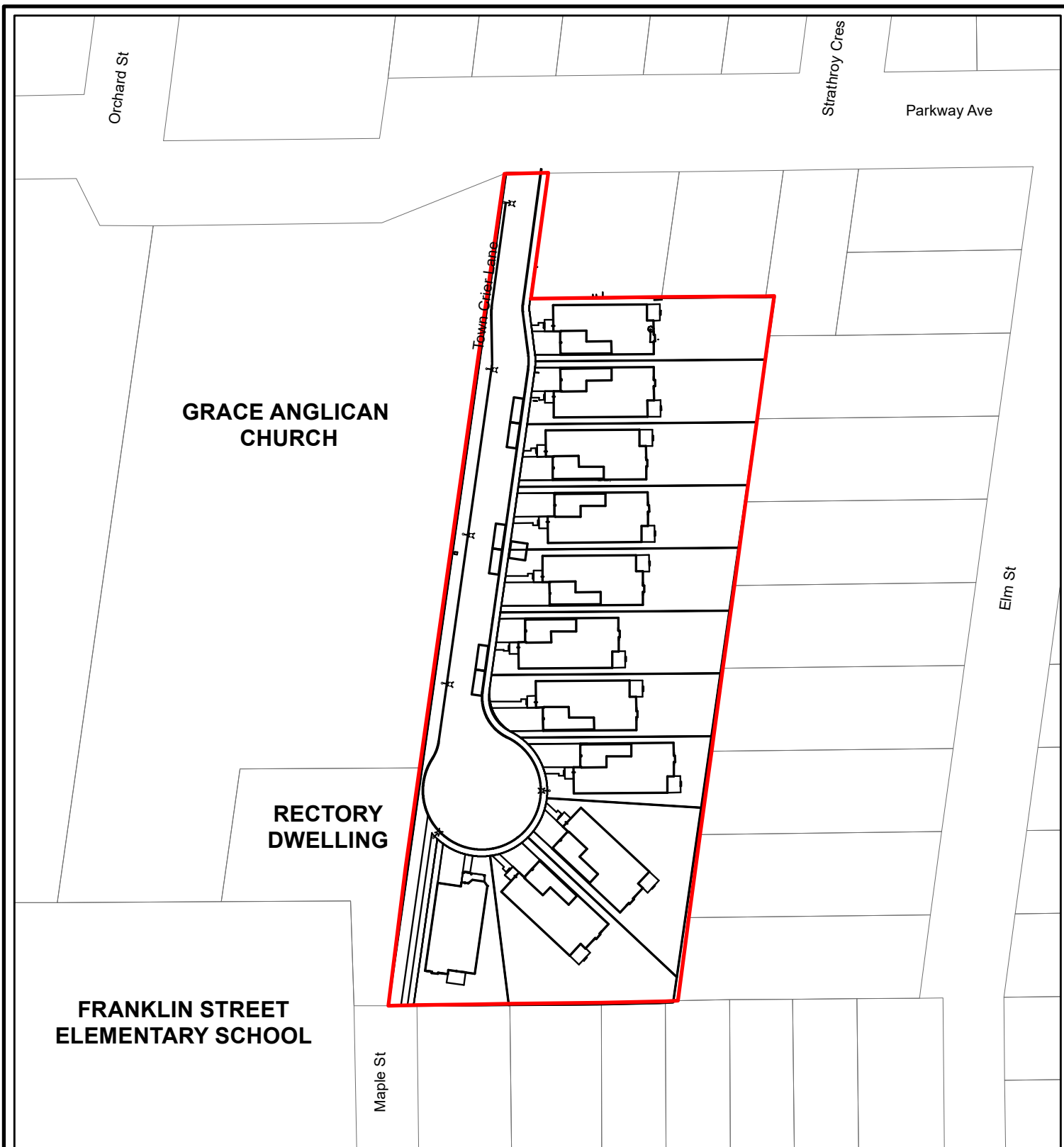


DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SC

FIGURE No. 4



CONCEPTUAL SITE PLAN

APPLICANT: CITY PARK (TOWN CRIER) HOMES INC.
7 TOWN CRIER LANE

FILE No. OP_SU_ZA_SC 16175583

 SUBJECT LANDS

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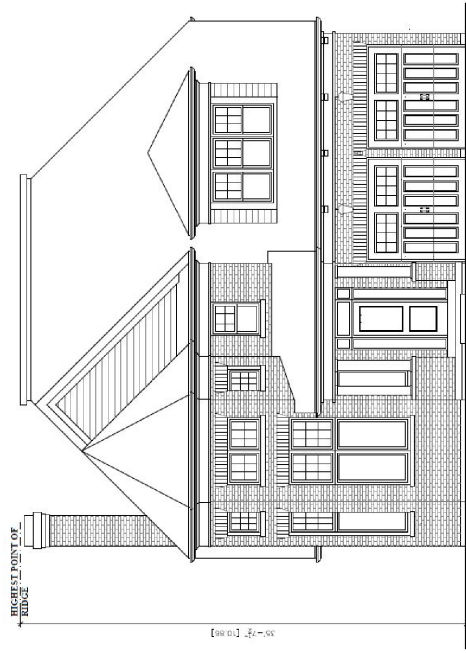


DEVELOPMENT SERVICES COMMISSION

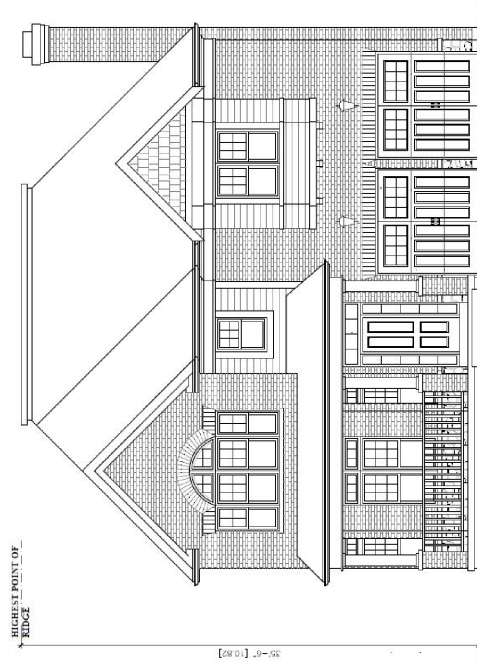
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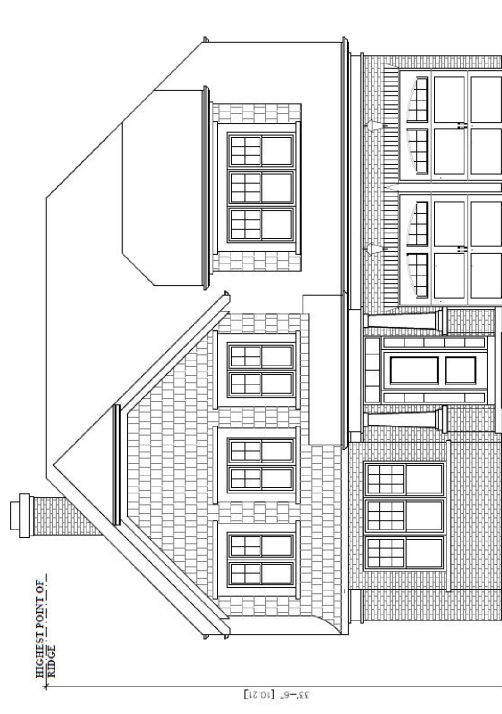
FIGURE No. 5



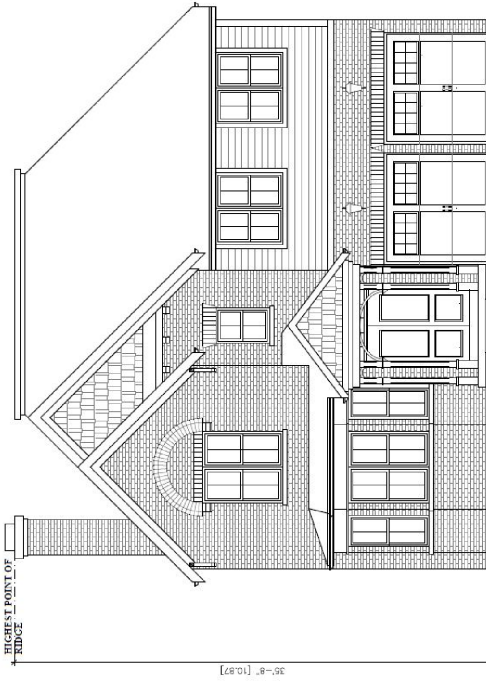
FRONT ELEVATION
MODEL 1



FRONT ELEVATION
MODEL 2



FRONT ELEVATION
MODEL 3



FRONT ELEVATION 'A'
MODEL 4

ELEVATIONS SHEET 1

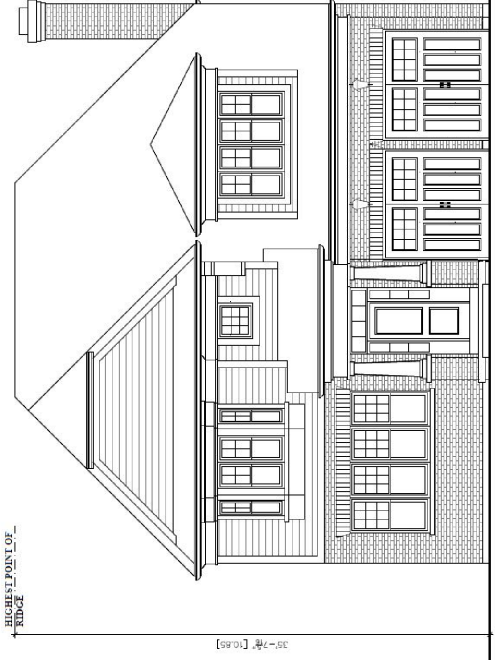
APPLICANT: CITY PARK (TOWN CRIER) HOMES INC.

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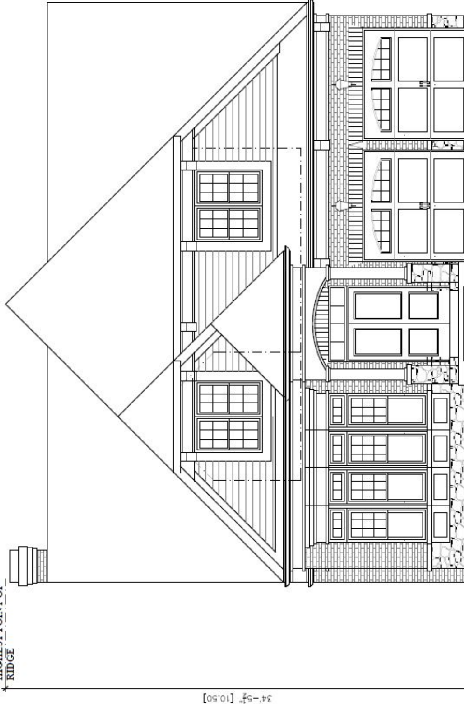
FRONT ELEVATION 'B'
MODEL 4



FRONT ELEVATION 'A'
MODEL 5



FRONT ELEVATION 'B'
MODEL 5



FRONT ELEVATION 'A'
MODEL 6

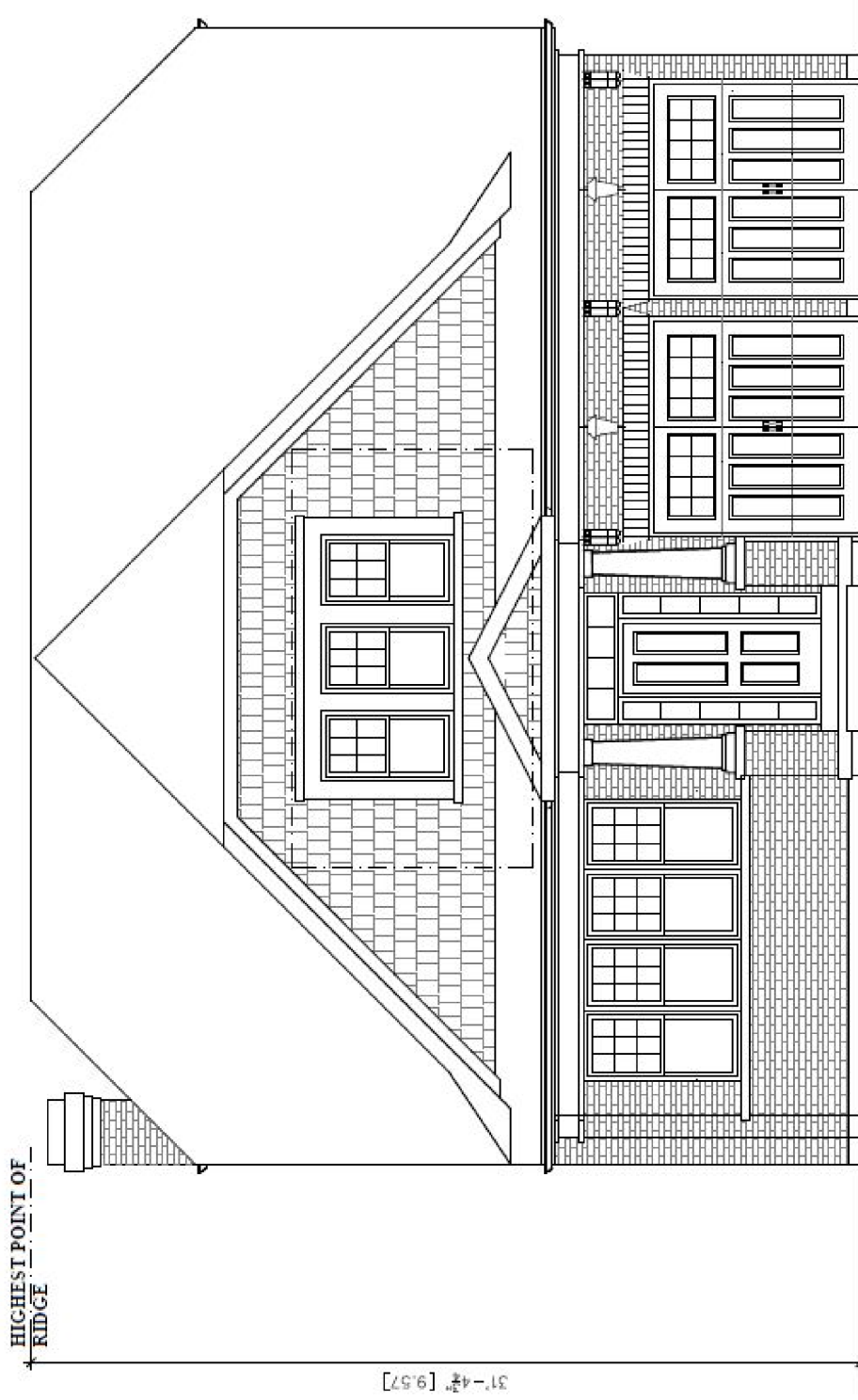
ELEVATIONS SHEET 2

APPLICANT: CITY PARK (TOWN CRIER) HOMES INC.

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FRONT ELEVATION 'B'
MODEL 6

ELEVATIONS SHEET 3

APPLICANT: CITY PARK (TOWN CRIER) HOMES INC.

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CITY OF MARKHAM
OFFICIAL PLAN AMENDMENT NO. XXX

To amend the City of Markham Official Plan 2014, as amended.

(City Park (Town Crier) Homes)

September, 2017

CITY OF MARKHAM
OFFICIAL PLAN AMENDMENT NO. XXX

To amend the City of Markham Official Plan 2014, as amended.

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. 2017 - ____ in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the _____ day of June, 2015.

Mayor

City Clerk

THE CORPORATION OF THE CITY OF MARKHAM

BY-LAW NO. _____

Being a by-law to adopt Amendment No. XXX to the City of Markham Official Plan 2014, as amended.

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM, IN ACCORDANCE WITH THE PROVISIONS OF THE PLANNING ACT, R.S.O., 1990 HEREBY ENACTS AS FOLLOWS:

1. THAT Amendment No. XXX to the City of Markham Official Plan 2014, as amended, attached hereto, is hereby adopted.
2. THAT this by-law shall come into force and take effect on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS _____ DAY OF September, 2017

CITY CLERK

MAYOR

CONTENTS

PART I - INTRODUCTION

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2.	IMPLEMENTATION AND INTERPRETATION.....	9

DRAFT

PART I - INTRODUCTION

(This is not an operative part of Official Plan Amendment No. XXX)

PART I - I NTRODUCTION

1.0 GENERAL

- 1.1** PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2** PART II - THE OFFICIAL PLAN AMENDMENT, constitutes Official Plan Amendment No. XXX. Part II is an operative part of this Official Plan Amendment.

2.0 LOCATION

This Amendment applies to a site that is approximately 1.19 hectares (2.94 acres) in area, municipally known as 7 Town Crier Lane (the 'subject lands'). The subject lands are located on the south side of Parkway Avenue, east of Main Street Markham and within the Markham Village Heritage Conservation District.

3.0 PURPOSE

The purpose of this Amendment is to allow up to eleven (11) single detached dwellings on the subject lands with frontage on a private road rather than a public street. These dwellings will be part of common elements condominium accessed by private road, which is an extension of Town Crier Lane.

The subject lands are designated 'Residential Low Rise' in the 2014 Official Plan, as amended. The amendment will modify Section 9.13 by adding a new site-specific policy applicable to the subject lands.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

This amendment facilitates residential development consisting of up to eleven (11) single detached dwellings without direct frontage on a public street, which are not provided for as of right in the 'Residential Low Rise' designation. The single detached dwellings are proposed to have frontage on a private street, as part of a common element condominium accessed by a private street, which is an extension of Town Crier Lane.

The intent of the 2014 Official Plan policy is to control infill development of this nature within established neighbourhoods. Given that the private road will be an extension of an existing laneway, and the resulting development will provide a lotting pattern on the subject lands that is similar to the surrounding area context, the proposed Official Plan Amendment for the subject lands is considered appropriate and good planning.

DRAFT

PART II - THE OFFICIAL PLAN AMENDMENT

(This is an operative part of Official Plan Amendment No. XXX)

PART II - THE OFFICIAL PLAN AMENDMENT

1.0 THE OFFICIAL PLAN AMENDMENT

- 1.1 Section 9.13 of the City of Markham Official Plan 2014, as amended, is hereby amended by adding a new subsection 9.13.4.12 and corresponding figure 9.13.4.12 as follows:

“9.13.4.12 Town Crier Lane

On the ‘Residential Low Rise’ lands on Town Crier Lane, as shown in Figure 9.13.4.12, single detached dwellings without direct frontage on a public street may be permitted.

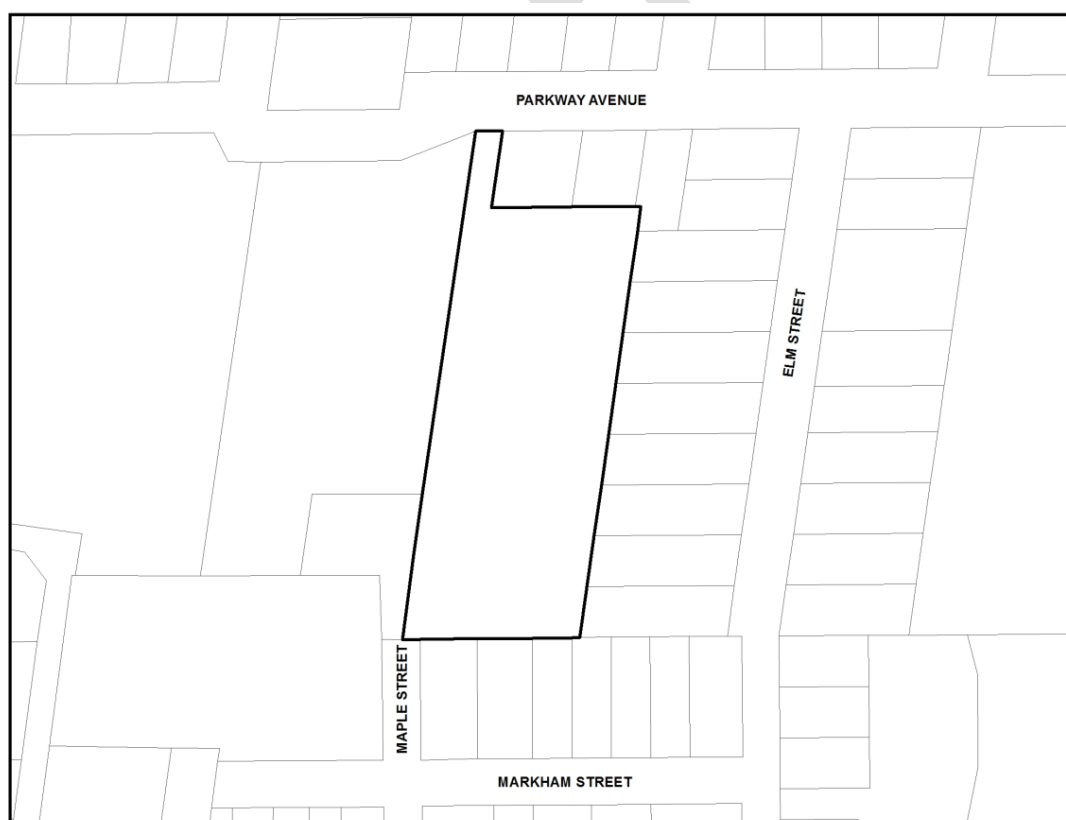


Figure 9.13.4.12”

- 1.2 Section 9.13.1 of the Official Plan 2014, as amended, is hereby amended by adding a new reference to Figure 9.13.1 as follows:

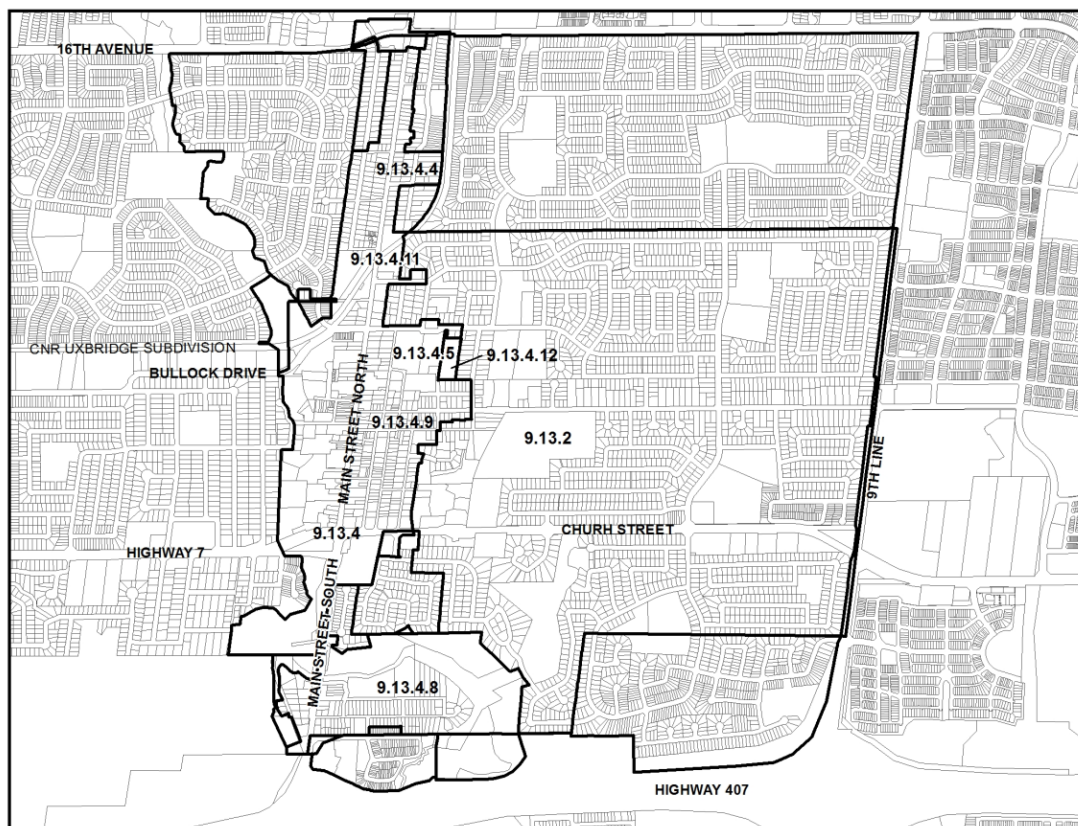


Figure 9.13.1

2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the City of Markham Official Plan 2014, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment shall be implemented by an amendment to the Zoning By-law and Site Plan Approval, in conformity with the provisions of this Amendment.

This Amendment to the City of Markham Official Plan 2014, as amended, is exempt from the approval by the York Region. Following adoption, notice of Council's decision will be given in accordance with the Planning Act, and the decision of Council is final, if a notice of appeal is not received before or on the last day for filing an appeal.

Prior to Council's decision becoming final, this Amendment may be modified to incorporate technical amendments to the text and map(s). Technical amendments are those minor changes that do not affect the policy or intent of the Amendment. For such technical amendments, the notice provisions of Section 10.7.5 of the City of Markham Official Plan 2014, as amended, shall apply.



EXPLANATORY NOTE

BY-LAW 2017-_____

A By-law to amend By-law 1229, as amended

City Park (Town Crier) Homes Inc.

7 Town Crier Lane

South side of Parkway Avenue, east of Main Street Markham North

ZA 16 175583

Lands Affected

The proposed by-law amendment applies to a parcel of land with an approximate area of 1.27 hectares (3.13 acres), which is located on the south side of Parkway Avenue, east of Main Street Markham North in the Markham Village Heritage Conservation District.

Existing Zoning

A strip of land, with an approximate width of 5.5 m (18.0 ft) along the west side of the property is currently zoned Institutional (I) Zone under By-law 1229, as amended. The remainder of the site is currently zoned Residential One (R1) Zone under By-law 1229, as amended.

Purpose and Effect

The purpose of this by-law amendment is to rezone the portion of lands zoned Institutional (I) Zone to Residential One (R1) Zone, and to implement site specific development standards for the site. The effect of this By-law is to permit the development of a common elements condominium containing up to 11 single detached dwellings on the subject lands. The dwellings will front upon and access a private condominium road which is an extension of Town Crier Lane.

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.



BY-LAW 2017-_____

A By-law to amend By-law 1229, as amended

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

1. That By-law 1229, as amended, is hereby further amended as it applies to the lands outlined on Schedule 'A' as follows:

- 1.1 By rezoning Part 1 as shown on Schedule "A" attached hereto

from:

Institutional (I) Zone

to:

Residential One (R1) Zone

- 1.2 By adding the following subsection to Section 12-EXCEPTIONS, which shall apply to Parts 1 and 2 as shown on Schedule "A" attached hereto:

Exception 12.42	City Park (Town Crier) Homes Inc. 7 Town Crier Lane	Parent Zone R1
File ZA 16 175583		Amending By-law 2017-_____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land shown on Schedule "A" attached to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
12.42 Special Zone Standards		
The following special Zone Standards shall apply:		
a)	Town Crier Lane is deemed to be a <i>Public Street</i> for the purpose of determining zone standards;	
b)	The <i>Lot Line</i> abutting Town Crier Lane shall be deemed the <i>Front Lot Line</i> for the purpose of determining zone standards;	
c)	Minimum <i>Lot Frontage</i> – 15 metres;	
d)	Minimum <i>Front Yard</i> – 4.5 metres, except that the minimum <i>Front Yard</i> to an attached <i>Private Garage</i> is 5.8 metres	
e)	Minimum <i>Side Yard</i> – 1.5 metres	
f)	Maximum <i>Building Height</i> – 11.2 metres	
g)	Maximum <i>Building Height</i> where a lot abuts the north or south lot line of the lands shown as Parts 1 & 2 on Schedule "A" to this By-law – 10.5 metres	
h)	Maximum <i>Building Depth</i> – 24.0 metres	
i)	Maximum <i>Gross Floor Area</i> including a <i>Private Garage</i> - 525 m ²	
j)	Maximum <i>Gross Floor Area</i> where a lot abuts the north or south lot line of the lands shown as Parts 1 & 2 on Schedule "A" to this By-law – 470 m ²	
k)	Maximum <i>Building Depth</i> – 24.0 metres	
m)	Maximum <i>Net Floor Area Ratio</i> – not applicable	
n)	Unenclosed porches and stairs may encroach into a required <i>Front Yard</i> a maximum of 2.0 metres	

2. A contribution by the Owner to the City for the purposes of public art, in the amount of \$1500.00 per unit in 2017 dollars, 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.

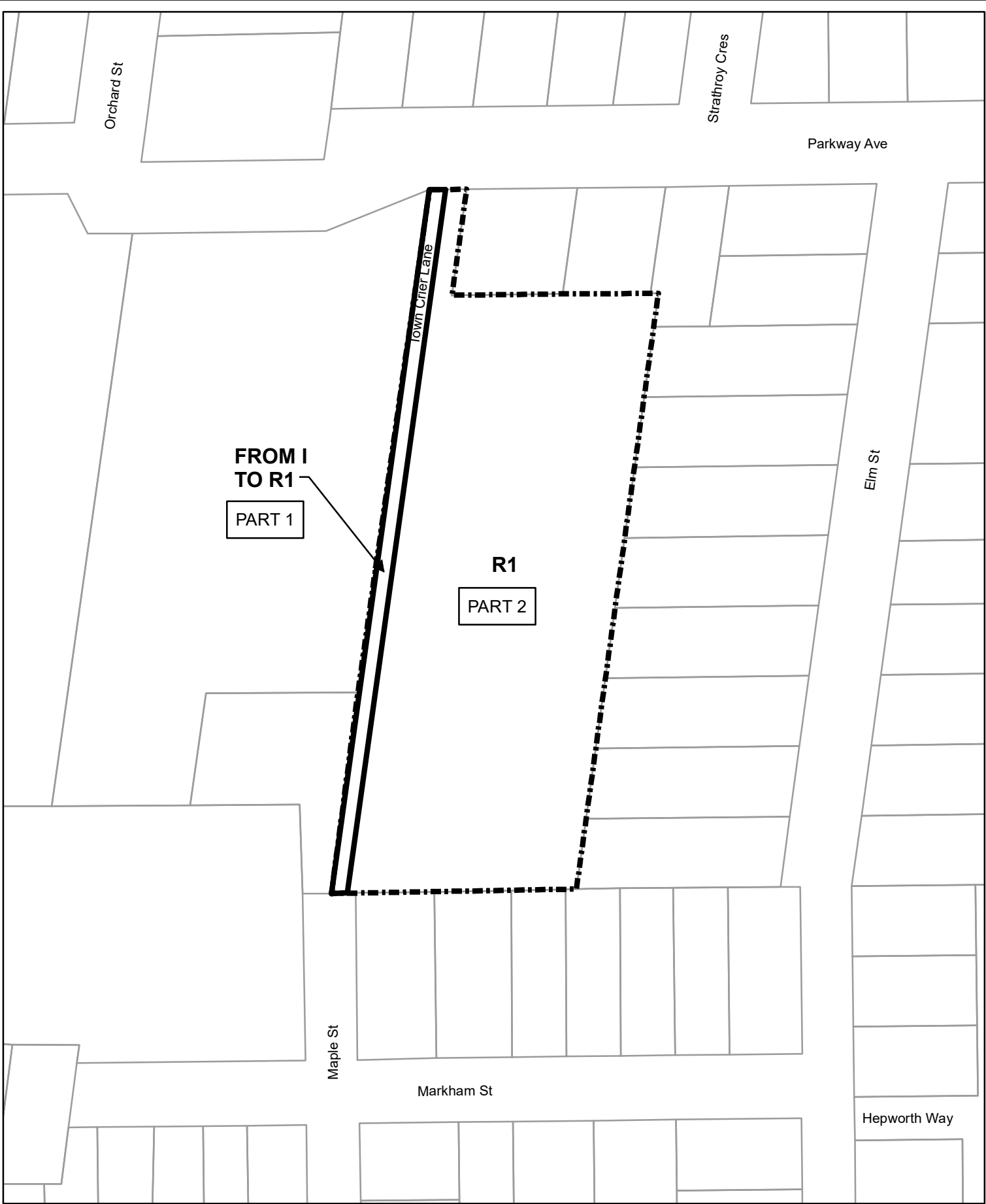
Read a first, second and third time and passed on _____,
2017.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

AMANDA File No.: ZA 16 175583



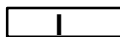

DRAFT



SCHEDULE "A" TO BY-LAW

AMENDING BY-LAW 1229 DATED



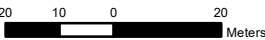
-  BOUNDARY OF AREA COVERED BY THIS SCHEDULE
-  BOUNDARY OF ZONE DESIGNATION(S)
- SUBJECT TO SECTION 12.42 OF BY-LAW 1229
-  INSTITUTIONAL
-  RESIDENTIAL ONE

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 deemed accurate.

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DEVELOPMENT SERVICES COMMISSION



Drawn By: LW Checked By:SC

Date: 29/08/2017

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the City of Markham Clerk's Office

**THE CONDITIONS OF THE CITY OF MARKHAM TO BE SATISFIED PRIOR
TO RELEASE FOR REGISTRATION OF REDLINE REVISED PLAN OF
SUBDIVISION 19TM-16007
(City Park (Town Crier Homes) Inc.)**

1. General

- 1.1 Approval shall relate to a draft plan of subdivision prepared by Rady-Pentek & Edward Surveying Ltd., identified as File Number 15-320, dated April 19, 2017, incorporating the following revisions:
- Show ROW centerline curve radius along all roadways including cul-de-sacs.
 - Show ROW rounding radius / triangle for all roadways intersections.
 - To add the triangular parcel of land located at the northwest corner of Town Crier Lane and Parkway Avenue, upon its acquisition from the abutting property (19 Parkway Avenue, owned by Grace Anglican Church), to achieve a turning radius in accordance with City standards, to the satisfaction of the Director of Engineering;
 - To reconfigure the lot lines, as necessary, to preserve the existing Heritage building (Markham Dairy) while meeting the minimum lot frontage and side yard setback requirements, as outlined in the site specific zoning by-law amendment related to this draft plan.
- 1.2 This draft approval shall apply for a maximum period of three (3) years from date of approval by the Council of the City of Markham, and shall accordingly lapse on September 12, 2020 unless extended by the City upon application by the Owner.
- 1.3 The Owner shall enter into a subdivision agreement with the City agreeing to satisfy all conditions of the City and Agencies, financial and otherwise, prior to final approval.
- 1.4 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the City, to implement or integrate any recommendations from studies required as a condition of draft approval, including, but not limited to, Municipal Class Environment Assessment, Traffic Impact Study, Internal Functional Traffic Design Study, Transportation Demand Management Plan, Stormwater Management Study (Environmental Master Drainage Plan), Functional Servicing Report, Noise Impact Study, confirmation of alignment of roads with the locations shown in the draft approved plans, as well as any comments and conditions received from municipal departments and external agencies after draft approval is granted.

2. Roads

- 2.1. The Owner shall covenant and agree in the subdivision agreement to apply for a Road Occupancy Permit or Permit to Enter, if any works or access to works is proposed on City's owned lands.
- 2.2. Prior to final approval of the draft plan, the Owner shall acquire from Grace Anglican Church, or subsequent owner, the additional 26.84 square metres of land required to complete Town Crier Lane road intersection with Parkway Avenue, to the satisfaction of the City (Commissioner of Development Services).
- 2.3. The Owner acknowledges that the existing driveway for 30 Maple Street will be impacted by the development. The Owner shall covenant and agree in the subdivision agreement to provide an alternative driveway entrance onto Maple Street in accordance with the following:
 - a) To submit to the City an acknowledgement from the Owner of 30 Maple Street, granting permission to the Owner to proceed with the construction of the driveway;
 - b) To submit to the City an acknowledgement from the Owner of 30 Maple Street that they are satisfied with the Owner's design of the driveway;
 - c) To provide all securities and insurance for the construction of the driveway, as required by the City;
 - d) To submit to the City for review, an engineering plan showing the location and design details of the driveway, and,
 - e) To undertake all works required for the construction of the driveway.

3. Noise Impact Study

- 3.1 Prior to final approval of the draft plan, the Owner shall submit the final Noise Impact Study, prepared by a qualified noise consultant, with recommended mitigation measures for noise generated by road traffic and by any other identified noise sources, to the satisfaction of the City, in consultation with York Region. The Owner further agrees to make any revisions to the draft plan that may be required to achieve the recommendations of the Noise Impact Study.

4. Stormwater Management

- 4.1 Prior to final approval of the draft plan, the Owner shall submit a Stormwater Management Study, prepared by a qualified engineer, detailing the provision of water quality and quantity management facilities, hydraulic gradelines, overland flow routes, and erosion and siltation controls for the draft plan for approval by the City and the Toronto and Region Conservation Authority. The Owner acknowledges and agrees that they will be required to construct the proposed stormwater management facilities and overland routes, provide any easements or

lands for stormwater and overland flow purposes, and to revise the draft plan accordingly, as may ultimately be required.

- 4.2. The Owner shall covenant and agree in the subdivision agreement to obtain approval of Site Alteration Plans in accordance with the City's Standards prior to proceeding with any on-site works and more particularly topsoil stripping.
- 4.3. The Owner shall covenant and agree in the subdivision agreement to undertake the monitoring of watercourse temperatures which may be affected by storm drainage from its development, subject to consultation with, and to the satisfaction of the City.
- 4.4. The Owner covenants and agrees that the water balance target of 5mm is required by the City. The Owner covenants and agrees to use its best efforts, subject to site conditions and constraints, to design and implement a system to achieve a water balance target acceptable to the Director of Engineering. The Owner further covenants and agrees that such system shall incorporate a Low Impact Design system ("LID"). The LID shall be in the location satisfactory to the Director of Engineering.

5.0 Municipal Services

- 5.1. Prior to final approval of the draft plan, the Owner shall prepare, to the satisfaction of the City (Commissioner of Development Services), a final Functional Servicing Report to determine the infrastructure required for all municipal services internal and external to the subdivision to serve the subdivision and potential upgrades to municipal infrastructure downstream of the subdivision resulted from this development. Any requirements resulting from this Report shall be incorporated into the draft plan and provided for in the subdivision agreement. The owner shall covenant and agree in the subdivision agreement to pay for all external municipal infrastructure upgrades.
- 5.2. The Owner shall covenant and agree in the subdivision agreement that they shall be required to construct, or pay for the construction of, roads, bicycle lanes, curbs, gutters, sidewalks (in accordance with the applicable Council policy and City's Design Criteria and Standards), underground and above ground services, street lights, street signs, utilities, stormwater management facilities, etc., to the satisfaction of the City (Commissioner of Development Services).
- 5.3. Prior to final approval of the draft plan, detailed engineering drawings shall be provided in accordance with the City's Design Criteria and Standards, by the Owner which will include, but not be limited to grading control plans, plan and profile drawings of all underground and aboveground services, general plans, drainage plans, streetlighting design drawings, etc. to the satisfaction of the City (Commissioner of Development Services).

- 5.4. The Owner covenants and agrees in the subdivision agreement to construct municipal services and restore the road right-of-way on Maple Street, external to the plan of subdivision, from the south limit of the subdivision to Markham Street, which are required to service the proposed development. The City agrees to give permission for these external works to be completed as part of the subdivision works, to the satisfaction of the Director of Engineering.
- 5.5. The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Services has been advised by the Fire Chief that there is an adequate water supply for firefighting operations and acceptable access for firefighting equipment is available.
6. Traffic Impact Study / Internal Functional Traffic Design Study
- 6.1. The Owner shall provide an updated Transportation Demand Management (TDM) plan as per the comments provided by the City staff dated May 31, 2017 to the satisfaction of the City.
- 7.0 Easements
- 7.1 The Owner shall grant any required easements to the appropriate authority for public utilities, drainage purposes or turning circles, upon registration of the plan of subdivision. Any off-site easements and works necessary to connect watermains, storm and sanitary sewers to outfall trunks and stormwater management facilities shall be satisfactory to, and dedicated to, the City.
- 8.0 Utilities and Canada Post
- 8.1 The Owner shall covenant and agree in the subdivision agreement that hydro electric, telephone, gas and television cable services, and any other form of telecommunication services shall be constructed at no cost to the City as underground facilities within the public road allowances or within other appropriate easements, as approved on the Composite Utility Plan, to the satisfaction of the City (Commissioner of Development Services) and authorized agencies.
- 8.2. The Owner shall covenant and agree in the subdivision agreement to enter into any agreement or agreements required by any applicable utility companies, including Powerstream, Enbridge, telecommunications companies, etc.
- 8.3. The Owner shall covenant and agree in the subdivision agreement to facilitate the construction of Canada Post facilities at locations and in manners agreeable to the City of Markham in consultation with Canada Post, and that where such facilities

are to be located within public rights-of-way they shall be approved on the Composite Utility Plan and be in accordance with the Community Design Plan.

- 8.4. The Owner shall covenant and agree in the subdivision agreement to include on all offers of purchase and sale a statement that advises prospective purchasers that mail delivery will be from a designated Community Mailbox. The Owners will further be responsible for notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sale.
- 8.5. The Owner shall covenant and agree in the subdivision agreement to provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to new residents as soon as homes are occupied.
- 8.6. Standard Community Mailbox installations are to be done by Canada Post at locations approved by the municipality and shown on the Composite Utility Plan. Should the developer propose an enhanced Community Mailbox installation, any costs over and above the standard installation must be borne by the developer, and be subject to approval by the City in consultation with Canada Post.
- 8.7. The Owner covenants and agrees that it will permit any telephone or telecommunication service provider to locate its plant in a common trench within the proposed subdivision prior to registration provided the telephone or telecommunications services provider has executed a Municipal Access Agreement with the City. The Owner shall ensure that any such service provider will be permitted to install its plant so as to permit connection to individual dwelling units within the subdivision as and when each dwelling unit is constructed.

9. Environmental Clearance

- 9.1 The Owner covenants and agrees to retain a “Qualified Person” as defined by the *Environmental Protection Act* and its regulations, to carry out all necessary environmental testing, evaluation and remediation and pay to the City for third party peer review. The Owner acknowledges that a “Qualified Person” will be retained for the execution of the Owner’s obligation hereunder. The Owner agrees that it shall not substitute the Qualified Person without the prior written consent of the Director of Engineering.
- 9.2. The Owner covenants and agrees that, prior to execution of Subdivision Agreement, an environmental clearance shall be provided to the City for all lands or interests in lands to be conveyed to the City to the satisfaction of the Director of Engineering. The City shall be satisfied that the lands are environmentally suitable for their proposed use and be certified as such by the “Qualified Person”

as defined in Ontario Regulation 153/04, all of which shall be in accordance with the Environmental Protection Act and its regulations. The “Qualified Person” shall file a Record of Site Conditions on the Provincial Environmental Site Registry for all lands to be conveyed to the City.

- 9.3. The Owner covenants and agrees that if, during construction of the Works, contaminated soils or materials are discovered, the Owner shall inform the Director of Engineering immediately, and undertake, at its own expense, the necessary measures to identify and remediate the contaminated soils or groundwater, all in accordance with the Environmental Protection Act and its regulations, to the satisfaction of the Director of Engineering and the Ministry of Environment. After remediation, the “Qualified Person” shall file an updated Record of Site Condition on the Provincial Environmental Site Registry, in accordance with Ontario Regulation 153/04, for all lands to be conveyed to the City.
- 9.4. The Owner covenants and agrees to assume full responsibility for the environmental condition of the Lands and agrees to indemnify and save harmless the City, its directors, officers, Mayor, councilors, employees and agents from any and all actions, causes of action, suits, claims, demands, losses, expenses and damages whatsoever that may arise either directly or indirectly from the approval and Assumption by the City of the Works, the construction and use of the Works or anything done or neglected to be done in connection with the use or any environmental condition on or under the Lands, including any work undertaken by or on behalf of the City in respect of the Lands and the execution of this Agreement.

10. Well Monitoring Program and Mitigation Plan

- 10.1 Prior to any site alteration activities, the Owner shall check if there are any active wells within 500 meters of the Zone of Influence (ZOI). If any active wells are found within the ZOI, the Owner shall prepare and implement a Well Monitoring Program and Mitigation Plan, in accordance with the City’s requirements to the satisfaction of the Director of Engineering.

11. Municipal Infrastructure

- 11.1 The Owner and the City acknowledge that this subdivision, when fully constructed, will tentatively have the following City’s municipal infrastructure:
- Sanitary Sewers: 56 metres
 - Storm Sewers: 64 metres
 - Watermain: 65 metres

12. Streetlight Types

- 12.1 The Owner agrees to contact the City staff prior to commencing the design for Streetlighting to confirm the type(s) of poles and luminaires to be provided for different streets and/or lanes.

14.0 Tree Inventory and Preservation Plans

- 14.1 The Owner shall submit for approval a tree inventory and tree preservation plan to the satisfaction of the Director of Planning and Urban Design in accordance with the City of Markham Streetscape Manual dated 2009, as amended from time to time.
- 14.2 The Owner shall submit a site grading plan showing the trees to be preserved based on the approved Tree Preservation Plan prior to the issuance of a Top Soil Stripping Permit to the satisfaction of the Director of Planning and Urban Design.
- 14.3 The Owner shall obtain written approval from the Director of Planning and Urban Design prior to the removal of any trees or destruction or injury to any part of a tree within the area of the draft plan.
- 14.3 The Owner shall submit for approval, as part of the tree inventory and tree preservation plan, in accordance with the City of Markham Streetscape Manual a tree compensation schedule detailing replacement and enhancement planting or the replacement value based on the following:
- a) Trees between 20cm and 40cm diameter at breast height (DBH) shall be replaced at a ratio of 2:1
 - b) All trees over 40cm DBH shall have an individual valuation submitted to the City by an ISA certified Arborist in accordance with the Council of Tree and Landscape Appraisers (CTLA) Guide for Plant Appraisal (2000)
 - c) Where a site does not allow for the 2:1 replacement, the City will negotiate a credit for tree planting on alternate sites

The requirement for the replacement or equivalent economic value following unauthorized tree removal or damage shall be determined by the City.

15. Community Design

- 15.1 The Owner shall implement and incorporate all requirements of the Markham Village Heritage Conservation District Plan into all the plans and design documents.

16. Parks and Open Space

- 16.1 The Owner shall convey land to the City for park purposes in accordance with the Parkland Dedication By-law 195-90, as amended or in an alternative form as agreed to by the Director of Planning & Urban Design, which form may include cash-in-lieu of parkland dedication.
- 16.2 The Owner shall post an approved community demonstration plan in all sales offices or points of sale for dwelling units within the draft plan of subdivision, such plans to include, but not be limited to show parks, open space, schools, employment lands and retail / commercial lands or developments, adjacent municipal roads and Provincial Highway / Transitway, as applicable.
- 16.3 The Owner shall provide a specialized depth of topsoil in the entire municipal boulevard to appropriately plant boulevard trees to the satisfaction of the Director of Planning and Urban Design.

17. Streetscape Works

- 17.1 Prior to execution of the subdivision agreement, the Owner shall submit landscape plans to the satisfaction of the Director of Planning and Urban Design
- a) street tree planting in accordance with the City of Markham Streetscape Manual dated June 2009.
 - b) 1.8m high wood screen corner lot fencing
 - c) front yard wood or metal decorative fencing
 - d) streetscape plan and any other required landscaping.
- 17.2 The Owner shall construct all landscaping in accordance with the approved plans at no cost to the City.
- 17.3 The Owner shall not permit their builders to charge home purchasers for the items listed in Condition 4.1.
- 17.4 The Owner shall include in all agreements of purchase and sale the following clause:

“PURCHASERS ARE ADVISED THAT AS A CONDITION OF APPROVAL OF THE SUBDIVISION WITHIN WHICH THIS LOT IS LOCATED, THE CITY OF MARKHAM HAS REQUIRED THE DEVELOPER TO UNDERTAKE AND BEAR THE COST OF THE FOLLOWING ITEMS:

- STREET TREES (TREES PLANTED IN THE CITY BOULEVARD **Or IN ADJACENT PUBLIC LANDS OR PRIVATE LOTS to meet 4.1a)**
- CORNER LOT FENCING

- REAR LOT LINE FENCING AT LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
- TREE PLANTING IN REAR YARDS ADJOINING THE LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
- NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY
- FENCING OF SCHOOL, PARK, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS
- BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES
- SUBDIVISION ENTRY FEATURES AND DECORATIVE FENCING AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE CITY.

THE DEVELOPER HAS BORNE THE COST OF THESE ITEMS AND THE HOME PURCHASER IS NOT REQUIRED TO REIMBURSE THIS EXPENSE.”

18. Financial

- 18.1 Prior to execution of the subdivision agreement the Owner shall provide a letter of credit, in an amount to be determined by the Director of Planning and Urban Design, to ensure compliance with applicable tree preservation, fencing, streetscape, buffer and other landscaping requirements.

19.0 Development Charges

- 19.1 The Owner shall covenant and agree in the subdivision agreement to provide written notice of all development charges related to the subdivision development, including payments made and any amounts owing, to all first purchasers of lands within the plan of subdivision at the time the lands are transferred to the first purchasers.

- 19.2 The Owner shall pay all fees and development charges as set out in the subdivision agreement.

20. Other City Requirements

- 20.1 The Owner covenants and agrees to work with Development Services staff on the related site plan application with respect to determining the specific model homes to be built on each lot within the draft plan.
- 20.2 The Owner covenants and agrees to purchase from the City two recycling containers, one green bin and one kitchen collector per residence so that each

purchaser may participate in the City's waste diversion program. Furthermore the Owner shall ensure that the recycling containers, green bins, kitchen collectors and educational materials are deposited in each home on or before the closing date.

- 20.2 The Owner covenants and agrees to contact the City at least four weeks prior to a unit's occupancy to arrange an appointment time in which the recycling containers, green bins, kitchen collectors and educational materials are to be collected by the Owner.
- 20.3 The Owner covenants and agrees to pay to the City the cost for the recycling containers, green bins and kitchen collectors as outlined in the subdivision agreement and to provide the said recycling containers, green bins and kitchen collectors at the same cost paid to the City.
- 20.4 The Owner covenants and agrees that during the construction phase of the development, unobstructed roadway access to a width of no less than 6 metres will be provided for the safe passage of municipal waste and recycling collection vehicles on the designated collection day. Furthermore, if required, the Owner shall provide vehicle turning space that meets the City's Engineering design standards. The Owner agrees that at times when the above defined access cannot be provided, the Owner shall be responsible for moving all residential waste, recyclables and organics from occupied units to an agreed upon centralized location at the Owners expense, for collection by the City.
- 20.4 Fire break lots shall be designated within the *subdivision/site plan* agreement, to the satisfaction of the Fire Chief or his designee.
- 20.5 The adequacy and reliability of water supplies for firefighting purposes are subject to the review and approval of the Fire Chief or his designee.
- 20.6 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Services has been advised by the Fire Chief that there is an adequate water supply for firefighting operations two remote accesses for firefighting equipment is available.

21. Region of York

- 21.1 The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the City of Markham and York Region.
- 21.2 The Owner shall agree in the Subdivision Agreement that the Owner shall save harmless the City of Markham and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.

- 21.3 York Region shall confirm that adequate water supply and sewage capacity are available and have been allocated by the City of Markham for the development proposed within this draft plan of subdivision or any phase thereof. Registration of the plan of subdivision shall occur in phases based on the availability of water supply and sewage servicing allocation.
- 21.4 Prior to final approval, an electronic copy of the engineering drawing(s) showing the layout of the watermain and sewers shall be submitted to the Community Planning and Development Services branch for review and record.
- 21.5 The Owner shall provide a Transportation Demand Management (TDM) Plan to the satisfaction of the Region. The TDM Plan shall include a TDM communication strategy, to assist the Region and the City of Markham to effectively deliver the Information Packages and pre-loaded PRESTO Cards to residents.
- 21.6 Prior to final approval, the Owner shall provide a copy of the executed Subdivision Agreement to the Community Planning and Development Services Division, outlining all requirements of the Community Planning and Development Services Division.
- 21.7 The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges in effect at the time that Regional Development Charges, or any part thereof, are payable.
- 21.8 The Regional Community Planning and Development Services shall advise that Conditions 22.1 to 22.7 inclusive, have been satisfied.
22. York District School Board
- 22.1 The Owner covenants and agrees to consult the York District School Board on any potential realignment of Maple Street to ensure operation of Franklin Public School is not impacted.
- 22.2 The Owner covenants and agrees that the use of Maple Street shall be maintained at all times for the use of Franklin Public School for school bus drop off/pick up and access to waste and recycling bins. The Owner further covenants and agrees that construction related traffic and parking shall not be located on Maple Street and away from the school.
- 22.3 Prior to final approval, the Owner shall provide the York Region District School Board with a construction management plan, including but not limited to

measures to maintain accessibility and student safety to the Board's satisfaction prior to registration of the plan of subdivision.

- 22.4 Prior to final approval, the Owner shall arrange a pre-construction meeting with York Region District School Board to identify and mitigate any outstanding concerns from the School Board.

23. Heritage

- 23.1 Prior to final approval of the draft plan of subdivision or any phase thereof, the Owners shall carry out an archaeological assessment for the lands within the draft plan to ensure the assessment and identification of appropriate treatment of archaeological resources, and further to mitigate any identified adverse impacts to significant archaeological resources to the satisfaction of the City (Commissioner of Development Services) and the Ministry of Culture. No demolition, grading, filling or any form of soil disturbances shall take place on the lands within the draft plan prior to the issuance of a letter from the Ministry of Culture to the City indicating that all matters relating to heritage resources have been addressed in accordance with licensing and resource conservation requirements.
- 23.2 The Owner shall covenant and agree in the subdivision agreement to implement any measures recommended by the archaeological assessment, to the satisfaction of the City and the Ministry of Culture.
- 23.3 The Owner covenants and agrees to retain the Heritage Building (The former Markham Dairy) on an appropriately sized lot to the satisfaction of the City, (Commissioner of Development Services).
- 23.4 The Owner covenants and agrees to protect and conserve the Heritage Building through the following means:
- a) To maintain the Heritage Building in good and sound conditions at all times prior to and during the development of the property;
 - b) To undertake the following:
 - secure and protect the building from damage through procedures carried out according to the City of Markham Guidelines for Boarding Heritage Structures;
 - erect a "No-trespassing" sign in a visible location on the property indicating that the Heritage Building is to be preserved onsite and should not be vandalized and/or scavenged; and
 - install a 8 ft high fence around the perimeter of the building to protect the building until the completion of construction in the vicinity or the commencement of long-term occupancy of the building as confirmed by City (Heritage Section) staff.

23.5 Prior to final approval of the plan of subdivision or any phase thereof, the Owner is to implement the following measures to protect the Heritage Building:

- a) The Owner is to provide at its expense a legal survey of the Heritage Building to facilitate the registration of the easement agreement on the created/proposed lot;
- b) The Owner is to enter into a Heritage Easement Agreement for the Heritage Building with the City;
- c) The Owner is to provide a Letter of Credit for the Heritage Building to ensure the preservation of the existing building (total \$150,000.00). The letter of credit shall be retained for use by the City and shall not be released until the following has been addressed:
 - construction and grading on the subject lands and adjacent lots, and roads have been completed to the satisfaction of the City(Commissioner of Development Services),
 - the building has been connected to municipal services,
 - the exterior restoration of the Heritage Building is complete,
 - the buildings meet the basic standards of occupancy as confirmed by the Building Standards Department, and
 - all other heritage requirements of the Subdivision Agreement have been completed;
- d) The Owner is to enter into a site plan agreement with the City for the Heritage Building, containing details on the site plan such as driveway, grading, connections to municipal services, trees to be preserved and detailed elevations outlining the proposed restoration plan, any additions and alterations, and any proposed garage.

23.6 The owner shall covenant and agree in the subdivision agreement to preserve the Heritage Building through the following means:

- a) to provide and implement a traditional restoration plan for the Heritage Building, prepared by a qualified architect with demonstrated experience in heritage restoration projects, that would be reviewed and approved by the City (Heritage Section). The restoration plan is to be included in a site plan agreement for each of the property;
- b) to complete the exterior restoration of the Heritage Building, connection of all municipal services to the allocated lot (water, gas, hydro, cable, telephone etc.) and ensure basic standards of occupancy as confirmed by Building Standards Department within two years of registration of the plan of subdivision;
- c) to ensure that the architectural design and elevations of dwellings proposed for adjacent lots is compatible with the restored heritage dwelling;
- d) to ensure that the final proposed grading on the lots adjacent to Heritage Building is consistent with the existing historic grading of the Heritage Building;
- e) To ensure that the historic front of the Heritage Building retains a front yard appearance, the type of fencing should be limited to a low residential picket fence rather than privacy fencing;

- 23.7 The Owner shall covenant and agree in the subdivision agreement to prepare and implement a marketing plan, to the satisfaction of the Commissioner of Development Services, which details the ways and means the Heritage Building will be marketed to prospective purchasers;
- 23.8 The Owner shall covenant and agree in the subdivision agreement to provide notice and commemoration of the Heritage Building through the following means:
- a) to provide and install at its cost, an interpretative baked enamel plaque for each Heritage Building(s), in a publicly visible location on the property. The plaque is to be designed according to the specifications of the "Markham Remembered" program, and outline the history of the building and its occupant Carman Lewis. Details of the design and location of the plaque are to be submitted for review and approval of the City (Heritage Section);
 - b) to include the following notice in each Offer of Purchase and Sale for the Heritage Building:
"Purchasers are advised that the existing building on this property is designated pursuant to the Ontario Heritage Act, and is subject to a heritage easement agreement with the City of Markham. Any proposed additions or alterations to the exterior of the existing dwelling shall be subject to review and approval of plans by the City."
- 23.9 Prior to final approval of the plan of subdivision or any phase thereof, the Manager of Heritage Planning shall advise that Conditions 23.1 to 23.8, inclusive, have been satisfied.
- 24.0 Ministry of Natural Resources
- 24.1 The Owner acknowledges that the Redside Dace has been added to the list of endangered species pursuant to the *Endangered Species Act, 2007*. S.O. 2007, c. 6. (the "Act"), and that the Ministry of Natural Resources (Ontario) has prepared a recovery strategy for the Redside Dace, entitled "Redside Dace (*Clinostomus elongatus*) in Ontario, Ontario Recovery Strategy Series", dated February 2010 (the "Recovery Strategy"). The Owner acknowledges that, notwithstanding this Agreement and any approvals made or given by the City in respect of the Subdivision, the onus is on the Owner to comply with the provisions of the Act and the Owner covenants and agrees to use its best efforts to comply the Recovery Strategy, if applicable to the Subdivision, including but not limited to protection of the meander belt of any stream providing habitat to the Redside Dace and its associated riparian habitat that is within 30 metres from the meander belt. The Owner covenants and agrees to indemnify and save harmless the City, its directors, officers, Mayor, Councillors, employees and agents from any and all actions, causes of actions, suits, claims, demands, losses, penalties, fines, expenses and damages whatsoever that may arise either directly or indirectly from

the approval and registration of the Subdivision and the Assumption of the Subdivision, the construction and use of the Works or anything done or neglected to be done in connection with the *Endangered Species Act, 2007* and the Recovery Strategy.

25. External Clearances

- 25.1 Prior to release for registration of the final draft plan of subdivision, clearance letters, containing a brief statement detailing how conditions have been met, will be required from authorized agencies as follows:
- a) Canada Post shall advise that all their conditions and requirements have been satisfied.
 - b) The utility companies, including Powerstream, Enbridge, telecommunications companies, etc. shall advise that their conditions and requirements have been satisfied.
 - c) The Region of York shall advise that all their conditions and requirements have been satisfied.
 - d) The York Region District School Board shall advise that all their conditions and requirements have been satisfied.

ISSUED: September, Date, 2017

Ron Blake, M.C.I.P., R.P.P.
Senior Development Manager

APPENDIX “D”

Heritage Markham Recommendation

October 12, 2016

THAT Heritage Markham provides the following comments from a heritage perspective on the applications to permit the redevelopment of 7 Town Crier Lane:

Former Dairy Building

- support the preservation and restoration of the building on-site
- no support for demolition
- secure a Heritage Easement Agreement as a condition of development approval

Side Yard Setbacks

- the proposed side yard setbacks are out of character with the adjacent residential neighbourhood, may pose problems for building maintenance and drainage, and do not seem appropriate for the larger scale of the proposed dwellings.
- typically dwellings in the heritage conservation district have larger spaces between dwellings
- at minimum, the required side yard setbacks of the Infill By-law should be maintained.

Lot Sizes

- proposed lot sizes comply with the zoning by-law (with the exception of Lot 2) and are generally consistent with lots in the general area.

Size of Dwellings

- in relation to neighbouring dwellings, the proposed dwellings (with garage) are large (4,939 to 5,638 sq ft) and not in character with the historic building stock or newer modern infill housing in the heritage conservation district.
- massing, proportions and size of dwellings should be generally compatibility with dwellings in the heritage conservation district – average size in immediate area is approximately 2,200 sq ft
- at minimum, dwellings should comply with sizes permitted by the Infill Zoning By-law Floor Area Ratio (FAR) of 45%.

Building Design Issues

- any proposed new building should be designed such that it adds to the overall heritage character of the district—form, height, shape and details such as windows, doors and colour should complement surrounding “A” class buildings as much as possible.
- windows should generally follow the proportions of heritage type buildings
- colours- traditional brick colours, traditional paint colours
- design of dwelling for Lot 1 should be complementary with the heritage resource located at 1 Town Crier Lane from a height, massing and design perspective, and not negatively impact the heritage resource including its attributes.
- ***Architectural Style*** – the proposed style is not representative of typical architectural styles commonly found in Markham Village. Once an appropriate style is selected for this development, the design elements should remain consistent for that style and the

buildings not be overly decorated (simplification of design elements to reflect local examples). Also the elimination of stone veneers other than as a foundation treatment.

- ***Building Height*** - proposed roofs appear out of scale and character with surrounding homes. Modify these roofs to be more reflective of the traditional roof forms found in the Markham Village Heritage District
- ***Garage Placement*** – consider detached rear garages or locating the attached garage further back from the front façade (subservient to the main dwelling).

Trees

- retain as much mature vegetation as possible as these features are important and support the heritage character of the heritage conservation district.
- reintroduce trees and vegetation as part of the new development.

Entrance Feature

- an entrance feature is not supported as it is not characteristic of Markham Village

APPENDIX “E”
Heritage Markham Recommendation
July 12, 2017

That Heritage Markham rejects the proposal as it does not comply with the Infill By-law and the Markham Village Heritage Conservation District Plan; and

That Heritage Markham provides the following comments from a heritage perspective on the revised application to permit the redevelopment of 7 Town Crier Lane:

Former Dairy Building

- support the preservation and restoration of the building on-site;
- no support for demolition;
- secure a Heritage Easement Agreement as a condition of development approval;

Side Yard Setbacks

- the proposed side yard setbacks are out of character with the adjacent residential neighbourhood, may pose problems for building maintenance and drainage, and do not seem appropriate for the larger scale of the proposed dwellings;
- typically dwellings in the heritage conservation district have larger spaces between dwellings which could be achieved by locating detached garages at the rear of the lots;
- at minimum, the required 6 ft side yard setbacks of the Infill By-law should be maintained;

Lot Sizes

- proposed lot sizes comply with the zoning by-law (with the exception of Lot 4) and are generally consistent with lots in the general area;

Size of Dwellings

- in relation to neighbouring dwellings, the proposed dwellings (with garage) are large (4,939 to 5,638 sq ft) and not in character with the historic building stock or newer modern infill housing in the heritage conservation district;
- massing, proportions and size of dwellings should be generally compatibility with dwellings in the heritage conservation district – average size in immediate area is approximately 2,200 sq ft;
- at minimum, dwellings should comply with sizes permitted by the Infill Zoning By-law Floor Area Ratio (FAR) of 45%, which would on average be 3,933 ft²;

Building Design Issues

- any proposed new building should be designed so that they add to the overall heritage character of the district—form, height, shape and details such as windows, doors and colour should complement surrounding “A” class buildings as much as possible;
- windows should generally follow the proportions of heritage type buildings;
- colours- traditional brick colours, traditional paint colours;
- design of dwelling for Lot 1 should be complementary with the heritage resource located at 1 Town Crier Lane from a height, massing and design perspective, and not negatively impact the heritage resource including its attributes;

- ***Architectural Style*** – the revised elevations better reflect the materials, roof forms and architectural details of Markham’s late 19th and early 20th century homes (See attached comparison of street facing elevations);
- ***Building Height*** – the reduced roof heights are more in scale with surrounding homes in the neighbourhood;
- ***Garage Placement*** – consider detached rear garages or locating the attached garage further back from the front façade (subservient to the main dwelling);

Trees

- retain as much mature vegetation as possible as these features are important and support the heritage character of the heritage conservation district;
- reintroduce trees and vegetation as part of the new development; and

That staff hire an independent professional heritage consultant to review and help design a development concept for the property on behalf of the Heritage Markham Committee and the City to create an alternative vision appropriate to the special context of this significant piece of land in the heart of the Markham Village Heritage Conservation District.

June 5, 2017



To whom it may concern:

**Re: Heritage Impact Assessment, Town Crier Lane, Markham, ON
Part Lot 12, Concession 8, York Region
our file: 1516**

A Heritage Impact Assessment (HIA) was prepared June 10, 2016 and amended April 13, 2017 for the above captioned property. The HIA stated that "The site possesses no particular heritage significance. It is a remnant of a former farm, purchased in 1838 by William Robinson. It became a discrete piece through a series of severances and sales over time and found its current size and form in 1964. The only building on the property is the former dairy, built, as has been noted, by Carman Lewis in 1942."

The HIA noted, that with respect to the 1942 building, it does not meet the Provincial or municipal criteria for significance.

The slab-on-grade, cinder block building, rendered with stucco with its *circa* 1959-1962 frame, clap-board sided addition does not meet the *Ontario Regulation 9/06* criterion for design value or physical value. It is not a rare, unique, representative or early example of a style, type, expression, material or construction method; it does not display a high degree of craftsmanship or artistic merit; and it does not demonstrate a high degree of technical or scientific achievement. The building does not embody the distinctive visible characteristics of an architectural style, period or method of construction, or the work of an important building designer or architect; it is not an integral part of a distinctive area of the community, nor is it a landmark of special value which contributes to the distinctive quality or identity of the City. The building does not meet the City's criterion for architectural significance.

The building does not meet the *Ontario Regulation 9/06* criterion for contextual value. It is not is important in defining, maintaining or supporting the character of the area; it is not physically, functionally, visually or historically linked to its surroundings which have been so altered as to be unrecognizable from the mid-20th century; and it is not a landmark.

The building has an association with a person, Carman Lewis, who was an active volunteer in the community; it does not yield, or have the potential to yield, information that would contribute to an understanding of the community or culture; nor does it demonstrate or reflect the work or ideas of an architect, artist, builder, designer or theorist who is significant to the community. The building or property is not the location of, or associated in a significant way with an historic event. The building was built as a dairy and used primarily for that purpose for a brief period in the mid 20th century.

Because the building is associated with Carman Lewis, the HIA recommended that the report "...serve as a record of the 1942 former dairy building". Further it is recommended that a commemorative plaque or other recognition of the cultural history of the property be installed on the property. The proponent is prepared to discuss and finalize this recommendation with City staff.

Yours very truly,

CHC Limited

per: Owen R. Scott, OALA Emeritus, FCSLA, CAHP

Notes for The Building at 7 Town Crier Lane

The farm was purchased by my Grandfather, Albert Lewis, in the 1920's. It was a mixed farming operation. My uncle, Carman Lewis, started delivering milk from a building that was situated in the middle of where Parkway Ave. is currently. He out-grew that location and built the structure that is now 7 Town Crier Lane.

This building does not need to be preserved as it has no Architectural nor Cultural Significance.

- The building does not have an architectural design. A concrete slab was poured and a rectangle of cinder blocks created the walls. The widows were scrounged from a building in Agincourt that had been torn down, and the decision of where to place them was dependent upon the number of them that could be acquired. Before they put the roof on, it was decided that the only cost of a second story would be the cost of the blocks, and it might be useful someday. When Carman Lewis married, he created an apartment up there. The sunroom and porch on the south side were added in the early 1960's.
- The building was built in 1942. In 1947, Carman Lewis sold the dairy business to his competitor at the corner of Church Street and Elm Street. The fact that Carman Lewis ran his dairy in there for 5 years does not make the building significant any more than parking a 57 Chevy in a garage for 5 years would make the garage a heritage building.
- The building is on a slab on the grade. Heavy rainfalls tend to run into the building as it is level to the ground. The building heaves with the season, which has resulted in cracks that open and close in the block walls. There is no insulation to speak of, other than some vermiculite in the attic. The ground level is unfinished with

just the block wall and single pane windows. (I put some drywall up in part of it as I was using it as my office. I had an electric heater there that ran constantly.)

- The block walls are cinder blocks instead of concrete blocks. That means that they are tending to crumble any time they are bumped or a nail is attempted to be placed in it to hold anything.
- Because it is on a slab, with no beams under it, and because of the construction of cinder blocks, any attempt to move it will result in a pile of rubble.

In conclusion, I feel that this is not a cultural or historic building of significance and does not justify moving or preserving it.

Please contact me if you have any questions or require clarification.

John Webster

1 Town Crier Lane

Markham ON L3P 2T9



RESEARCH REPORT



Markham Dairy and Carman and Margaret Lewis Residence
7 Town Crier Lane
Markham Village
1942

G. Duncan, May 2017

Historical Background

Markham Dairy 1926 - 1944

The Markham Dairy and Carman Lewis Residence is located on part of Township Lot 12, Concession 8, originally a farm property adjacent to historic Markham Village. The Lewis family originally lived in Scarborough Township. They moved to Markham Village in 1921 and initially had a butcher shop on Main Street. In 1926, Albert Richard Lewis purchased the east acreage of the Robinson farm (Part of Lots 12 and 13, Concession 8). As there was no residence on this property, the family first lived in a rented house on Wales Avenue and then in a converted stable moved to the property. In 1928, a farmhouse was built around a vacant dwelling that had been moved from Rigfoot farm, near the hamlet of Locust Hill. This house still stands at 1 Town Crier Lane, to the north of the dairy building.

Albert R. Lewis began a dairy business on his farm in 1926-1927 in the frame outbuilding moved from the Snider property (190 Main Street North) that for a time also served as the family home. Initially milk was sold to the Uxbridge Creamery but about 1929 the Lewis dairy began to sell milk locally. Carman Lewis, the son of Albert R. Lewis, was the delivery boy. When Carman Lewis completed high school, he and his father expanded the dairy. In the early 1930s, the Lewis dairy purchased the equipment of the Agincourt Dairy in Scarborough. Pasteurization was mandated by the government in 1935 but the Lewis dairy was already pasteurizing milk due to customer demand.

In 1933 or 1934, Carman Lewis acquired a delivery truck and had the name “Markham Dairy” painted on the sides. This was the beginning of the branding of the Lewis family’s dairy business. In time there were two trucks and a horse-drawn delivery wagon. The delivery route included Markham Village, parts of Unionville, Milliken and Malvern (Malvern is in Scarborough Township). As the business grew, milk was also obtained from other local farms. The Markham Dairy was particularly known as a supplier of chocolate milk – the first supplier of that product north of Toronto. The chocolate milk was distributed to roadside stands, grocery stores, ice rinks and gas stations. An ice distribution was added to the operation and functioned until the beginning of World War II.

Further growth of the Markham Dairy was the impetus for the construction of a new dairy building. The first intended location was on Highway 7, to the west of Markham Village, but this location did not turn out to be suitable so instead, the Markham Dairy was built adjacent to the Lewis farmhouse in 1942. The upper floor of the new building was designed to serve as a residence for Carman Lewis. In 1943, he married Margaret Rose Babcock and the Markham Dairy building was the couple’s home for their entire married life (Margaret Lewis died in 1990).

The Markham Dairy was sold to a local competitor, Murray Henderson, in the fall of 1944. Murray Henderson had purchased the Burkholder Dairy on Elm Street in Markham Village. After the sale of the business, Carman Lewis continued to reside in the 1942 building and sold milk from the farm to the new owner of the Markham Dairy.



Archival photograph of the Lewis Farm, showing the Lewis farmhouse (centre), the original bottling plant (left) and the new Markham Dairy and Carman Lewis residence.

Carman Lewis (1913-2008)

Carman Lewis was born in Scarborough Township in 1913 and moved to Markham with his parents in 1921. As a local farmer, he was involved in the dairy business and also shipped chinchilla breeding stock. When he sold the family farm in 1960, he developed twenty lots on Elm Street. Carman Lewis worked for the Stouffville Tribune as the business manager for three years. He established the Carman Lewis Office Equipment company, and was involved in Konvey Construction Company Ltd. and was president of the McEwan and Willison Co. Ltd. (a drug company)

In addition to his business pursuits, Carman Lewis was very involved in the community. He made a portion of his property available for community gardens. He was a charter member of the Markham-Unionville Lions Club, formed in 1943 and in 1988 was given their highest award in recognition for his humanitarian service. He was a founding member of the Markham Safety Council and the founder of the Support Services for the Region of York. He was a dedicated and very active member of St. Andrew's United Church, the Markham Garden Club, the Markham Historical Society, and the Union Lodge (Masonic Lodge). Carman Lewis was involved with the Canadian Institute for the Blind as a volunteer driver and worked for many years on the Christmas Hamper Fund. He supported the Markham-Stouffville Hospital by sponsoring the Urgent Care Unit in memory of his late wife, Margaret, and a wing at the Markhaven Home for

Seniors. Also among his accomplishments is the establishment of the Carman and Margaret Lewis Fund to honour a volunteer each year.

Carman Lewis received an ACRA award for community service from the Town of Markham in 1988 and in 1993 a commemorative medal for the 125th anniversary of Canadian Confederation for Lieutenant-Governor Hal Jackman. He was the first recipient of the Town of Markham Seniors Hall of Fame Award.

The above information comes from several sources: Notes concerning the history of the Markham Dairy in the collection of the Markham Museum, by Carman Lewis, 1994; Older Adults in Action News & Views, Markham Seniors Activity Centre, May 1996; Obituary for Carman Lewis in the Markham Economist, Thursday, January 8, 2009 edition; and a biographical sketch in the book, St. Andrew's United Church, Markham, 175 Years of Ministry, 220 Years of History, 2009.

Architectural Description

The main block of the former Markham Dairy and Carman Lewis Residence is a two storey masonry structure with a rectangular plan. The underlying construction is concrete block with a stucco exterior finish. The building has a low-pitched hipped roof clad in asphalt shingles. Additions have been made to the north and south sides of the original building. The main entrance is on the west side, a simple single door centred on the wall. On the main floor, window openings have multi-paned steel casement windows. On the upper floor, windows appear to be single-hung wood windows with multi-paned upper sash and single-paned lower sash. Generally, window placement is asymmetrical to suit the interior layout. An external chimney of red "rug" brick is roughly centred on the north wall.

From a stylistic perspective, the building has a simple, functional design that blends industrial and residential uses. The block-like, two storey hip-roofed form and banked windows are design details similar to the American Foursquare type of house that became a popular form for dwellings in the 1910s and continued to be built in urban, suburban and sometimes rural settings well into the 20th century.

Context

The former Markham Dairy and Carman Lewis Residence is located on its original site next door to the Albert Lewis Farmhouse at 1 Town Crier Lane, c.1928. Grace Anglican Church and other post-World War II development have infilled the former farmland that once surrounded the two related buildings. The Lewis property is a remnant of the original Lewis farm property, larger in size than the suburban lots that have been created around it.