



Report to: Development Services Committee

Meeting Date: March 20, 2017

SUBJECT: EP Victoria Square Manors Ltd.
10925 and 10945 Woodbine Avenue
File Nos. SU & ZA 14 136727
Revisions to Council Recommendation Report

PREPARED BY: Reza Fani, Manager Development Engineering, ext: 2414
Ziad Yassi, Development Engineer, ext: 7920

RECOMMENDATION:

- 1) That the report dated March 20, 2017 entitled "*EP Victoria Square Manors Ltd. 10925 and 10945 Woodbine Avenue File Nos. SU & ZA 14 136727 Revisions to Council Recommendation Report*" be received;
- 2) And that the staff report entitled "RECOMMENDATION REPORT, EP Victoria Manors Ltd., 10925 and 10945 Woodbine Avenue, Applications for Zoning By-Law Amendment and Draft Plan of Subdivision, File No's SU & ZA 14 136727" dated April 7, 2015 (the "**2015 Report**") and the resolutions approved by Council as part of the 2015 Report be amended as described in this report.
- 3) And that City Council authorize the appropriate City staff to make the necessary revisions to the 2015 Report to correct the name of the landowner to EP Victoria Square Manors Ltd., and to provide the full legal description of the 3.07m Woodbine Avenue widening as Part of Lot 27, Concession 4, designated as Parts 2, 3, 4, 5, 6, and 7 on Plan RS-1232; and
- 4) That in accordance with By-law 178-96 the City declare certain lands described as Part of Lot 27, Concession 4, designated as Parts 2, 3, 4, 5, 6 and 7 on Plan RS-1232, City of Markham, Regional Municipality of York, as surplus, being lands originally set out for the Woodbine Avenue road widening; and
- 5) That subject to No. 4 above, the City enact a By-law to stop up and close the lands described as Part of Lot 27, Concession 4, designated as Parts 2, 3, 4, 5, 6 and 7 on Plan RS-1232, City of Markham, Regional Municipality of York; and
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to:

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- inform Development Services Committee of the revisions required to the report previously submitted to the Committee on April 7, 2015 and adopted by City Council at its April 15, 2015 meeting;
 - seek Council's endorsement of the revisions;
 - enact a by-law to stop up and close the lands described as Part of Lot 27, Concession 4, designated as Parts 2, 3, 4, 5, 6 and 7 on Plan RS-1232
 - declare the lands described as Part of Lot 27, Concession 4, designated as Parts 2, 3, 4, 5, 6 and 7 on Plan RS-1232 surplus to municipal purposes

BACKGROUND:

City Council, at its April 15, 2015 meeting, adopted a report from City Planning entitled "*RECOMMENDATIONS REPORT EP Victoria Manors Ltd. 10925 and 10945 Woodbine Avenue Applications for Zoning By-Law Amendment and Draft Plan of Subdivision*". The approved report requires two minor revisions recommended by the Legal Department to correct the landowner's name to EP Victoria Square Manors Ltd., and to provide the full legal description of the 3.07m Woodbine Avenue road widening, identified as Part of Lot 27, Concession 4, designated as Parts 2, 3, 4, 5, 6 and 7 on Plan RS-1232, to be acquired by the landowner as condition of approval of his development.

The following changes to the 2015 Report are recommended:

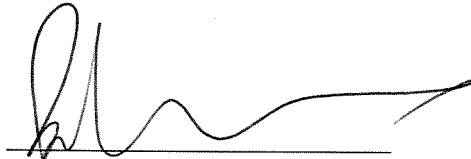
- a) Amend Recommendation #10 by deleting it in its entirety and replacing it with the following:

"THAT following the Region transferring jurisdiction of Woodbine Avenue to the City, a By-law to stop and close the road over that portion of Woodbine Avenue legally described as Part of Lot 27, Concession 4, designated as Parts 2, 3, 4, 5, 6 and 7 on Reference Plan RS-1232 (the "Surplus Lands") and a By-Law to declare the Surplus Lands surplus to City requirements, be enacted."

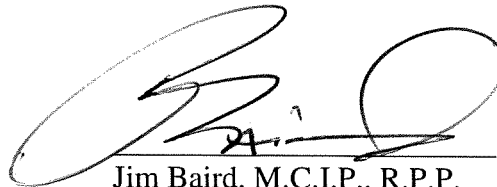
- b) Amend Recommendation #11 by deleting it in its entirety and replacing it with the following:

"AND THAT following Council passing the by-laws noted in recommendation #10 above, the Manager of Real Property be authorized to execute an agreement to convey the Surplus Lands to EP Victoria Square Manors Ltd."

RECOMMENDED BY:



Brian Lee, P.Eng.
Director of Engineering



Jim Baird, M.C.I.P., R.P.P.
Commissioner, Development
Services

ATTACHMENTS:

Attachment A – 2015 Report entitled, “RECOMMENDATIONS REPORT EP Victoria Manors Ltd. 10925 and 10945 Woodbine Avenue Applications for Zoning By-Law Amendment and Draft Plan of Subdivision”

Attachment B - Surplus By-law

Attachment C – Stop up and Close By-law



Report to: Development Services Committee

Report Date: April 7, 2015

SUBJECT: RECOMMENDATION REPORT
EP Victoria Manors Ltd.
10925 and 10945 Woodbine Avenue
Applications for Zoning By-law Amendment and Draft Plan of
Subdivision
File Nos. SU & ZA 14 136727

PREPARED BY: Geoff Day MCIP, RPP, Ext. 3071
Senior Planner, West District

REVIEWED BY: David Miller, MCIP, RPP, Ext. 4960
Manager, West District

RECOMMENDATION:

- 1) That the Staff report entitled "RECOMMENDATION REPORT, EP Victoria Manors Ltd., 10925 and 10945 Woodbine Avenue, Applications for Zoning By-law Amendment and Draft Plan of Subdivision, File No's. SU & ZA 14 136727", be received;
- 2) THAT the record of the Public Meeting held on January 20, 2015, relating to the applications for Zoning By-law Amendment and Draft Plan of Subdivision Approval by EP Victoria Manors Ltd., located on the east side of Woodbine Avenue, north of Elgin Mills Road, within the Highway 404 North Secondary Plan area, be received;
- 3) THAT Draft Plan of Subdivision 19TM-14008, identified as Project Number 14.2027 dated March 25, 2015, be endorsed subject to modifications contained in this report and conditions of draft plan approval set out in Appendix 'B' to this report;
- 4) THAT Draft Plan of Subdivision 19TM-14008, identified as Project Number 14.2027 dated October 29, 2014, be finalized prior to being forwarded to Council for approval;
- 5) THAT servicing allocation for 32 units be granted to plan of subdivision 19TM-14008 from the total allocation for the Highway 404 North Secondary Plan area, assigned in accordance with the June 11, 2014 report on servicing allocation;
- 6) THAT the draft plan approval for plan of subdivision 19TM-14008 will lapse after a period of three years commencing on the date of issuance of draft plan approval, in the event that a subdivision agreement is not executed within that period;
- 7) THAT the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner;
- 8) THAT the Region of York be advised of the servicing allocation for this development;

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- 9) THAT the draft amendments to Zoning By-laws 304-87 and 177-96 for the subject lands, attached to this report as Appendix 'A', be finalized and enacted;
 - 10) THAT following the Region transferring jurisdiction of Woodbine Avenue to the City, a By-law to stop and close the road over that portion of Woodbine Avenue legally described as Part of Lot 28, Concession 4, designated as Part 1 on Reference Plan 65R-14560 ("Part 1") and a By-law to declare Part 1 surplus to City requirements, be enacted;
 - 11) AND THAT following Council passing the by-laws noted in recommendation #10 above, the Manager of Real Property be authorized to execute an agreement to convey Part 1 to EP Victoria Manors Ltd., on terms satisfactory to the Chief Administrative Officer;
 - 12) AND FURTHER THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report provides an overview, evaluation and recommendation of subdivision and zoning applications (SU & ZA 14 136727) for the lands north of Victoria Square (see Figure 1). The report recommends approval of the draft plan of subdivision and implementing zoning By-law amendment, subject to conditions.

The applications have been deemed complete

The subdivision and zoning applications, submitted by EP Victoria Manors Ltd. Were deemed complete on September 19, 2014.

BACKGROUND:

The subject lands are approximately 0.837 ha (2.07 ac) in size. South of the subject lands is the Hamlet of Victoria Square. To the north and east are lands subject to a recent draft plan of subdivision and zoning approval (Kylemore - SU & ZA 13 113916). This adjoining development is comprised of a 146 unit, lane and street based townhouse development, a 0.5 ha (1.24 ac) public park, a stormwater management pond, and a heritage dwelling. Further to the east is the Hydro One Corridor and to the east of the Corridor are vacant lands that form part of the "Future Neighbourhood Area" in the recently adopted Markham Official Plan 2014 (not yet in force). Located to the west, across Woodbine Avenue, are residential lands within the Cathedral Community that have been developed over the last few years (Figure 1).

Proposal

The proposed Draft Plan of Subdivision and Zoning By-law Amendment applications are to accommodate the development of a 32 unit, lane and street based townhouse development. (See Table 1 - Site Statistics and Figure 4 – Draft Plan of Subdivision, attached). The proposal has been designed comprehensively to integrate with the recent draft plan of subdivision and re-zoning approval for the lands to the north and east (Kylemore - SU & ZA 13 113916).

Official Plan

The in-force Official Plan (Revised 1987), as amended, designates the subject lands Urban Residential. In the recently adopted Markham Official Plan 2014 (not yet in force), the subject lands are designated Residential Low Rise. The 2014 Official Plan (Section 9.10.4), states that until a revised secondary plan is approved for the Highway 404 North lands, the provisions of the Official Plan (Revised 1987), as amended and Secondary Plan PD 42-1, as amended shall apply.

Secondary Plan

The subject lands are designated Urban Residential - Low Density in the Secondary Plan for the Highway 404 North Planning District PD 42-1 (OPA 149). The Urban Residential Low Density designation provides for single detached, semi-detached, and townhouse units within the designation. The combined net density of the Urban Residential – Low Density designation for the Vetmar, Kylemore and EP Victoria Manors subdivisions (geographically shown on Figure 1) is required to be within the range of 17.0 to 37.0 units per hectare (uph) (6.88 to 14.97 units per acre).

The Urban Residential Low Density lands in the Secondary Plan area have a combined residential density of 33.93 uph (13.73 upa) which is within the 17.0 to 37.0 units per hectare (6.9 to 15 upa) density range, as required in the Highway 404 North Planning District Secondary Plan (see Table 2).

Buffering

The Secondary Plan requires that the lands immediately adjacent to the Hamlet of Victoria Square contain adequate buffering in order to transition to the rural nature of the hamlet. The proposed walkway, setbacks and vegetated landscaped areas provide for this buffer and meet the intent of the Secondary Plan policy.

Zoning

The subject lands are zoned Agricultural One (A1) by By-law 304-87 as amended (Figure 2). The zoning amendment will re-zone the subject lands in accordance with the secondary plan policies to permit a residential subdivision. A draft of the proposed zoning by-law is attached as Appendix 'A'.

The subdivision is proposed to be zoned as follows:

1. Street accessed dwellings

- a) Street townhouses dwellings and associated home occupations are proposed subject to the Residential Two (R2) wide shallow provisions of By-law 177-96, as amended as follows:

ZONING PROVISIONS FOR “WIDE SHALLOW” STREET ACCESSED TOWNHOUSES
TABLE 3

		By-law Standard	Proposed Standard
a)	Minimum required rear yard	7.0 metres	6.0 metres
b)	Maximum building height	11.0 metres	14.0 metres
c)	Maximum interior garage width for 8.7m wide units or more	3.0 metres	5.9 metres ⁽¹⁾
d)	Maximum garage width for units less than 8.7m wide	3.0 metres	4.0 metre ⁽²⁾
d)	Minimum lot frontage for interior units	7.5 metres	5.5 metres ⁽³⁾

- (1) Maximum width of a driveway and a garage door on a lot with a frontage of 8.7 metres or more – 4.9 metres.
- (2) Maximum width of a *driveway* and a garage door on a lot with a frontage of of less than 8.7 metres – 3.0 metres.
- (3) (i) A maximum of three (3) - 5.5m wide units with single car garages and driveways
(ii) The three (3) 5.5m units do not abut each other

2. Lane accessed dwellings

- a) Lane accessed townhouse dwellings and associated home occupations are proposed subject to the Residential Two – Lane Access (R2-LA) provisions of By-law 177-96, as amended as follows:

ZONING PROVISIONS FOR “WIDE SHALLOW” LANE ACCESSED TOWNHOUSES
TABLE 4

		By-law Standard	Proposed Standard
a)	Minimum lot frontage: Interior unit	5.5 metres	4.7 metres
b)	Minimum lot frontage: End unit	6.7 metres	5.9 metres
c)	Minimum lot frontage: Corner lot unit	7.9 metres	7.1 metres
d)	Minimum lot depth	26.0 metres	21.0 metres
e)	Minimum required rear yard	14.8 metres	0.6 metres ⁽¹⁾
f)	Minimum required rear yard to attached private garage	Not applicable	5.8 metres
g)	Maximum building height	11.0 metres	14.0 metres

- (1) i) the private garage will be attached to the main building
ii) a minimum outdoor amenity area of 6m² (64.6ft²) is required

The zoning standards contained in this plan are consistent with the zone standards associated with the approved Kylemore subdivision to the north.

DISCUSSION:**Public Meeting held**

On January 20, 2015, a Public Meeting, to obtain input from the public, was held. Comments were raised by the Development Services Committee members as follows:

- 1.) Removal of one unit within Block 3 to create a larger open space buffer between the development and the Hamlet property to the south;
- 2.) A commitment to the installation of additional native tree species in the area of the stormwater management pond;
- 3.) A sidewalk located on the south side of the development to provide an 'unbroken' access to the pond;
- 4.) More detail on what building modification options are offered to those that are physically challenged;
- 5.) A detailed plan showing where the on-street parking can occur;
- 6.) Railings on the proposed decks not to contain glass/clear panels in order to reduce the likelihood of bird strikes;
- 7.) Snow storage and removal in the lane-based portion of the development;

There were no comments from the public with respect to this proposal.

In a letter dated March 25, 2015, EP Victoria Manors has responded to the matters identified above (Appendix 'C'). An overview of their responses and Staff's opinion are as follows:

1. Open Space Walkway Buffer (Block 10)

Accesses into the stormwater management pond area are from two locations. The primary access is from a +/- 40 metre wide area from the Kylemore lands to the northeast. The second access is via Block 10. Staff have continued to work with the applicant to expand the walkway and buffer area. The proposed buffer (Block 10) has now been expanded from 2.43m (8 ft) to 4.8m (15'9" ft) wide at its narrowest point and widens to approximately 8.35m (27'5"ft). This buffer accommodates a 1.5m concrete sidewalk and plantings (see Figure 5). Staff are satisfied with the proposed buffer and walkway that separate this new development from the existing established Hamlet lands to the south. Staff are also of the opinion that it is an appropriate secondary access to the stormwater management pond pedestrian pathway.

2. Installation of additional native tree species in the pond

The landscape plan for the SWM ponds is being completed and the design will include the installation of native plantings. This work is being done in consultation with the Toronto & Region Conservation Authority and the City.

3. Sidewalk on the south side of 'Street A'

Existing mature vegetation is located along the mutual property line between these lands and the Hamlet property to the south. To ensure that this vegetation is preserved, a 4.5m (14'9"ft) passive open space buffer comprised of the boulevard and Block 11 buffer is being provided along the property line adjacent to the street. The installation of a 1.5m

(5ft) wide sidewalk, on the south side of Street 'A', would result in the asphalt area of the road shifting northward. This in turn would result in the misalignment of Street 'A' with Bruce Thompson Drive located on the west side of Woodbine Avenue in the Cathedral community. An offset intersection is not appropriate from a safety and operational standpoint. Staff are of the opinion that the most appropriate location for the sidewalk is on the north side of Street 'A'.

4. Building modifications for the physically challenged

EP Victoria Square Manors Ltd has experience in customizing homes to meet the accessibility needs of purchasers. Available upgrades vary and are selected by individual purchasers on an "as needed" basis; they may include the following:

- i. Lifts and/or ramps to facilitate movement between different levels of the home;
- ii. Widened hallways, doorways and landings to ensure ease of movement;
- iii. Accessible bathrooms (turning space and special fixtures); and,
- iv. Accessible kitchens (counter height, turning movement and special fixtures).

5. On-Street parking

Approximately 16 on street parking spaces will be available, within the proposed subdivision. There will be approximately 83 off-street parking spaces within garages and driveways for a total of 99 parking spaces in the proposed development. Attached as Figure 6 is a conceptual on-street visitor parking plan for the community.

6. 'Bird Friendly railings'

The dwelling units contained within this subdivision are freehold however, EP Victoria Manors has advised that the builder will not be installing any deck railings made of glass or clear plastic.

7. Snow storage and removal

Street 'A' includes 4.5m and 5.0m boulevards which can accommodate snow storage. To improve snow clearing for Lane 'A', Lane 'D' which is perpendicular to Lane 'A' (Figure 4) was added to the north (within the Kylemore subdivision). Lane 'D' is 10.5m wide, two metres wider than a typical lane. This extra width can also accommodate snow storage and turning movements for larger City vehicles. The City's Operations Department is satisfied that proposed lane widths and lane lengths are appropriate for snow storage and removal.

Matters identified in Staff's Preliminary Report

a) Parkland Dedication

The parkland dedication obligation for the proposed draft plan is approximately 0.1 ha (0.25 ac). Parkland dedication will be provided in the form of cash-in-lieu for this draft plan. The Kylemore development to the north includes a 0.5 ha (1.2 ac) public park.

b) Environmental/Sustainability initiatives

The owner offers advanced green technology innovations and eco-friendly high performance features to create a more environmentally friendly and affordable home.

The subdivision agreement will contain a clause requiring the owner's commitment in implementing the sustainable measures identified in Appendix 'D'.

Other matters to be resolved

The Functional Servicing Report and Geotechnical Report submitted in support of the Kylemore and EP Victoria Manors lands need to be revised as per comments provided by the City's Engineering Department. If conditions from the City's Engineering Department require modifications/alterations to the plan, Staff anticipate that this can be achieved through red line revisions, or before the conditions are forwarded to Council.

Existing ROW to be conveyed to the Owner

Sometime prior to the existing dwellings (10925 and 10945 Woodbine Avenue) being constructed, a 3.07 metre road widening (identified as Part of Lot 28, Concession 4, designated as Part 1 on Reference Plan 65R-14560) across the entire frontage of both properties was conveyed to the Region of York. The Region obtained this widening if Woodbine Avenue needed to be widened in the future as an arterial road. With the construction of the Woodbine By-Pass, and the imminent transfer of ownership and jurisdiction of this section of Woodbine Avenue to the City, this 3.07 metre widening is no longer required. The City of Markham is undertaking an Environmental Assessment (EA) process on Woodbine Avenue from Woodbine By-Pass (North) to Woodbine By-Pass (South) to evaluate the impact of modifying the existing roadway from a rural section (shoulders and ditches) to an urban section (curbs and storm sewers). The City has confirmed that the existing right-of-way for this section of Woodbine Avenue ranges from 28.0-30.0 metres and therefore, the additional 3.07 metre right-of-way that was conveyed to the Region is not required. The Region is currently planning to transfer ownership and jurisdiction of this section of Woodbine Avenue to the City of Markham. As the 3.07 metre wide right-of-way is required by the Owner to implement their plan, a condition of Draft Plan Approval shall require that prior to registration of the plan of subdivision, the Owner shall acquire the lands described as Part of Lot 28, Concession 4, designated as Part 1 on Reference Plan 65R-14560, from the City of Markham or the Region of York, as appropriate. Compensation, if any, for the above parts shall be determined by the City of Markham or the Region of York, as applicable.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed applications will align with the City's strategic priorities of Growth Management, Transportation, Municipal Services and the Environment by implementing the proposed development and road network improvements in coordination with available servicing allocation.

BUSINESS UNITS CONSULTED AND AFFECTED:

The applications have been reviewed by various City departments and external agencies. Requirements of the City and external agencies have been reflected in the conditions of draft plan of subdivision approval and the implementing zoning by-law amendments.

CONCLUSION:

Staff are of the opinion that the proposed plan of subdivision provides for an appropriate and seamless extension of the approved Kylemore lands to the north. Staff have been working closely with the applicant to produce a plan that is attractive, pedestrian friendly, and sympathetic to the Hamlet lands to the south by providing a greater buffer/interface from this development to Victoria Square. Staff recommend that Council endorse the draft plan of subdivision and zoning, subject to the conditions set out in this report.

RECOMMENDED BY:



Biju Karumanchery, M.C.I.P., R.P.P.

Acting Director of Planning and Urban Design



Jim Baird, M.C.I.P., R.P.P.

Commissioner of Development Services

ATTACHMENTS:

Attachment 'A': Table 1 - Subdivision Statistics

Attachment 'B': Table 2 - Net Density Calculations

Figure 1: Location Map

Figure 2: Area Context and Zoning

Figure 3: Aerial Photo

Figure 4: Draft Plan of Subdivision

Figure 5: Rendering of Interface between End Unit (Block 3) and Walkway/Buffer Block

Figure 6: Conceptual Parking Plan

Appendix 'A': Draft By-law Amendment to 177-96 and 304-87

Appendix 'B': Draft Plan Conditions

Appendix 'C': Owner's response to statutory Public Meeting comments

Appendix 'D': Sustainable Initiatives

AGENT:

Amanda Kosloski, M.Pl.

ARMSTRONG

Planning & Project Management

amanda@armstrongplan.ca

Attachment 'A' - Subdivision Statistics

SUBDIVISION STATISTICS
TABLE 1

	LAND USE	NO. OF UNITS	BLOCK NO.	HECTARES (ACRES)
	Roads/Lanes			0.307 (0.758)
	Walkway		10	0.006 (0.015)
	6.2m wide Lane based Townhouse Dwellings	8	1, 2	0.185 (0.457)
	4.7m wide lane based Townhouse Dwellings	6		
RESIDENTIAL PART BLOCKS *	8.7m Townhouse Dwellings	7	3, 4	0.201 (0.5)
	5.5m Townhouse Dwellings	3		
	6.2m Lane based Townhouse Dwellings	6	5, 6	0.123 (0.304)
	4.7m lane based Townhouse Dwellings	3		
	Road Reserve		9	0.014 (0.035)
	0.3m Reserves		7, 8	0.001 (0.002)
	TOTAL	32		0.837 (2.07)

* Residential Part Blocks are to be combined with Part Blocks on the adjoining lands

Attachment 'B' – Net Density Calculations

COMBINED NET DENSITY OF THE LOW DENSITY DESIGNATION
TABLE 2

	Vetmar	Kylemore	EP Victoria Manors Ltd.	TOTAL
Gross Site Area ha (ac)	13.80 (34.10)	5.56 (13.74)	0.837 (2.07)	20.2 (49.9)
Roads & reserves ha (ac)	4.98 (12.30)	1.71 (4.23)	Roads and reserves area – 0.322 (0.80) Residential part blocks – 0.324* (0.8)*	7.01 (17.33)
Parks ha (ac)	0.77 (1.90)	0.5 (1.24)	N/A	1.27 (3.14)
Walkway	N/A	N/A	0.006 (0.015)	0.006 (0.015)
Stormwater Management Pond ha (ac)	N/A	0.635 (1.57)	N/A	0.635 (1.57)
Net Residential Site Area ha (ac)	8.05 (19.89)	2.72 (6.72)	0.515 (1.27)	11.2 (27.9)
Single Detached units	30	1 (heritage dwelling)	N/A	31
Semi Detached units	114	N/A	N/A	114
Townhouses units	57	146	32	235
Total residential units	201	147	32	380
Net Residential Density uph (upa)	24.97 uph 10.11 upa	54.04 ph 21.87 upa	62.14 uph 25.15 upa	33.93 uph 13.73 upa

* When the residential part blocks for EP Vitoria Manor are combined with the residential part blocks for Kylemore, full residential development blocks are created.

Figure 1- Location

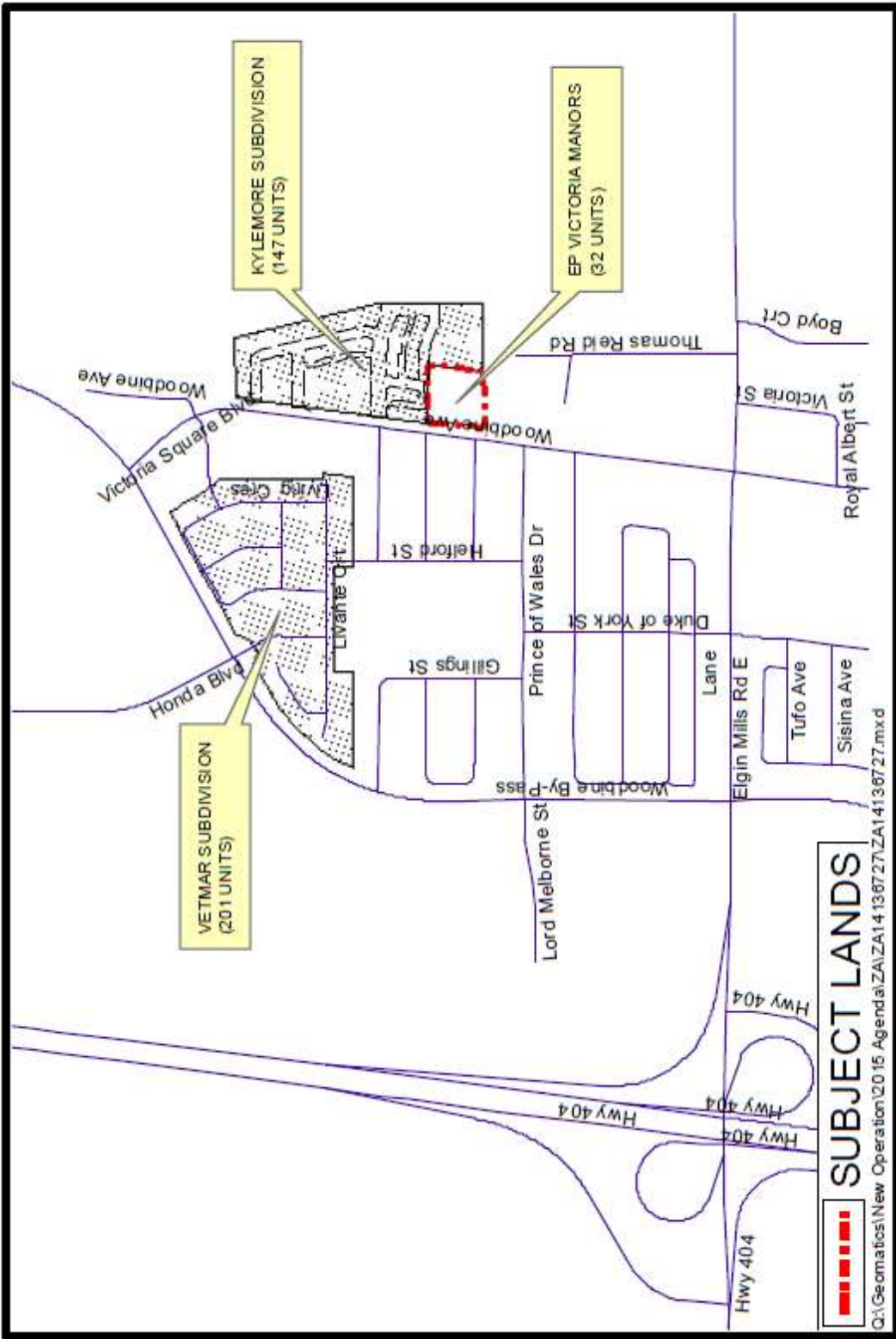


Figure 2 - Area Context/Zoning

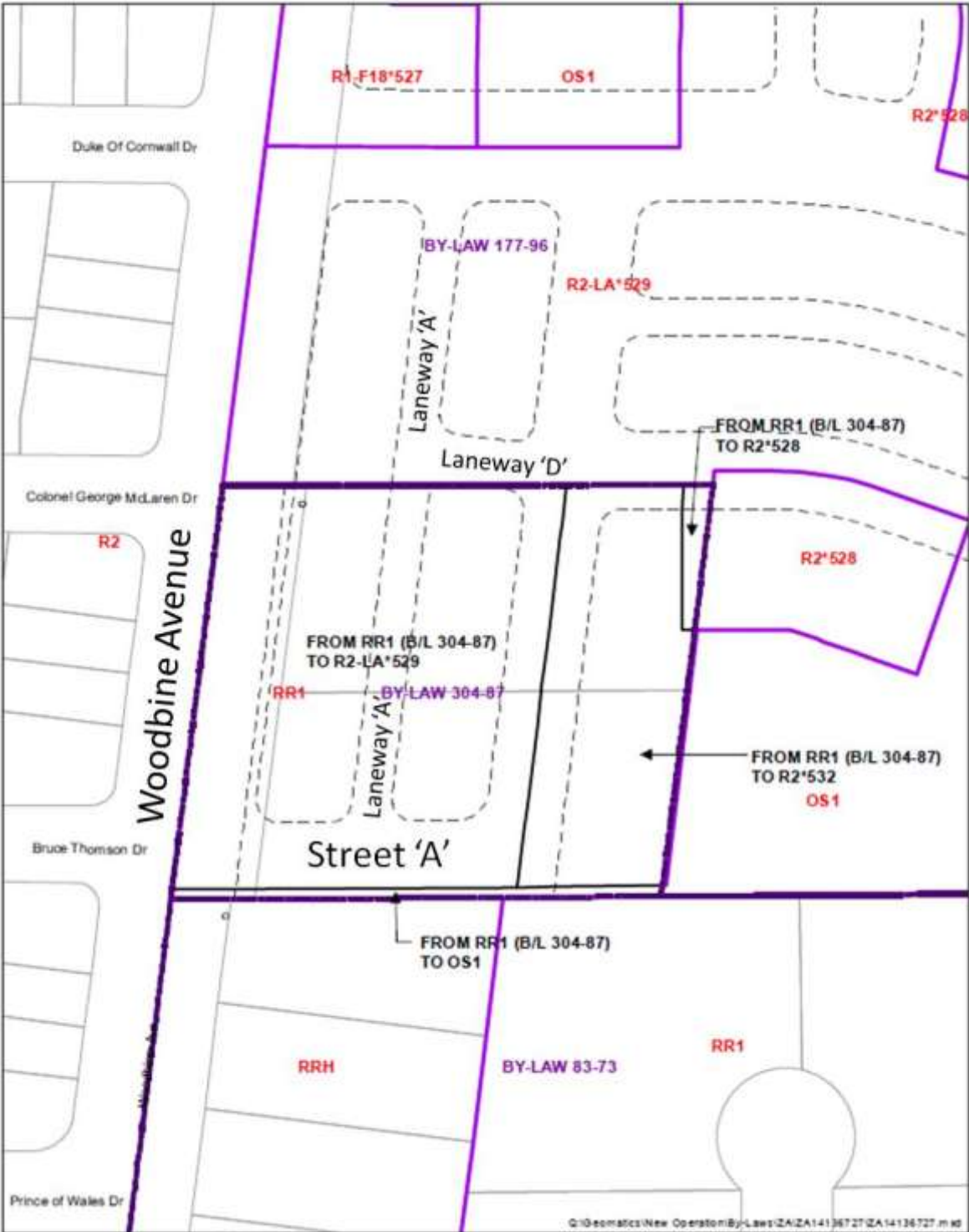


Figure 3 - Aerial Photo

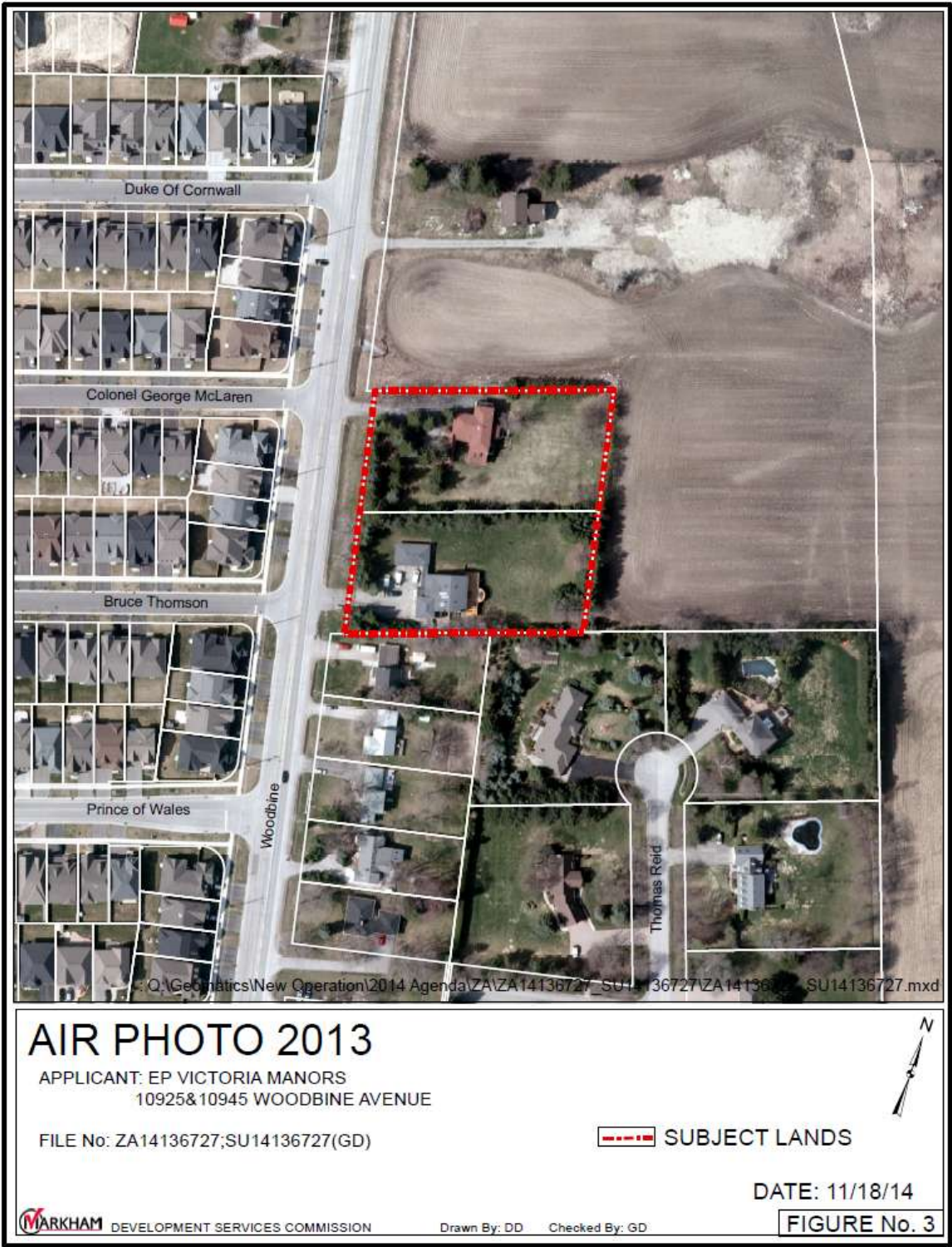


Figure 4 - Draft Plan of Subdivision

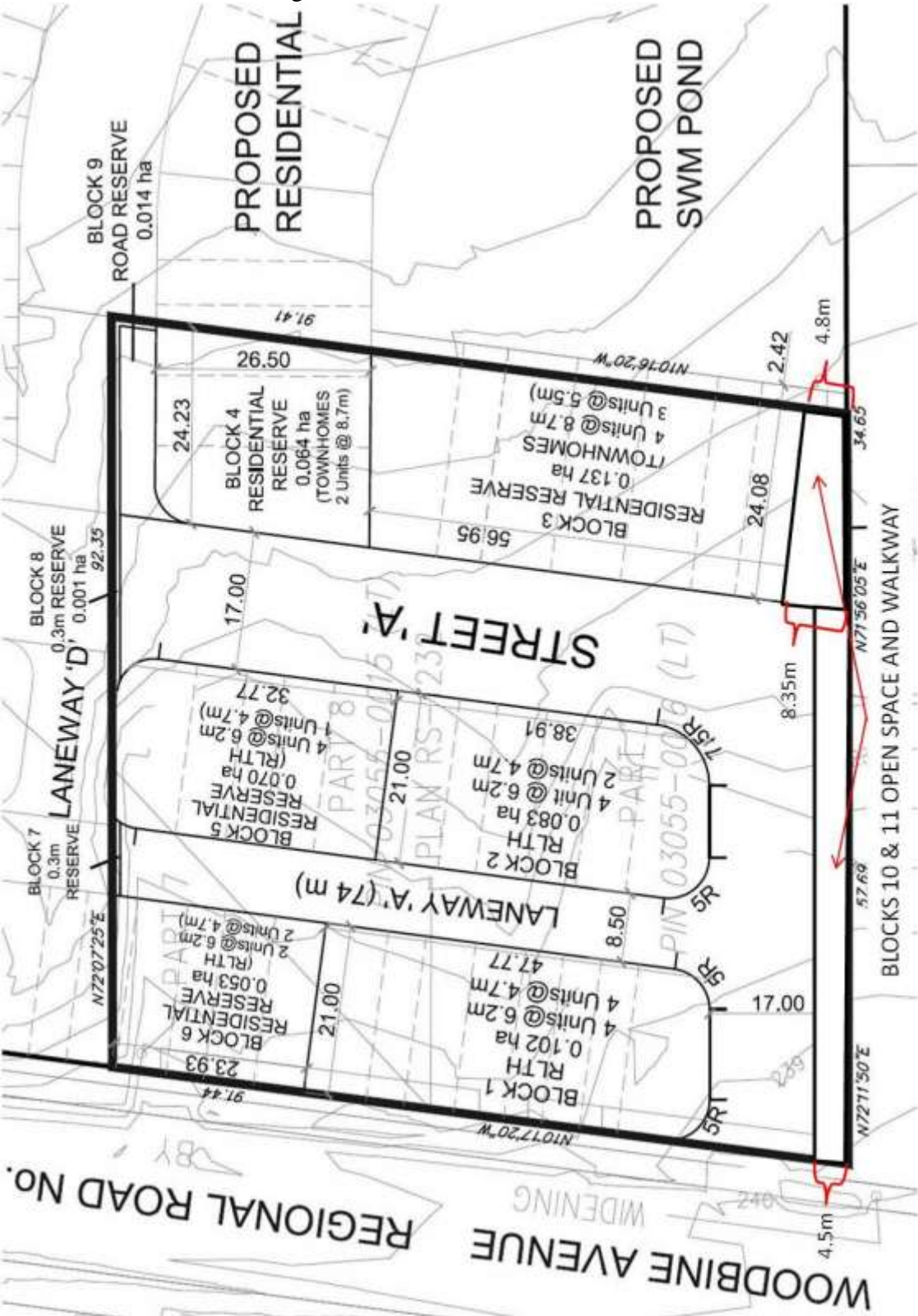
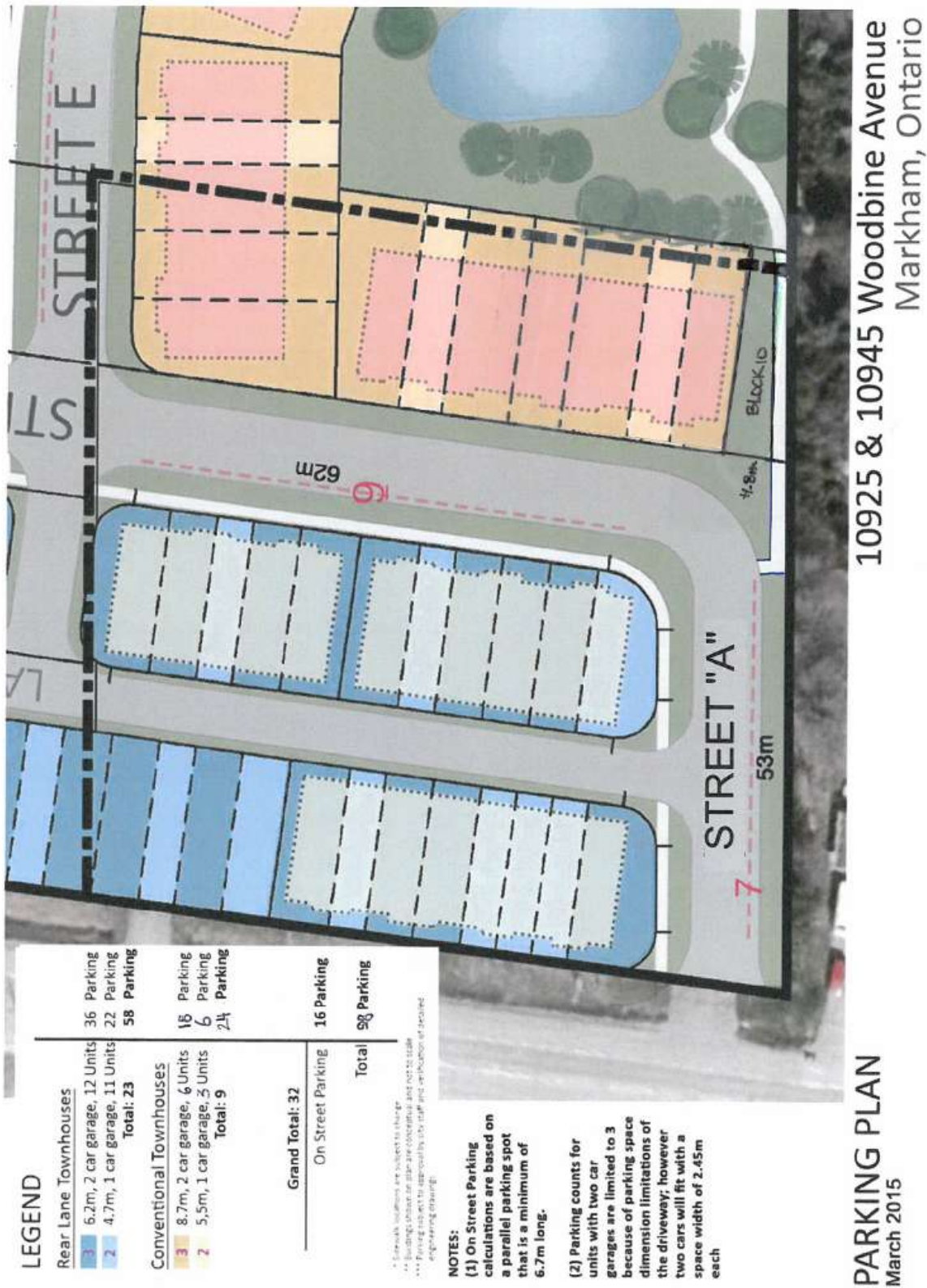


Figure 5 – Rendering of Interface between End Unit (Block 3) and Walkway/Buffer Block



Figure 6 – Conceptual on-street Parking Plan



APPENDIX 'A'



EXPLANATORY NOTE

BY-LAW 2015 - _____

A By-law to amend By-laws 304-87 and 177-96, as amended.

EP VICTORIA MANORS LTD. (Victoria Square)

East side of Woodbine Avenue, north of Elgin Mills Road

Part Lot 27, Concession 4

Highway 404 North Community

Lands Affected

This by-law amendment applies to 0.837ha. (2.068 acres) of land located on the east side of Woodbine Avenue, north of Elgin Mills Road and the Hamlet of Victoria Square, in the Highway 404 North Community.

Existing Zoning

The lands are presently zoned Rural Residential (RR1) by By-law 304-87, as amended.

Purpose and Effect

The purpose of this by-law amendment is to delete the lands from the area zoned by By-law 304-87, as amended, and incorporate the lands into appropriate residential, open space and community amenity area zone categories within By-law 177-96, as amended, as follows:

Residential Two – Lane Access *529

Residential Two * 532

Open Space One

R2 – LA * 529

R2 * 532

OS1

The effect of this by-law amendment is to permit a plan of subdivision comprised of 32 street-accessed and lane-accessed townhouses and a public walkway.



BY-LAW 2015 - _____

A By-law to amend By-law 304-87, as amended,
(To delete lands from the designated area of By-law 304-87)

and to amend By-law 177-96, as amended
(To incorporate lands into the designated area of By-law 177-96)

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY
ENACTS AS FOLLOWS:

1. THAT By-law 304-87, as amended, is hereby further amended by deleting the lands shown on Schedule 'A' attached hereto, from the designated area of By-law 304-87, as amended.

2. THAT By-law 177-96, as amended, is hereby further amended as follows:

2.1 By expanding the designated area of By-law 177-96, as amended, to include the lands shown on Schedule 'A' attached hereto.

2.2 By zoning the lands:

Residential Two – Lane Access *529	R2 – LA * 529
Residential Two * 532	R2 * 532
Open Space One	OS1

as shown on Schedule 'A' attached hereto.

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

**“7.532 EP VICTORIA MANORS LTD. (VICTORIA SQUARE)
EAST SIDE OF WOODBINE AVENUE, NORTH OF ELGIN
MILLS ROAD
STREET ACCESSED TOWNHOUSE DWELLINGS**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol *532 on Schedule 'A' to this By-law.

7. 532.1 Only Uses Permitted

The following uses are the only uses permitted:

- a) *Townhouse dwellings;*

- b) *Home occupations.*

7.532.2 Zone Standards

The following specific zone standards apply:

- a) Maximum *height* – 14.0 metres;
- b) Minimum *lot frontage* – 8.7 metres;
- c) Minimum rear yard – 6.0 metres.

7.532.3 Special Site Provisions

The following additional provisions apply:

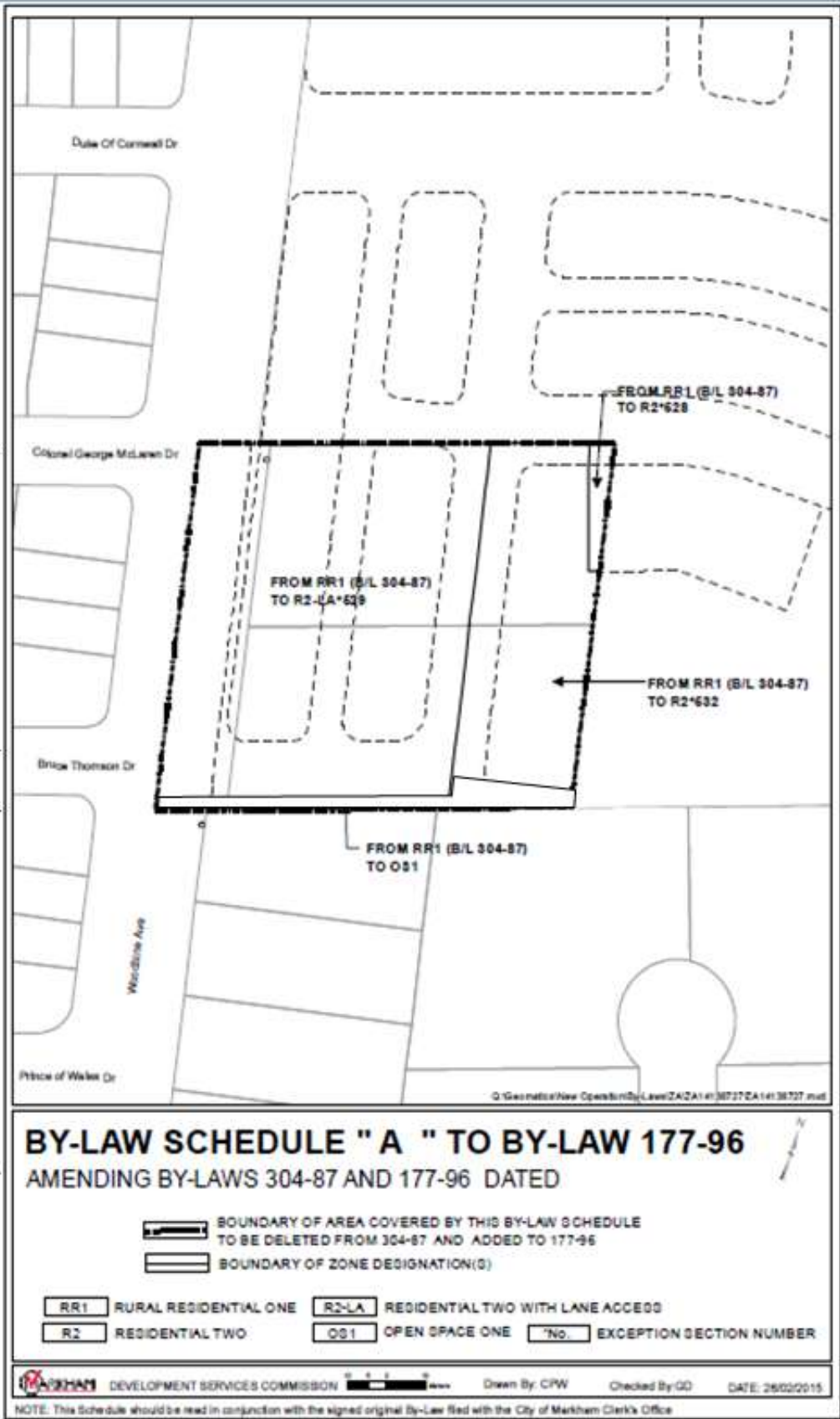
- a) A maximum of three (3) 5.5 metre wide *townhouse dwellings* are permitted within the Residential Two *532 [R2*532] zone;
- b) No 5.5 metre wide *townhouse dwelling* shall abut another 5.5 metre *townhouse dwelling*;
- c) *Decks* that have a *height* greater than 1.0 metre above the lowest ground surface at any point around the perimeter of the platform are permitted to extend from the wall closest to the *rear lot line* a maximum of 3.0 metres provided that the floor of the *deck* is not higher than the floor level of the second *storey* of the *main building*;
- d) Maximum width of an attached *private garage* on a lot of less than 8.7 metres – 4.0 metres;
- e) Maximum width of a *driveway* and a garage door on a lot of less than 8.7 metres – 3.0 metres;
- f) Maximum width of an attached *private garage* on a lot 8.7 metres or more – 5.9 metres;
- g) Maximum width of a *driveway* and a garage door on a lot 8.7 metres or more – 4.9 metres.”

3. All other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this By-law shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED ON _____, 2015.

KIMBERLEY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR



APPENDIX 'B'

THE CONDITIONS OF THE COUNCIL OF THE CITY OF MARKHAM TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TM-14008 (EP VICTORIA MANORS) ARE AS FOLLOWS:

1. General

- 1.1 Approval shall relate to a Draft Plan of Subdivision 19TM-14008 prepared by J.D. Barnes Ltd, identified as Project Number 14.2027 dated October 29, 2014.
- 1.2 The Owner acknowledges that revisions to the draft plan of subdivision may be required in order to meet the requirements of Conditions 22 and 23, if necessary, to the satisfaction of the Region of York and the TRCA.
- 1.3 This draft approval shall apply for a maximum period of three (3) years from date of issuance by the City, and shall accordingly lapse on April 7, 2018, unless extended by the City upon application by the Owner.
- 1.4 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.
- 1.5 The Owner acknowledges and understands that prior to final approval of this draft plan of subdivision, amendments to Zoning By-laws 304-87 and 177-96 to implement the plan shall have come into effect in accordance with the provisions of the Planning Act.
- 1.6 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, TRCA and Region to implement or integrate any recommendations resulting from studies of other related matters identified.
- 1.7 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.
- 1.8 Prior to registration of the plan of subdivision, the Owner shall acquire the lands described as Part of Lot 28, Concession 4, designated as Part 1 on Reference Plan 65R-14560, from the authority having ownership and jurisdiction. Compensation, if any, for the above parts shall be determined by the City of Markham or the Region of York, as applicable.

2. Roads

- 2.1 The road allowances within the draft plan shall be named to the satisfaction of the City and the Region of York.
- 2.2 The road allowances within the draft plan shall be dedicated as public highway, free of all costs and encumbrances to the satisfaction of the City of Markham.
- 2.3 The Owner shall covenant and agree in the subdivision agreement that the public highways shall be designed and constructed in accordance with established municipal standards to the satisfaction of the City (Commissioner of Development Services).
- 2.4 The Owner shall convey, upon registration of the plan of subdivision, 0.3m reserves as required by the City of Markham or other agencies free of all costs and encumbrances, to the satisfaction of the City of Markham.
- 2.5 The Owner shall covenant and agree in the subdivision agreement to obtain Region of York approval to provide direct construction access from any Regional roads and to provide the City with a copy of this approval.
- 2.6 The Owner shall covenant and agree in the subdivision agreement that the Owner will make best efforts that no construction traffic shall be allowed through the intersection of Woodbine Avenue and Elgin Mills Road.
- 2.7 The Owner acknowledges and agrees that the road allowances and intersection configuration within the draft plan shall have right-of-way widths satisfactory to the City in accordance with the Internal Functional Traffic Design Study.

3. Noise Impact Study

- 3.1 Prior to release for registration of the draft plan, the Owner shall submit a Noise Impact Study, prepared by a qualified noise consultant, recommending outdoor and indoor noise control measures for the proposed development, including specific details relating to the width of buffer blocks and height of noise fences, to the satisfaction of the City, in consultation with the Region of York. 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.
- 3.2 The Owner shall covenant and agree in the subdivision agreement to implement noise control measures and warning clauses as recommended by the approved Noise Impact Study, to the satisfaction of the City (Commissioner of Development Services), in consultation with the Region of York.
- 3.3 The Owner shall covenant and agree in the subdivision agreement to convey the necessary Blocks to the City as buffer blocks, free of all costs and

encumbrances. These Blocks shall be conveyed in a physical condition that is satisfactory to the City.

4. Tree Inventory and Tree Preservation Plans

- 4.1 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 ("Streetscape Manual").
- 4.2 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.
- 4.3 The Owner shall provide tree protection in accordance with the City of Markham "Streetscape Manual" and the approved Tree Preservation Plan, to the satisfaction of the Director of Planning and Urban Design.
- 4.4 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 and within 6.0m of the property line in accordance with the "Streetscape Manual".
- 4.5 The Owner shall obtain written approval from the adjacent property owner(s) prior to the removal of any trees or destruction or injury to any part of a tree within 6.0m of the property line in accordance with the "Streetscape Manual" and the City of Markham Tree Preservation By-law 2008-06.
- 4.6 The Owner shall provide 332 replacement trees to the City prior to the final approval of the Plan of Subdivision based on the below:
 - a) Replacement trees shall have a minimum size of 30mm caliper
 - b) Replacement trees species shall be in accordance with "Streetscape Manual"
 - c) Replacement trees locations shall be determined by the City
 - d) Replacement trees shall be under warranty for a period of 2 years from the substantial performance acceptance from the City
 - e) Where replacement trees are not be able to be planted within the area of the draft plan, cash-in-lieu compensation shall be provided to the City calculated base on \$600 per replacement trees
- 4.7 The requirement for the replacement or equivalent economic value following unauthorized tree removal or damage shall be determined by the City.

5. Parks and Open Space

- 5.1 The Owner shall convey Block 10 to the City for open space purposes free of all costs and encumbrances, upon registration of the plan of subdivision. The Block shall be conveyed in a physical condition which is satisfactory to the City.
- 5.2 The Owner shall provide a walkway and pedestrian lighting within Block 10 to the City for pedestrian connection to the storm water management pond open space block. The configurations and designs of the walkway and pedestrian lighting shall be provided to the satisfaction to the City.

6. Streetscape and Landscape Plans

- 6.1 The Owner shall submit landscape plans based on the approved ADG and CDP into all landscape works, to the satisfaction of the Director of Planning and Urban Design:
- a) Minimum 1 street tree per lot, planted in accordance with the “Streetscape Manual”;
 - b) Required soil quality and volume in accordance with the “Streetscape Manual”;
 - c) 1.8m high wood screen corner lot fencing with masonry pillars;
 - d) 1.5m high black decorative wrought iron fence on the property line where residential lots abut open space;
 - e) Buffer planting for open space blocks and single loaded road;
 - f) Noise attenuation fencing as determined by an approved noise study;
 - g) Fencing between low density residential and higher density residential, commercial and industrial sites;
 - h) Fencing and landscape elements between residential and hydro-corridor;
 - i) Pathways, buffer planting, and fencing of the stormwater management facility; and
 - j) Any other landscaping as determined by the CDP and the Environmental Master Drainage Plan.
- 6.2 The Owner shall construct all landscaping in accordance with the approved plans at no cost to the City.
- 6.3 The Owner shall provide a minimum 200mm depth of topsoil in the entire municipal boulevard to appropriately plant boulevard trees to the satisfaction of the Director of Planning and Urban Design.
- 6.4 The Owner shall provide a soil report for approval in accordance with the “Streetscape Manual”, to the satisfaction of the Director of Planning and Urban Design, prior to the installation of any soil within the boulevard and on public lands.

- 6.5 The Owner shall arrange with the Director of Planning and Urban Design inspections of all areas of landscape works prior to the installation of any planting soil and plant materials in accordance with the approved plans.
- 6.6 The Owner shall notify the Director of Planning and Urban Design 72 hours prior to any landscape works commencing.
- 6.7 The Owner shall guaranteed the prescribed works for two (2) years from City receipt of the Landscape Architect's accepted certificate of substantial completion.
- 6.8 The Owner shall not permit their builders to charge home purchasers for the items listed in Condition 4.1.
- 6.9 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)
- 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 PARK, WALKWAY, STORMWATER MANAGEMENT POND BLOCKS, AND OTHER AREAS AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE CITY
- BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES
- SUBDIVISION ENTRY FEATURES AND OTHER LANDSCAPE WORKS (INCLUDING RETAINING WALLS IF ANY) 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.”

7. Community Design Plan

- 7.1 The Owner shall revise the Kylemore Communities (Victoria Square) Ltd. Neighbourhood Design Brief, Addendum to the Cathedral Community Design Plan ("CDP") to the satisfaction of the Director of Planning and Urban Design prior to the submission of the revised landscape plans and engineering plans for the subdivision.
- 7.2 The Owner shall implement and incorporate all requirements of the redline approved Kylemore Communities (Victoria Square) Ltd. Architectural Design Guidelines ("ADG") into all landscape plans, architectural drawings, engineering plans and any other required design documents.
- 7.3 The Owner shall retain John G. Williams Limited to implement the Architectural Control Guidelines.
- 7.4 The Owner shall ensure that the design architect for any buildings within the plan of subdivision shall not also assume the role of control architect for the plan of subdivision.
- 7.5 Plans submitted for model home permits for any building within the plan of subdivision shall bear an approval stamp identifying the architectural company retained for architectural control and the signature of the control architect. The approval stamp shall certify that the floor plans, building elevations and site plans are designed in accordance with the approved architectural control guidelines.

8. Architectural Control

- 8.1 The Owner shall shall covenant and agree in the subdivision agreement to implement the architectural control guidelines.
- 8.2 Plans submitted for model home permits for any building within the plan of subdivision shall bear an approval stamp identifying the architectural company retained for architectural control and the signature of the control architect. The approval stamp shall certify that the floor plans, building elevations and site plans are designed in accordance with the approved architectural control guidelines. No permits shall be issued for model homes prior to the approval of the City of the architectural control guidelines.
- 8.3 The Owner shall ensure that the design architect for any buildings within the plan of subdivision shall not assume the role of control architect for the plan of subdivision.

9. Stormwater Management

- 9.1 The Owner shall incorporate the requirements and criteria of the approved Stormwater Management Master Plan of 404 North Secondary Plan Area (OPA 149) prepared by SCS Consulting Group Ltd.(November 2010), into the draft plan and subdivision agreement.
- 9.2 The Owner acknowledges and agrees that the Master Environmental Servicing Plan (MESP) has been approved by the City and that the recommendations of the approved MESP shall be reflected in the Stormwater Management Study. The Owner further agrees to make any revisions to the draft plan that may be required to achieve recommendations of the MESP and revised Stormwater Management Study.
- 9.3 Prior to release for registration of the draft plan, the City and the Toronto and Region Conservation Authority shall approve a stormwater management design report, prepared by a qualified engineer on behalf of the Owner, addressing the water quality and quantity controls, water balance, hydraulic grade lines, overland flow routes, and erosion and siltation controls for the draft plan. The Owner acknowledges and agrees that they will be required to construct the proposed stormwater management facilities and overland flow routes, provide any easements or lands both internal or external to the subdivision for stormwater and overland flow purposes, and to revise the draft plan accordingly, as may ultimately be required.
- 9.4 Upon registration of the plan of subdivision, the Owner shall convey all necessary Blocks or transfer easements to the City as determined by the City for stormwater management purposes, including overland flow routes, free of all costs and encumbrances, in accordance with the recommendations of the Stormwater Management Study, to the satisfaction of the City and the TRCA.
- 9.5 The Owner shall covenant and agree in the subdivision agreement to prepare a Watercourse Monitoring Program, as per the requirements of the City's Watercourse Monitoring Master Plan, for review and acceptance by the Director of Engineering. The Owner shall implement the accepted Watercourse Monitoring Program and any subsequent addenda or reports accepted by the Director of Engineering. Notwithstanding the above provisions, the Owner has the option to pay a cash-in-lieu amount towards a City wide monitoring program administered by the City. If the Owner exercises this option, the Owner shall pay to the City \$200 per gross area of the Plan of Subdivision in hectares, being one time payment for a City wide monitoring program. The Owner shall implement, to the satisfaction of the Director of Engineering, the recommendations of the Final Report regardless of whether the City or the Owner conducted the monitoring program.

- 9.6 The Owner shall covenant and agree in the subdivision agreement to prepare a Stormwater Management (SWM) facilities monitoring and evaluation program to the satisfaction of the Director of Engineering. The Owner agrees to retain the services of a qualified consultant to undertake the monitoring and evaluation program for a minimum period of three (3) years from the date of commencement of operation of the SWM facilities. The owner shall submit semi-annually a monitoring report and a final report at the end of the monitoring period. The final report shall determine the future inspection and maintenance requirements of the facilities. The Director of Engineering may extend the monitoring period up to an additional two (2) years, if in his opinion, further monitoring is necessary. Further, the Owner shall covenant and agree at the time of Subdivision Agreement to provide sufficient securities to the City to ensure that the SWM facilities monitoring and evaluation program is implemented to the satisfaction of the Director of Engineering.
- 9.7 The Owner shall incorporate the requirements and criteria from the approved Water Balance Study into the draft plan and provide for same in the subdivision agreement.
10. Municipal Services
- 10.1 The Owner shall acknowledge and agree in the subdivision agreement that final approval of the draft plan shall be subject to the City being satisfied that adequate water supply and sanitary sewer allocation is available to service the development in accordance with the June 11, 2014 Council resolution regarding community water supply allocations and sanitary sewage allocation.
- 10.2 Prior to release for registration of the draft plan, the Owner shall prepare, to the satisfaction of the City, a Functional Servicing Report, in accordance with the approved Master Servicing Plan for 404 North Secondary Plan Area (OPA 149) prepared by SCS Consulting Group Ltd., to determine the infrastructure required for all municipal services internal and external to the subdivision, including but not limited to, sewers, water mains, and roads. Any requirements resulting from this Report shall be incorporated into the draft plan and provided for in the subdivision agreement.
- 10.3 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued until the Director of Building Services has been advised by the Director of Engineering that water, sewage treatment, utilities and roads satisfactory to the Director of Engineering are available to the lands, except that building permits may be issued for model homes upon terms and conditions established by the City (Commissioner of Development Services).
- 10.4 Prior to release for registration of the draft plan, detailed engineering drawings shall be provided by the Owner in accordance with all technical studies and

submissions 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, composite utility plans, stormwater management detail plans, and any other plans as required to the satisfaction of the Director of Engineering.

- 10.5 The Owner shall covenant and agree in the subdivision agreement that the public highways, curbs, gutters, sidewalks, underground and aboveground services, street lights, street signs, etc., shall be designed in accordance with the City's design criteria, standards and general engineering principles and established municipal standards to the satisfaction of the Director of Engineering.
- 10.6 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), underground and above ground services, street lights, street signs, utilities, stormwater management facilities, etc., to the satisfaction of the City.
- 10.7 The Owner shall prepare and submit an analysis of water supply and pressures for the internal water system to the satisfaction of the Director of Engineering, and comply with any applicable requirements, conditions or assessed costs established by the City, the Region of York or any other authorized agencies prior to the registration of any portion of the draft approved plan.
- 10.8 The Owner shall covenant and agree in the subdivision agreement that prior to any construction activities the Owner shall prepare a Well Monitoring Program and Mitigation Plan, as per the City's requirements for review and acceptance by the Director of Engineering. The Owner shall implement the accepted Well Monitoring Program and Mitigation Plan and any subsequent addenda or reports accepted by the Director of Engineering. Prior to Acceptance for Maintenance, the Owner shall provide the findings and recommendations in the Final Report to the Director of Engineering for review and acceptance at the end of the monitoring period. Further, the Owner shall covenant and agree at the time of Subdivision Agreement to provide sufficient securities to the City to ensure that the well monitoring and mitigation program is implemented to the satisfaction of the Director of Engineering.
- 10.9 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 adequate water supply for firefighting operations and acceptable access for firefighting equipment are available.

- 10.10 The Owner shall covenant and agree to pay for the relocation of existing service connections on abutting roads owned by the City and for the relocation of any infrastructure within the abutting roads to the satisfaction of the Director of Engineering.
- 10.11 Prior to release for registration of the draft plan, the Owner shall prepare a Hydrogeological Study in accordance with the approved Water Balance Study, to determine the mitigation measures required for all municipal services internal and external to the subdivision including sewers, watermains, and roads. Any requirements resulting from this report shall be incorporated into the draft plan and provided in the subdivision agreement.
- 10.12 The Owner covenants and agrees that no pre-servicing will occur until the engineering drawings are approved, a pre-servicing agreement is executed, site alteration drawings have been approved, and the necessary securities are provided.

11. Internal Functional Traffic Design Study

- 11.1 Prior to release for registration of the draft plan, the Owner shall prepare, in consultation with the owners of other lands within the 404 North Secondary Plan Area, an Internal Functional Traffic Design Study to the satisfaction of the City and the Region of York. The Owner shall incorporate the requirements and criteria of these studies into the Functional Servicing Report required in Condition 10.2, the draft approved plan and the subdivision agreement, to the satisfaction of the Director of Engineering.

12. Easements

- 12.1 The Owner shall grant 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.
- 12.2 The Owner shall covenant and agree in the subdivision agreement to provide an easement for the municipal access to stormwater management pond Block 32 to the satisfaction of Director of Engineering.

13. Utilities

- 13.1 Prior to release for registration of the draft plan, the Owner shall prepare an overall utility distribution plan (Composite Utility Plan) to the satisfaction of the City and authorized agencies.

- 13.2 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.
- 13.3 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 Gas, Telecommunications Companies, etc. in order to service the development.
- 13.4 The Owner shall covenant and agree in the subdivision agreement 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 commercial/residential units within the subdivision as and when each unit is constructed.
- 13.5 The Owner shall covenant and agree in the subdivision agreement to advise all utility and telecommunication carriers that plans for medium or large size vaults are to be submitted to the City for review and approval. Drawings are to be approved by the Commissioner of Development Services and are to include location, grading, fencing, landscaping, access, and elevations of structures, etc.
14. Telephone or telecommunication provider:
- 14.1 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 service 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 connections to individual dwelling units within the subdivision as and when each dwelling unit is constructed.
- 14.2 Prior to release for registration of the draft plan of subdivision, the telephone or telecommunication provider shall confirm that satisfactory arrangements, financial and otherwise, have been made with the telephone or telecommunications provider for any telephone or telecommunications facilities serving this draft plan of subdivision which are required by the Municipality to be installed underground; a copy of such confirmation shall be forwarded to the Municipality.

- 14.3 The Owner shall agree in the Subdivision Agreement, in words satisfactory to the telephone or telecommunications provider, to grant to the provider any easements that may be required for telecommunication services.

15. Canada Post:

- 15.1 The Owner shall covenant and agree in the Subdivision Agreement to include on all offers of purchase and sale, a statement that advises the prospective purchaser that mail delivery will be from a designated Community Mail Box. The Owner will be responsible for notifying the purchaser of the exact Community Mailbox locations prior to the closing of any home sale.
- 15.2 Prior to release for registration of the draft plan of subdivision, the Owner will consult with Canada Post Corporation to determine suitable locations for the placement of Community Mailboxes, and will indicate on the appropriate servicing plans:
- the locations of Community Mailboxes;
 - an appropriately sized section (concrete pad) as per municipal standards, to place the Community Mailboxes on;
 - any required walkways across the boulevard, as per municipal standards; and
 - any required curb depressions for wheelchair access to the satisfaction of the Commissioner of Development Services and Canada Post.
- 15.3 The Owner shall covenant and agree in the Subdivision Agreement to provide suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalk, and final grading have been completed at the permanent Community Mailbox locations.
- 15.4 The Owner shall covenant and agree in the subdivision agreement to facilitate the construction of Canada Post facilities at such locations in a manner which is agreeable to Canada Post and the City (Commissioner of Development Services) and that where such facilities are to be located within public highway rights-of-way, such facilities shall be approved on the Composite Utility Plan and shall be constructed in accordance with the Community Design Plan.
- 15.5 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 installations, 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.

16. Enbridge Gas Distribution:

- 16.1 The Owner shall covenant and agree in the Subdivision Agreement to:
- install all of the natural gas distribution system within the proposed road allowances;
 - grade all streets to final elevation prior to the installation of the gas lines;
 - provide the necessary field survey information required for the installation of the gas lines, all to the satisfaction of Enbridge Gas Distribution; and,
 - coordinate the preparation of an overall utility distribution plan to the satisfaction of all affected authorities

17. Development Charges

- 17.1 The Owner covenants and agrees 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.
- 17.2 The Owner covenants and agrees to pay all necessary fees and development charges at the time of execution of the subdivision agreement.

18. Environmental Clearance

- 18.1 Prior to release for registration of the draft plan, the Owner covenants and agrees to submit Environmental Site Assessment (ESA) report(s) including any remediation reports prepared by a “Qualified Person”, in accordance with the *Environmental Protection Act* and its regulations and all applicable standards, for peer review and concurrence. The Owner covenants and agrees to pay all costs associated with the City retaining a third-party consultant to peer review ESA reports. The “Qualified Person” shall be defined as the person who meets the qualifications prescribed by the Environmental Protection Act and O. Reg. 153/04, as amended.
- 18.2 The Owner covenants and agrees that, prior to release for registration of the draft plan, an environmental clearance shall be provided to the City for the Lands, to the satisfaction of the Director of Engineering. The City shall be satisfied that the Lands are environmentally suitable for their proposed use, in accordance with the Environmental Protection Act and its regulations. An Environmental Clearance and Reliance Letter as per the City’s standard, signed by the Qualified Person, shall be submitted to the City. The City will not accept any modifications to the standard Environmental Clearance and Reliance Letter. 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.

- 18.3 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, and City's requirements to the satisfaction of the Director of Engineering and the Ministry of Environment.
- 18.4 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, councillors, employees and agents from any and all actions, causes of action, suite, 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 release for registration of this draft plan.

19. Heritage

- 19.1 Prior to final approval of the draft plan of subdivision or any phase thereof, the Owners shall carry out a cultural heritage resource assessment for the lands within the draft plan to ensure the assessment and identification of appropriate treatment of built heritage and archaeological resources, and further to mitigate any identified adverse impacts to significant heritage 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.
- 19.2 The Owner shall covenant and agree in the subdivision agreement to implement any measures recommended by the heritage resource assessment, to the satisfaction of the City and the Ministry of Culture.
- 19.3 Prior to final approval of the plan of subdivision or any phase thereof, the Manager of Heritage Planning shall advise that Conditions 19.1 and 19.2, inclusive, have been satisfied.

20. Other City Requirements

- 20.1 Prior to release for registration of the draft plan or any component thereof, the Owner shall enter into a Developers Group Agreement(s) to ensure the

provision of community and common facilities such as school sites, municipal services, parks and public roads, and sites for places of worship in the Highway 404 North Community, to the satisfaction of the Commissioner of Development Services and City Solicitor, and a certificate confirming completion of such agreement(s) shall be provided to the City by the Developers Group Trustee to the satisfaction of the City Solicitor.

- 20.2 The Owner shall covenant and agree in the Subdivision Agreement to:
- a) purchase from the City two recycling containers, one green bin and one kitchen collector per residence upon application for occupancy permits so that each purchaser may participate in a waste diversion program;
 - b) ensure that the containers, units and education materials are deposited in each home on or before the day closing;
 - c) contact the City at least four weeks in advance to arrange an appointment time in which blue boxes, green bins and kitchen collectors are to be collected by the Owner;
 - d) pay the City the cost for the containers and units as outlined in condition 20.2 a). The Owner covenants and agrees to collect from the City all required recycling containers, and that all containers shall be provided to the purchasers at the same cost as paid to the City;
 - e) ensure that unobstructed roadway access to a width no less than 6 metres will be provided upon unit occupancy, 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 and recyclables from the occupied units to an agreed upon centralized location at the Owner's expense, for collection by the City.
- 20.3 The City shall covenant and agree in the Subdivision Agreement to provide at no cost to the Owner all educational materials necessary to enable the purchaser to participate in a recycling program.
- 20.4 The Owner shall covenant and agree in the subdivision agreement to include warning clauses in agreements of purchase and sale for all units with single car garages advising purchasers of the following:
- the City's parking by-law requires a minimum of two parking spaces, one in the driveway and one in the garage
 - the City's site specific zoning by-law governing this subdivision restricts the width of a single car driveway to a maximum of 3.0 metres. This width does not allow two cars to park side by side
 - overnight street parking will not be permitted unless an overnight street parking permit system is implemented by the City.

- 20.5 The Owner shall covenant and agree in the subdivision agreement to provide energy star high efficiency furnaces, energy star hot water tanks, and, where purchased through the builder, energy star air conditioning units for all residential units within the subdivision and to ensure that any appliances included in the sale of the houses are energy star certified.

21. Fire Department

- 21.1 The Owner acknowledges and agrees that firebreak lots within the draft plan shall be designated in the subdivision agreement, to the satisfaction of the Fire Chief. The Owner shall provide a letter of credit in an amount to be determined by the Fire Chief at the subdivision agreement stage to ensure compliance with this condition.
- 21.2 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 that two means of access, independent of one another are to be provided into the development under all conditions.

22. Region of York

- 22.1 The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the City of Markham and York Region.
- 22.2 A Prior to final approval, York Region shall confirm that adequate water supply and sewage servicing 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.
- 22.3 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.
- 22.4 Prior to final approval, the engineering drawing showing the layout of the watermains and sewers shall be submitted to the Infrastructure Asset Management branch for review.
- 22.5 The Owner shall agree in the subdivision agreement that any direct connection to a York Region water or wastewater system requires Regional approval prior to construction, and engineering drawings showing details of the connection shall be submitted to the Infrastructure Asset Management branch for approval.
- 22.6 For all lands, the Holding (H) provisions of Section 36 of the Ontario Planning Act shall be used in conjunction with all residential zone categories in order to

ensure that final plan approval and development of these lands does not occur until such time as the Holding (H) symbol is removed in accordance with the provisions of the Ontario Planning Act. The Zoning Bylaw shall specify the terms under which Council may consider the removal of the Holding (H) symbol. Said terms shall include a minimum of the following:

- The City of Markham approves a transfer of servicing allocation to this development that is not dependent upon the completion of infrastructure; or,
- York Region has advised in writing that the required infrastructure to support the capacity assignment associated with this development will be completed within a time period acceptable to the Region (usually 6 to 36 months depending on the complexity of the development) to permit the plan registration; or,
- The Regional Commissioner of Environmental Services confirms servicing allocation for this development by a suitable alternative method and the City of Markham allocates the capacity to this development.

- 22.7 Prior to final approval, the Owner shall satisfy the Regional Municipality of York Transportation Services Department that the services to be installed within or in conjunction with the Plan will provide for sidewalks on both sides of the roadway listed below, unless only one side of the street lies within the limits of the subject lands. The sidewalks shall meet the local municipality's standards, and be provided by the Owner along the subject lands' frontage onto roadway that have transit services.

Existing YRT/Viva transit services operate on the following roadway in the vicinity of the subject lands:

- Woodbine Avenue

- 22.8 Prior to final approval, the Owner shall satisfy the Regional Municipality of York Transportation Services Department and the area municipality that the services to be installed by the Owner within or in conjunction with the Plan will provide a concrete pedestrian access connection from the internal roadways to the Regional roadway. The concrete pedestrian access connection shall meet the local municipality's standards for sidewalks and shall be owned and maintained by the area municipality.
- 22.9 The Owner shall agree in the subdivision agreement to convey lands to the local municipality to provide for such pedestrian access connection referred to in Condition 8 above.
- 22.10 Prior to final approval, the Owner shall submit drawings showing, as applicable, the sidewalk location and concrete pedestrian access to the satisfaction of York Region.

- 22.11 The Owner shall agree in the Subdivision Agreement to advise all potential purchasers of the existing introduction of transit services in this development as identified in Condition 7. This includes current transit routes, bus stops and shelter locations. This shall be achieved through distribution of information/marketing materials (YRT/Viva route maps, Future Plan maps & providing YRT/Viva website contact information) at sales offices and appropriate notification clauses in purchase agreements. The YRT/Viva route maps and the Future Plan maps are available from YRT/Viva upon request.
- 22.12 The Owner shall satisfy the Regional Municipality of York Transportation Services Department that the services to be installed within or in conjunction with the Plan will include illumination in accordance with the local municipality's design standards along all streets which have transit services, sidewalks, pedestrian access and bus stop locations.
- 22.13 Prior to final approval, the Owner shall have prepared, by a qualified professional transportation consultant, a functional transportation report/plan outlining the required Regional road improvements for this subdivision. The report/plan, submitted to the Development Engineering Section of the Corporate Services Department for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues.
- 22.14 Prior to final approval, the Owner shall provide a written undertaking, to the satisfaction of the Development Engineering Section of the Corporate Services Department that the Owner agrees to implement the recommendations of the functional transportation report/plan as approved by Development Engineering.
- 22.15 Prior to final approval, the Owner shall submit detailed engineering drawings to the Development Engineering Section of the Corporate Services Department for review and approval that incorporate the recommendations of the functional transportation report/plan as approved by the Development Engineering Section of the Corporate Services Department. Additionally, the engineering drawings shall include the subdivision storm drainage system, erosion and siltation control plans, site grading and servicing, plan and profile drawings, construction access and mud mat design, utility and underground servicing location plans, pavement markings, electrical drawings for illumination design, traffic control/construction staging plans and landscape plans.
- 22.16 Prior to final approval, the location and design of the construction access for the subdivision work shall be completed to the satisfaction of the Development Engineering Section of the Corporate Services Department and illustrated on the Engineering Drawings.
- 22.17 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Development Engineering Section of the Corporate Services Department, that

all existing driveway(s) along the Regional road frontage of this subdivision will be removed as part of the subdivision work, at no cost to York Region.

- 22.18 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Development Engineering Section of the Corporate Services Department that elevations along the streetline shall be 0.3 metres above the centreline elevations of the York Region roadway, unless otherwise specified by Development Engineering.
- 22.19 Prior to final approval, the Owner shall submit drawings depicting the following to the satisfaction of York Region staff:
- a. All existing woody vegetation within the York Region road Right-Of-Way,
 - b. Tree protection measures to be implemented on and off the York Region road Right-Of-Way to protect Right-Of-Way vegetation to be preserved,
 - c. Any woody vegetation within the York Region road Right-Of-Way that is proposed to be removed or relocated. However, it is to be noted that tree removal within York Region road Right-Of-Way shall be avoided to the extent possible/practical. Financial or other compensation may be sought based on the value of trees proposed for removal,
 - d. A planting plan for all new and relocated vegetation to be planted within the York Region road Right-Of-Way, based on the following general guideline:

Tree planting shall be undertaken in accordance with York Region standards as in Streetscaping Policy and using species from the York Region Street Tree Planting List. These documents may be obtained from the Forestry Section. If any landscaping or features other than tree planting (e.g. flower beds, shrubs) are proposed and included in the subdivision agreement, they will require the approval of the City and be supported by a Maintenance Agreement between the City and the Region for City maintenance of these features; any such Maintenance Agreement should indicate that where the area municipality does not maintain the feature to York Region's satisfaction, the area municipality will be responsible for the cost of maintenance or removal undertaken by the Region.

- 22.20 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Development Engineering Section of the Corporate Services Department, to be responsible to decommission any existing wells on the Owner's lands in accordance with all applicable provincial legislation and guidelines and to the satisfaction of the area municipality.
- 22.21 The Owner shall agree prior to the development approval of any development blocks in this plan of subdivision, that direct vehicle access from any

development lots or blocks to Woodbine Avenue will not be permitted. Access must be obtained through the internal road network.

- 22.22 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Development Engineering Section of the Corporate Services Department, that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region's Right-Of-Way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.
- 22.23 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Development Engineering Section of the Corporate Services Department that the Owner will be responsible for determining the location of all utility plants within York Region Right-Of-Way and for the cost of relocating, replacing, repairing and restoring any appurtenances damaged during construction of the proposed site works. The Owner must review, or ensure that any consultants retained by the Owner, review, at an early stage, the applicable authority's minimum vertical clearances for aerial cable systems and their minimum spacing and cover requirements. The Owner shall be entirely responsible for making any adjustments or relocations, if necessary, prior to the commencement of any construction.
- 22.24 Prior to final approval, the Owner shall engage the services of a consultant to prepare and submit for review and approval, an updated noise study to the satisfaction of the Development Engineering Section of the Corporate Services Department, recommending noise attenuation features.
- 22.25 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Development Engineering Section of the Corporate Services Department, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of Development Engineering.
- 22.26 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Development Engineering Section of the Corporate Services Department, that where berm, noise wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a professional engineer to have been installed as specified by the approved Noise Study and in conformance with the Ministry of Environment guidelines and the York Region Noise Policy.
- 22.27 The following warning clause shall be included in a registered portion of the subdivision agreement with respect to the lots or blocks affected:
- "Purchasers are advised that despite the inclusion of noise attenuation features within the development area and within the individual building units, noise

levels will continue to increase, occasionally interfering with some activities of the building's occupants".

22.28 Where noise attenuation features will abut a York Region Right-Of-Way, the Owner shall agree in the subdivision agreement, in wording satisfactory to York Region's Development Engineering Section of the Corporate Services Department, as follows:

- a) That no part of any noise attenuation feature shall be constructed on or within the York Region Right-Of-Way;
- b) That noise fences adjacent to York Region roads may be constructed on the private side of the 0.3 metre reserve and may be a maximum 2.5 metres in height, subject to the area municipality's concurrence;
- c) That maintenance of the noise barriers and fences bordering on York Region Right-Of-Ways shall not be the responsibility of York Region; and
- d) That any landscaping provided on York Region Right-Of-Way by the Owner or the area municipality for aesthetic purposes must be approved by the Development Engineering Section of the Corporate Services Department and shall be maintained by the area municipality with the exception of the usual grass maintenance.

22.29 Prior to final approval, the Owner shall provide a copy of the subdivision agreement to the Corporate Services Department, outlining all requirements of the Corporate Services Department.

22.30 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 are payable prior to final approval in accordance with By-law # 2012-36.

22.31 The Regional Corporate Services Department shall advise that Conditions 22.1 to 22.30 inclusive, have been satisfied.

23. Toronto and Region Conservation Authority

23.1 That prior to any grading, development, pre-servicing or site alteration, or registration of this plan or any phase thereof, the applicant submit and attain approval of the TRCA for:

- a. A letter demonstrating compliance with the Master Environmental Servicing Plan (MESP) – for OPA 149 (Highway 404 North Planning District) to the satisfaction of the TRCA.

- b. A detailed engineering report that describes the storm drainage system (quantity and quality and water balance) for the proposed development of the subject lands, and how it will comply with all related master environmental servicing plan (MESP) and TRCA requirements. This report shall include:
 - i. plans illustrating how this drainage system will tie into surrounding drainage systems and storm water management techniques which may be required to control minor and/or major flows;
 - ii. appropriate Stormwater Management Practices (SWMPs) to be used to treat stormwater, to mitigate the impacts of development on the quality and quantity of ground and surface water resources, including how it relates to terrestrial and aquatic species and their habitat, in addition to natural features and systems;
 - iii. proposed methods for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction, in accordance with the current Sediment and Erosion Control Guidelines utilized by the TRCA. ESC plans and a report addressing phasing and staging, consistent with TRCA's guidelines must be included, and approved by the TRCA;
 - iv. location and description of all outlets and other facilities, grading, or site alterations on and off the property, which are required to service or facilitate the development of the subject lands, which may require a permit pursuant to Ontario Regulation 166/06, the Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, with all supporting technical information;
 - v. mapping of proposed stormwater management measures, with consideration for grade differentials and grading required through the pond design and location;
 - vi. the integration of low impact development (LID) measures and the employment of source and conveyance controls to mimic to the extent possible, pre-development hydrology to the satisfaction of the TRCA;
- c. Overall grading plans for the subject lands to the satisfaction of the TRCA;
- d. A detailed water balance implementation report which confirms the overall site water balance targets for this development are consistent with the targets established in the approved MESP. This includes demonstrating that adequate area is available for the installation of infrastructure (LID's) that can meet the required site targets. The report

will identify measures that will be implemented to maintain ground water infiltration on-site, and a minimum on-site retention of the first 5mm storm event for areas impacting Berczy Creek, to the satisfaction of the TRCA. This study, which must provide detailed design of the system(s), proposed mitigation measures, implementation and monitoring information to determine the performance of these systems, along with an adaptive management plan to take corrective action as required;

- e. A final hydrogeological investigation report and groundwater constraint assessment that examines the existing and proposed groundwater levels in relation to the proposed development and stormwater infrastructure to the satisfaction of the TRCA. The report shall identify interactions between untreated (or insufficiently treated) surface and groundwater, shallow ground water, and dewatering requirements, with refinements and/or revisions made as necessary to the stormwater management system to mitigate against any groundwater or interflow associated with any component of this development. The need for liners associated with the stormwater management system shall be assessed, and suitable liners shall be provided where necessary. Permanent dewatering associated with any component of this development which may negatively impact the adjacent natural heritage features shall not be permitted;
 - f. That the owner provide a report, co-authored by a qualified hydrogeologist and qualified environmental consultant that identifies the potential impacts dewatering will have on the natural heritage system; including by not limited to the baseflow of Berczy Creek on a temporary and permanent basis and erosion thresholds upon the receiving system. Should the report identifies adverse impacts, then the draft plan and proposed infrastructure will be required to be revised to eliminate the need for permanent dewatering.
- 23.2 That the a response letter be provided which addresses the issues identified in the TRCA letter dated November 6, 2014 for 19TM-13002 and in TRCA letter dated March 6, 2014 for 19TM-14008 to the satisfaction of the TRCA.
- 23.3 The owner will be required to demonstrate compliance with the Migratory Birds Convention Act by avoiding tree removals between May 1 and July 23.
- 23.4 That the owner provides detailed designs that demonstrates that the proposed drainage can successfully convey stormwater to the receiving watercourse. This design must consider future development within the adjacent lands and function regardless of the timing of that development.

- 23.5 That the stormwater management pond on adjacent lands be constructed and operational, drainage easements attained, and an adequate stormwater outlet has been provided to the receiving watercourse (Berzcy Creek).
- 23.6 That the owner obtains all necessary permits pursuant to Ontario Regulation 166/06 to site alter and grade the site, and provide confirmation with respect to any permits which may be required by MNRF.

24. External Clearances

- 24.1 Prior to release for registration of the 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) The Regional Municipality of York Planning Department shall advise that their conditions and requirements have been satisfied.
 - (b) The Toronto and Region Conservation Authority shall advise that their conditions and requirements have been satisfied.
 - (c) The telephone or telecommunications provider shall advise that their conditions and requirements have been satisfied.
 - (d) Canada Post Corporation shall advise that their conditions and requirements have been satisfied.
 - (e) Enbridge Consumers Gas shall advise that their conditions and requirements have been satisfied.
 - (f) The Ministry of Culture shall advise that their conditions and requirements have been satisfied.

ISSUED:

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

Appendix 'C'

ARMSTRONGPlanning & Project Management

March 25, 2015

Mr. Geoff Day
City of Markham
101 Town Centre Blvd
Markham, ON L3R 9W3

Mr. Day,

**Re: EP Victoria Square Manors Ltd.: 10925-10945 Woodbine Avenue
Draft Plan of Subdivision and Zoning By-law Amendment applications
City of Markham File No. 14 136724**

Further to our letter dated January 26, 2015, Armstrong Planning & Project Management is acting as agent on behalf of EP Victoria Square Manors Ltd and the draft plan of subdivision and zoning by-law amendment applications for 10925-10945 Woodbine Avenue in Markham. The proposed development is for +/-0.83 hectares (+/-2.0 acre) of land that completes the adjacent subdivision to the north and east of the site approved by Council on November 25th, 2014 (File No. 13 113916). It reflects the approved road layout by connecting seamlessly to adjacent roads (as approved, but not yet built) and also reflects the approved built form of street townhomes and rear-lane townhomes. In addition, no residents were in opposition to the proposed development (no comments were received by the clerk's office prior to the public meeting on January 20th and no residents were present on January 20th to provide their comment/feedback in person).

It is understood that members of the Development Services Committee have requested clarification and/or confirmation on certain items (as outlined below). This letter is meant to act in support of the proposed development, and provide updates to our response provided in a letter dated January 26th, 2014.

1. Removal of one unit within Block 3 abutting the pond to create a larger walkway (Block 10) to the stormwater management pond from Street A;
2. Commit to install additional native species in the stormwater management pond of the adjacent approved subdivision;
3. Provide a sidewalk on the south side of Street A to provide an "unbroken" access to the stormwater management pond;
4. Provide more detail on how the proposed townhouse units can be made accessible;
5. Confirm that there is sufficient parking (on-street) available to residents of the subdivision; and
6. Provide assurances that deck railing swill not be glass in order to minimize the risk to birds (to decrease the # of bird strikes).

On behalf of EP Victoria Square Manors, please accept this letter and supporting materials as a revised response that we trust will satisfy staff and Committee members.

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1. Removal of one unit within Block 3 abutting the pond to create a larger walkway (Block 10) to the stormwater management pond from Street A.

In order to address this comment, and in response to encouragement by staff, EP Victoria Square Manors, reduced the size of one unit from 8.7m to 5.5m. This results in an extra 3.2m of land available for the walkway block (Block 10). Specifically, the walkway that was +/-2.5m wide now ranges from +/- 8.35m to 4.8m wide (an average of 6.6m). In addition, there is a 1.2m side yard that will be separated from the walkway by a decorative metal fence. In total the separation from the side of the building to the south property line will be +/-9.55m to 6.0m (average 7.8m).

Furthermore, the existing home south of the walkway is approximately 20m from the property-line resulting in significant separation between buildings. This walkway provides a secondary access to the stormwater management plan, the primary access to the trail is via Street E of the approved "Kylemore" subdivision. This has been reviewed in depth with staff and supported through their preliminary report recommending approval of the draft plan of subdivision. While the detailed engineering is still underway we believe that this provides a much more agreeable space for pedestrians.

2. Commit to install additional native species in the stormwater management pond of the adjacent approved subdivision.

The stormwater management pond identified by committee members is part of the adjacent subdivision (approved November 25th 2014 at 10975 Woodbine Avenue by Kylemore Communities) and not a part of the proposed development; however the proposed development at 10925-10945 Woodbine Avenue does take advantage of the adjacent stormwater management pond. To the benefit of the above request, EP Victoria Square Manors is completing the design and build-out of the referenced stormwater management pond such that we can ensure and commit to the installation of native plantings throughout the SWM Pond block. The use of native plantings throughout the stormwater management pond is currently under design as this is also a requirement of the Toronto Region Conservation Authority and strongly encouraged by the City of Markham.

3. Provide a sidewalk on the south side of Street A to provide an "unbroken" access to the stormwater management pond.

Following many discussions with city staff and our engineers, we are now proposing that Street A be a 16.0 right of way including a 5.0m boulevard on the north side of the asphalt. This means that the sidewalk and servicing will be on the north side. This is required in order to maximize viability of the large sugar maple tree that sits to the south of the right of way. It is important to note that the sidewalk on Bruce Thomson Drive (equivalent to Street A west of Woodbine Avenue) is on the north side and as such, the proposed sidewalk will line up; if moved to the south side of Street A, the sidewalks will not line up and there will be significant root interference that may harm the sugar maple.

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The health and wellbeing of the trees that are on or near the south property line are important to creating a strong buffer between the proposed development and existing homes; our goal is to preserve as many of these trees as possible and have now included a 2.5m open space block adjacent to the south property line that runs from Woodbine Avenue to the Stormwater Management Pond. The construction of a sidewalk on the south side of Street A may interfere with root systems and be harmful to the trees. To be sure, the final location of the sidewalk will be approved by city staff through their review and approval of the detailed engineering design and landscape drawings.

4. Provide more detail on how the proposed townhouse units can be made accessible.

EP Victoria Square Manors Ltd (a joint development project by Empire Communities and Pace Developments) has experience in customizing homes to meet the accessibility needs of purchasers. Available upgrades vary and are selected by individual purchasers on an "as needed" basis; they may include the following:

- Lifts and/or ramps to facilitate movement between different levels of the home;
- Widened hallways, doorways and landings to ensure ease of movement;
- Accessible bathrooms (turning space and special fixtures)
- Accessible kitchens (counter height, turning movement and special fixtures)

EP Victoria Square Manors strives to respond to purchasers' needs and will make whatever adjustments are possible to ensure individual accessibility needs are met.

5. Confirm that there is sufficient parking (on-street) available to residents of the subdivision.

The City of Markham engineering standard for 16.0m wide residential local right of way includes 8.5m of pavement and the City typically permits parking on one side of local streets (excluding the hours of 2:30am to 6:00am). As a result there are approximately 16 on street parking spaces available within the proposed subdivision. In addition, there are 85 off-street parking spaces for a total of 101 parking spaces in the proposed development. On and off-street parking for the proposed subdivision is provided at a similar rate to that of the approved subdivision to the north and east (Kylemore Subdivision). Below is a breakdown of the parking provided on site and on the adjacent (approved) subdivision:

	Proposed Subdivision 10925-10945 Woodbine Ave		Approved (Kylemore) Subdivision 10975 Woodbine Ave		TOTAL
	2-Car Garage	1-Car Garage	2-Car Garage	1-Car Garage	
OFF-STREET	54 (18 units)	28 (14 units)	297 (99 units)	116 (47 units)	178 units*
	Proposed Subdivision 10925-10945 Woodbine Ave		Approved (Kylemore) Subdivision 10975 Woodbine Ave		
ON -STREET	16		74		90
TOTAL	OFF STREET	82	OFF STREET	413	495
	ON STREET	16	ON STREET	74	90
		98		487	585
	RATE:		RATE:		
	Off Street	2.56/unit	Off Street	2.82/unit	2.78/unit
	On Street	0.50/unit	On Street	0.50/unit	0.51/unit

*178 Units PLUS 1 Heritage Home (with up to 4 parking spaces) for a total of 179 units.

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Also attached for your review is a parking plan that identifies on and off-street parking availability within the proposed development site as well as on the adjacent (approved) subdivision plan. Please note that on-street parking is subject to confirmation through detailed engineering review and approval of the City of Markham.

6. Provide assurances that deck railing will not be glass in order to minimize the risk to birds (to decrease the # of bird strikes).

Please accept this letter as confirmation that in order to minimize the occurrence and frequency of bird strikes, deck railings will not be glass.

Further to your list above, members of Development Services Committee also requested that the developer provide visual materials to facilitate their understanding of the proposed rear lane and street townhome product; in response, we have had two "Bird's-Eye Views" created to facilitate the interpretation and understanding of the rear-lane and street townhome product design. Also enclosed are renderings of two blocks of rear-lane townhomes (specifically, these blocks are part of the Kylemore Subdivision but are representative of what is proposed for the subject subdivision) and elevations for a typical street townhome and rear lane townhome product. Although we understand that not everyone may choose to live in a townhome many people prefer the low maintenance aspect of this form of housing. This preference is reflected in the strong sales to-date that have gone firm on the adjacent subdivision lands (Kylemore Subdivision lands, approved by Council on November 25th, 2014). We believe and anticipate that this demand will carry over to the proposed subdivision if approved.

Tree preservation on this site is difficult as a result of the amount of fill required in order to meet engineering requirements of the land as set out and approved through the MESP. Trees will be preserved wherever possible. Tree replacement on site will meet the City of Markham's standard requirements. Specifically, on-site plantings will include street trees, including a double row (if possible) of street trees along collector roads (Street A of the Kylemore subdivision), and tree planting in the park and storm water management pond. If tree replacement requirements cannot be met on site, EP Victoria Square Manors Ltd. will provide cash-in-lieu as permitted by the City of Markham; this cash-in-lieu will be used for tree planting off site. As a result of the addition of a 2.5m open space block along the south property line we hope to be able to save additional trees that will strengthen the visual separation between the proposed subdivision and existing hamlet.

Energy efficient and sustainability were also discussed briefly in one form or another. At this time we would also like to confirm that the energy efficiency features list submitted in support of and approved by Council, for the Kylemore Subdivision lands is also relevant to the proposed development. This features list is enclosed as an attachment for review.

Lastly, Committee members requested that we provide confirmation of our discussions with staff regarding snow clearance and "on-site" storage. The City of Markham has a standard that identifies the maximum laneway length as 90.0m; this, as we understand it, is for many reasons including movement and storage of snow during/after large snowfall events. As a result of numerous discussions with

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engineering and operations staff, Laneway A was broken into two halves by Laneway "D" (just north of the proposed subdivision lands; part of the Kylemore Subdivision) and Laneway A is now 74.0m long. This more than satisfies the City's requirements of a maximum 90.0m laneway. Laneway D is 10.5m wide, 2m wider than a typical laneway. This added width is to provide an opportunity for snow storage and was approved by engineering and operations staff. Lastly, Street A is proposed as a 16.0m right of way that includes 2.5m and 5.0m boulevards and is adjacent to a 2.5m open space block that provides additional space for snow storage.

I trust the above satisfactorily responds to concerns raised by Development Services Committee such that a final report can be written by staff in support of the proposed draft plan of subdivision and zoning by-law amendment applications for 10925-10945 Woodbine Avenue.

Please do not hesitate to contact the undersigned or Amanda Kosloski (x3008 or amanda@armstrongplan.ca) if you require further clarification or have any additional questions.

Regards,


per

Stephen Armstrong, MCIP, RPP
416-444-3300 x3000

Cc: Dino Sciavilla, EP Victoria Square Manors Ltd. (Pace Developments)
Dan Guizzetti, EP Victoria Square Manors Ltd. (Empire Communities)

Appendix 'D' Sustainable Initiatives



Empire Pace
EATON SQUARE



2 x 6 Exterior Stud Partition + R-22 Batt Insulation + R-5 Exterior Insulsheathing Board

This wall assembly system uses quality low-heat-loss, high density batt insulation on the inside of your home while wrapping the outside with insulation. It's like covering your home in a winter coat.

Low E Windows Throughout (including basement) with Energy Star Zone B Rating

Rated specifically for our climate zone, these windows are engineered to minimize condensation. Home comfort is increased considerably. (Manufactured to a maximum 1.8 U Value)

R-50 Blown-In Fibreglass Attic Insulation

This insulation is ideal for attics as it is blown into place and conforms to the entire space, filling all the nooks and crannies, and acts like a thick, cozy blanket.

R-31 Foam Insulation for Exposed Heated Floors and Critical Areas

Using a spray-in-place foam insulation provides an effective air-tight insulation system in exposed floors like rooms above the garage and in critical areas. The extra insulation helps to keep the floors above them warm in the winter and cool in the summer.

R-20 near Full-Height Basement Insulation

Insulating the basement improves the basement's and first floor's overall comfort.

Air Tight Building Design

The home receives 3rd party performance testing to reduce drafts, improve comfort and reduce energy costs.

Energy Star Rated Compact Fluorescent Bulbs (CFL) to 75% of the Home

These bulbs use about 75% less energy than standard incandescent bulbs and last up to 10 times longer, according to Hydro One. They give off less heat, so they are cool to touch yet emit the same amount of light as standard bulbs.

Return Air Joints and Supply Ducting Sealed with Foil Tape in Accordance with Energy Star Version 12.3 Requirements

A conventional duct system leaks 20%-30% of its air through leaks, holes and gaps. In our Energy Star homes, air leakage is reduced by sealing the ductwork with foil tape. The benefits are increased comfort through improved air delivery and lower operating costs.

Low Volatile Organic Compounds (VOC) Paint, Stains, and Primer

Standard finishes release volatile organic compounds (VOC) that can adversely affect the home's air quality. Low-VOC finishes ensure your indoor air is clean and that your family is safe from chemical emissions.

Integrated Heating System with Efficient Domestic Hot Water System

High efficiency instantaneous condensing unit heating system and hot water supply with high velocity air distribution system. The integrated heating system uses one source to provide space heating for the house and domestic hot water heating. This system provides a greater efficiency than a standard domestic hot water tank.

Energy Recovery Ventilation System

Provides fresh air to the home when required and exhausts stale humid air.

Energy Star Programmable Thermostat

Matching your home's energy use to the lifestyle of the occupants is an ongoing challenge made easier with a programmable thermostat. Used properly, an Energy Star programmable thermostat can help save on your annual heating and air conditioning costs.

Drain Water Heat Recovery Pipe

Heat from waste water is recovered as it goes down the drain. The heat is re-used to preheat incoming cold water. This saves up to 20%-40% of water heating costs.

4.8 Litre Per Flush High Efficiency Toilet

Your family can save over 30,000 litres of water per year with a 4.8L high efficiency toilet, resulting in a significant reduction in household consumption. Approximately 28% of household water is used by the toilet.

Low-Flow Aerators for Kitchen and Bathrooms

Faucets and showers fitted with low-flow aerators help reduce your domestic water use, which improves your home's efficiency and saves you money on the water bills.

Solar Ready

A four-inch capped pipe leads directly from the furnace room to the roof, providing for the future installation of the solar on-site power generation or hot water heating.

By-Law 2017 -

To declare certain lands legally described as of Part of Lot 27, Concession 4, more particularly described as Parts 2, 3, 4, 5, 6 and 7, Plan RS-1232, City of Markham, Regional Municipality of York, surplus to municipal purposes

Whereas Council at its meeting held on March , 2017, adopted the recommendations of Report No , Clause , with respect to the surplus declaration of lands legally described as follows:

- i. Part of Lot 27, Concession 4, more particularly described as Parts 2, 3, 4, 5, 6 and 7, Plan RS-1232, City of Markham, Regional Municipality of York.

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

That

- i. Part of Lot 27, Concession 4, more particularly described as Parts 2, 3, 4, 5, 6 and 7, Plan RS-1232, City of Markham, Regional Municipality of York

be declared surplus to municipal purposes.

Read a first, second and third time and passed this day of March 2017.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



By-law 2017-

A by-law to close a portion of Old Woodbine Avenue described as
Part of Lot 27, Concession 4, more particularly described as
Parts 2, 3, 4, 5, 6 and 7, Plan RS-1232, City of Markham,
Regional Municipality of York

Now therefore the Council of the Corporation of the City of Markham hereby enacts
as follows:

1. That the lands described as Part of Lot 27, Concession 4, more particularly
described as Parts 2, 3, 4, 5, 6 and 7, Plan RS-1232 are hereby stopped up and
closed.

Read a first, second, and third time and passed on March 21, 2017.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor