

SUBJECT: PRELIMINARY REPORT
4031 16th Avenue (Unionville) Inc. (Livante Developments)
4031 16th Avenue
Applications for Official Plan and zoning by-law amendment
and draft plan of subdivision to permit a residential
development
File Nos. OP/ZA/SU 16 133028

PREPARED BY: Scott Heaslip, M.C.I.P., R.P.P., Senior Project Coordinator
Central District, ext. 3140

REVIEWED BY: Richard Kendall, M.C.I.P., R.P.P., Manager,
Central District, ext. 6588

RECOMMENDATION:

- 1) That the staff report dated May 9, 2016 titled "PRELIMINARY REPORT, 4031 16th Avenue (Unionville) Inc. (Livante developments), 4031 16th Avenue, Applications for Official Plan and zoning by-law amendment and draft plan of subdivision to permit a residential development, File Nos. OP/ZA/SU 16 133028," be received;
- 2) That staff be directed to continue discussions with the applicant and the TRCA to address the issues outlined in the staff report.
- 3) That staff be authorized to schedule a Public Meeting to consider the subject applications following the discussions with the applicant and the TRCA and following receipt of confirmation from the applicant of the plan they intend to present at the public meeting.
- 4) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not applicable.

PURPOSE:

The purpose of this report is to provide preliminary information to Development Services Committee on the subject applications. This report contains general information in regards to applicable OP or other policies as well as other issues and the report should not be taken as Staff's opinion or recommendation on the application.

The report is recommending that staff be directed to continue discussions with the applicant and the TRCA to address the issues outlined in the staff report and be authorized to schedule a public meeting to consider the applications following the discussions and receipt of confirmation from the applicant of the plan that they intend to present at the public meeting. Staff will report to Development Services Committee prior to the public meeting (potentially the same week as the public meeting) to update Committee on the status of the discussions and to confirm the plan the applicant intends to present at the public meeting.

BACKGROUND:**Subject Property and Area Context (Figures 1 - 3)**

The subject property has an area of 2.0 hectares (4.9 acres) and is located on the south side of 16th Avenue, east of Warden Avenue.

The west portion of the property is valley land associated with Berczy Creek. The east portion is outside the valley.

A designated heritage house known as the James McLean House is located in the east portion.

The valley portion is heavily treed. There are also a significant number of mature trees as well as hedges and other vegetation in the east portion.

Along the east property line are five homes fronting on Normandale Road. Normandale Road is part of a subdivision dating from the early 1980's which is characterized by homes on larger lots having frontages of 18.3 metres (60 feet) and greater. Four existing houses back directly onto the subject property and one flanks onto the property.

To the south and west is publicly owned valley land (Berczy Creek).

To the north across 16th Avenue is the York Downs Golf and Country Club.

Official Plan and Zoning

The entire subject property is designated 'Hazard Lands' in the 'in-force' Official Plan (Revised 1987).

The western portion of the property, corresponding to the Berczy Creek valley land and associated environmental buffer, is designated 'Greenway' in the 2014 Official Plan as partially approved by the OMB on October 30, 2015. The remainder is designated 'Residential Low Rise.'

The west portion of the property is zoned O1 – Open Space. The east portion is zoned RD – Residential Development. The RD zone permits a single detached dwelling existing on the date of passing of the by-law (March 24, 1987).

Proposal

The applicant is proposing to develop the east portion of the subject property with 13 single detached lots as shown on Figure 4. The west portion would be conveyed to the City for open space purposes.

The majority of the proposed lots are irregular or pie shaped and have varying frontages. The Urban Design Brief submitted in support of the applications shows house plans designed for 11.6 metre (38 foot) and 12.65 metre (41.5 foot) frontages.

The lots are proposed to be freehold, with vehicular access over private roadways connecting to Normandale Road. The private roadways are proposed to be registered as a common elements condominium. The owners of the lots would maintain the roadways and any shared open spaces through common expenses.

The James McLean House is proposed to be relocated to a lot adjoining 16th Avenue. An addition is proposed to this house.

The applicant has submitted a number of technical studies in support of the subject applications, including:

- Functional Servicing and Stormwater Management Report
- Traffic and Site Circulation Review
- Natural Heritage Evaluation Report
- Meander Belt Width Assessment Report
- Arborist Report
- Geotechnical Report
- Phase 1 Environmental Site Assessment Report
- Cultural Heritage Impact Assessment (of the James McLean House)
- Urban Design Brief
- Planning Justification Report

Subdivision application submitted after Official Plan and zoning by-law amendment applications

The subject Official Plan and zoning by-law amendment applications were submitted on January 12, 2016. The applications were deemed complete on February 10. Notices of complete application were subsequently mailed to the owners of all properties within 120 metres and "Complete Application" signs posted on the property in accordance with the requirements of the Planning Act.

Following discussions with staff, the applicant recognized the need to also apply for a draft plan of subdivision to create the proposed lots. This application was submitted on April 1, 2016. Notices of complete application for this application were subsequently mailed out and additional complete application signs posted on the property.

OPTIONS/ DISCUSSION:

The following is a brief summary of concerns/issues raised to date from our preliminary review of the proposed development:

Limit of development: The applicant is proposing to reconfigure the floodplain through an engineered “cut/fill balance.” The flood plain line shown on the plans submitted with the applications (see note on Figure 4) is therefore referred to as the proposed flood plain as this line has not been approved by the TRCA and the City. A 10 metre wide environmental buffer is proposed; however it encroaches into the yards of 7 of the 13 lots, in some cases to the back wall of the dwelling (see note on Figure 4).

The policies of the “in force” and “partially approved” Official Plans require environmental buffers be left in their natural state, or if disturbed, replanted with native species. Environmental buffers are generally required to be conveyed into public ownership.

TRCA staff have reviewed the technical reports submitted in support of the applications and have provided written comments (attached as Appendix ‘A’) advising that “Given that an acceptable development limit has not been established to TRCA’s satisfaction, TRCA staff cannot support the application at this time and consider the application to be premature.”

Designated heritage house: The applicant is proposing to relocate the James McLean House from its current location, which is approximately 40 metres (130 feet) south of 16th Avenue, north to a location 4.53 metres (15 feet) from 16th Avenue. On March 23, 2016, heritage Markham passed the following resolution:

That Heritage Markham requests that the applicant provide a compelling reason or reasons why it is necessary to relocate the heritage building at 4031 16th Avenue before the Committee will provide comments on the proposed relocation.

Trees: The Arborist Report submitted with the applications identifies 41 existing trees within the portion of the subject property which is proposed to be developed. The applicant is proposing to remove all of these trees, including all of the trees within the identified environmental buffer area. The Arborist Report indicates that “*These trees require removal to accommodate the proposed development’s building footprints, roads, site grading and servicing.*”

Community concerns: On March 2, 2016, Ward Councilor Hamilton held a Community Meeting to inform area residents of the proposed development. The meeting was attended by approximately 60 area residents, Councillors Armstrong, Collucci, Hamilton and Li, two members of City staff (Scott Heaslip and Regan Hutcheson) and two representatives of the applicant. Area residents expressed a number of concerns regarding the proposed development. Concerns included compatibility with the Normandale Road community, number of lots, lot frontages, building setbacks, loss of trees, visitor parking,

traffic impact, construction access, impact on the valley, relocation of the heritage house. Staff have also received a number of emails from area residents expressing similar concerns and requesting additional information.

CONCLUSION

Staff anticipate that substantive changes may be required to the proposed development to address the issues identified in this report.

Staff are recommending that we be directed to continue discussions with the applicant and the TRCA to address the issues outlined above, and be authorized to schedule a public meeting to consider the applications following the discussions and upon receipt of confirmation from the applicant of the plan that they intend to present at the public meeting.

Staff will report to Development Services Committee prior to the public meeting (potentially the same week as the public meeting) to update Committee on the status of the discussions and to confirm the plan the applicant intends to present at the public meeting.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

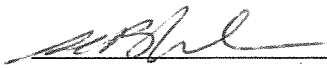
Not Applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

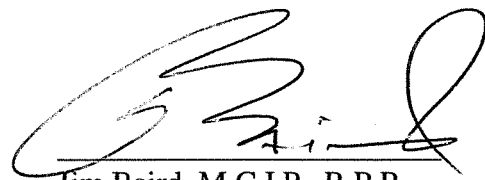
The proposed development is being evaluated in the context of the city's Strategic Priorities.

BUSINESS UNITS CONSULTED AND AFFECTED:

The proposed development has been circulated to internal City departments and external agencies for review and comment.



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



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

ATTACHMENTS:

Figure 1 – Property Location Map

Figure 2 – Area Context / Zoning

Figure 3 – Air Photo

Figure 4 – Site Plan

Appendix 'A' – TRCA comments dated April 22, 2016

Agent:

Maria Gatzios

Gatzios Planning and Development Consultants Inc.

701 Mount pleasand Road

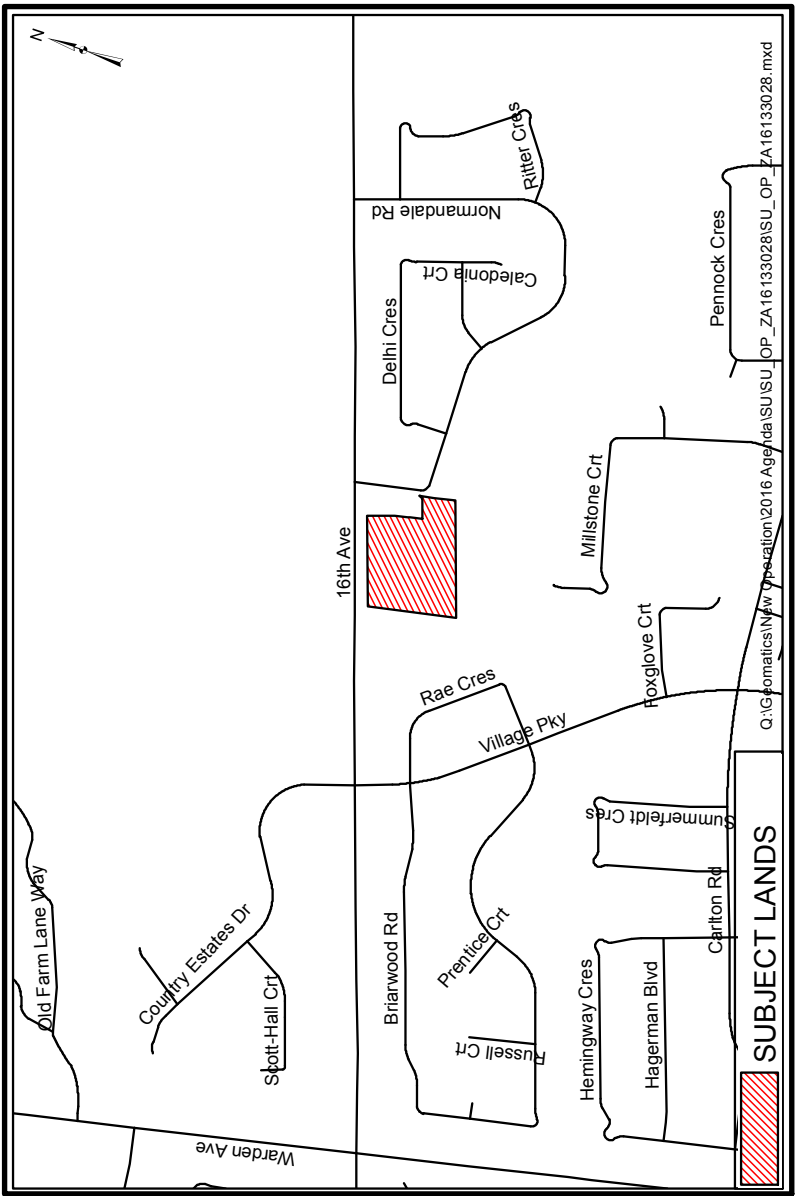
Toronto, Ontario

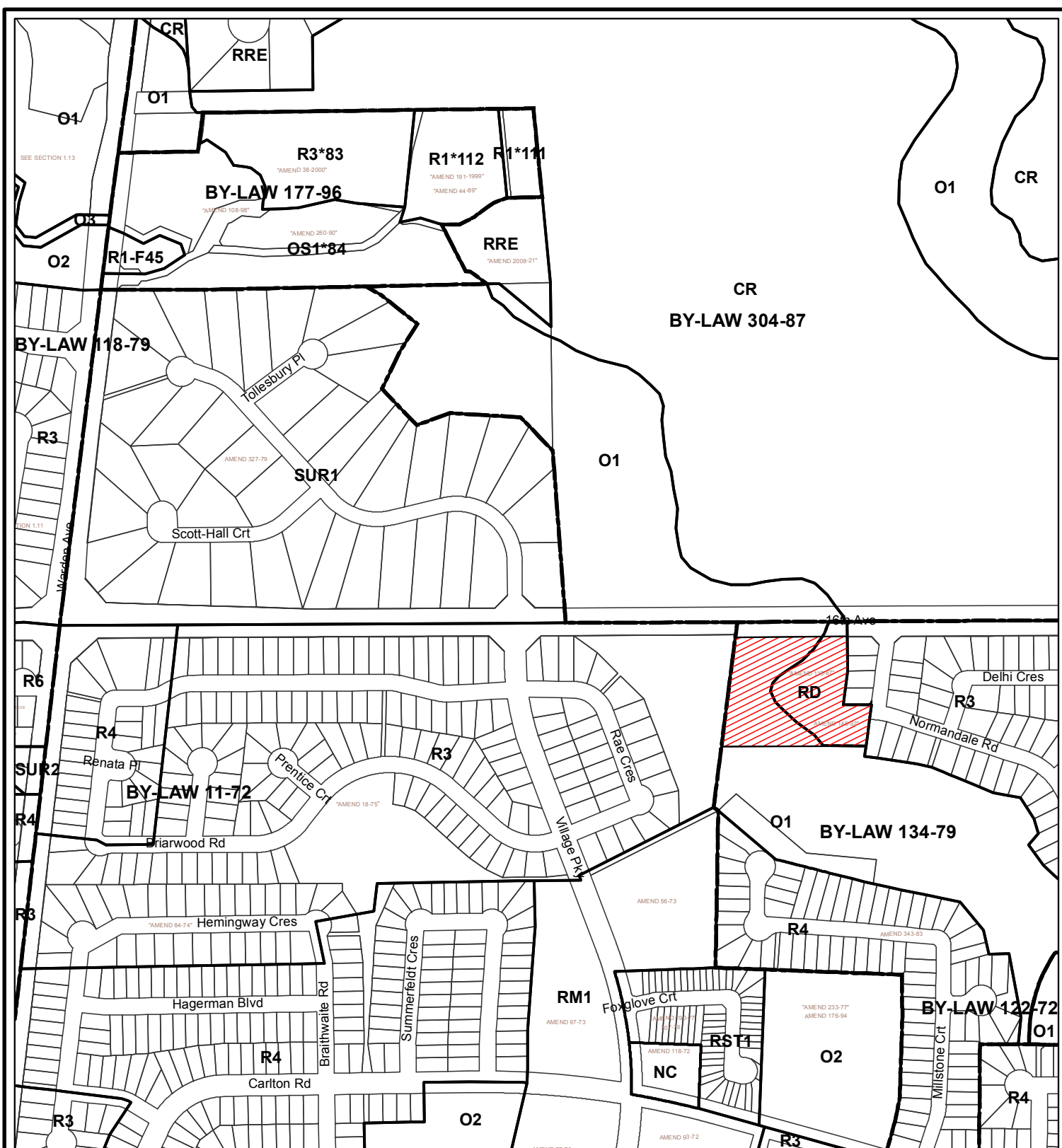
M4S 2N4

Tel: (647) 748-9466

Email: maria@gatziosplanning.com

File path: Amanda\File 16 133028\Documents\Recommendation Report





AREA CONTEXT / ZONING

APPLICANT: 4031 16TH AVENUE (UNIONVILLE INC.)
4031 16TH AVENUE

FILE No. SU_OP_ZA16133028 (SH)

Q:\Geomatics\New Operation\2016 Agenda\SUISU_OP_ZA16133028\SU_OP_ZA16133028.mxd

 SUBJECT LANDS

DATE: 18/04/2016



DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SH

FIGURE No. 2



AIR PHOTO (2015)

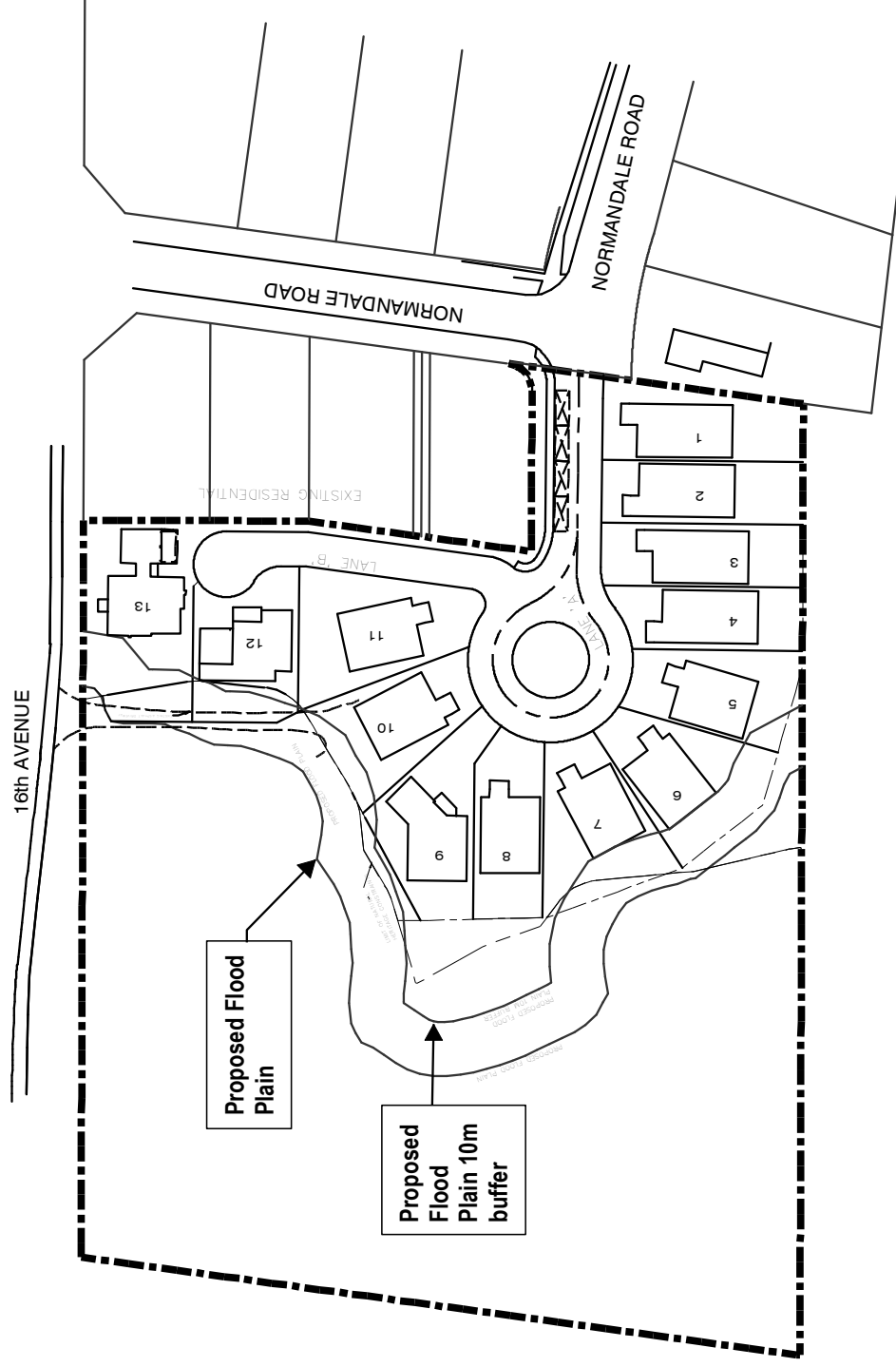
APPLICANT: 4031 16TH AVENUE (UNIONVILLE INC.)
4031 16TH AVENUE

 SUBJECT LANDS

FILE No. SU_OP_ZA16133028 (SH)

Q:\Geomatics\New Operation\2016 Agenda\SU\SU_OP_ZA16133028\SU_OP_ZA16133028.mxd

DATE: 18/04/2016




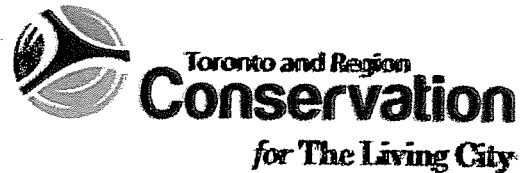
SITE PLAN

APPLICANT: 4031 16TH AVENUE (UNIONVILLE INC.)
4031 16TH AVENUE

FILE No. SU_OP_ZA16133028 (SH)

Q:\Geomatics\New Operation\2016 Agenda\SU\SU_OP_ZA16133028\SU_OP_ZA16133028.mxd

 SUBJECT LANDS



April 22, 2016

CFN: 55130.01

BY EMAIL ONLY

Mr. Scott Heaslip
City of Markham
101 Town Centre Boulevard
Markham, ON L3R 9W3

Dear Mr. Heaslip:

Re: OP 16 133028 (Official Plan Amendment)
ZA 16 133028 (Zoning By-law Amendment)
4031 16th Avenue, Markham
4031 Sixteenth Avenue (Unionville) Inc.

This letter will acknowledge receipt of the above-noted applications. The applications were received February 22, 2016. Toronto and Region Conservation Authority (TRCA) staff have reviewed the submission and offer the following comments. For a list of materials reviewed, please see Appendix A.

PURPOSE OF THE APPLICATION

It is our understanding that the purpose of this application is to facilitate the development of 12 new single detached dwellings and the relocation of an existing heritage home.

BACKGROUND

TRCA staff previously conducted a site visit to the subject property on November 19, 2014 in order to stake the feature limit. We note that the staked feature limit was driven by the dripline of vegetation contiguous with the stream / valley corridor. The survey found in the Functional Servicing and Stormwater Management Report included as part of the materials submitted for our review as part of this application (Survey, dated February 2, 2015, prepared by Rady-Pentek & Edward Surveying Ltd.) appears to accurately reflect the staked limit. However, the applicant should submit a full-sized, surveyor stamped copy of the survey for us to confirm the staked line.

APPLICABLE TRCA REGULATIONS AND POLICIES

Ontario Regulation 166/06

A large portion of the subject property is located within an area regulated by the TRCA under Ontario Regulation 166/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), as amended. The property is traversed by the valley corridor of Berczy Creek and also partially within the Regulatory Flood Plain.

In accordance with Ontario Regulation 166/06, a permit is required from the TRCA prior to any of the following works taking place:

- a) straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b) development, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

Development is defined as:

- i. the construction, reconstruction, erection or placing of a building or structure of any kind;
- ii. any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- iii. site grading; the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere

Living City Policies for Planning and Development in the Watersheds of the TRCA (LCP)

The Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority (LCP) describes a "Natural System" made up of water resources, natural features and areas, natural hazards, potential natural cover and/or buffers. The LCP recommends that development, infrastructure and site alteration not be permitted within the Natural System and that it be conveyed into public ownership for its long term protection and enhancement.

Please be advised that in accordance with LCP, limits of development are established with an inland buffer from the greater of the following potential constraints:

- Regulatory Storm Flood Plain;
- Limit of the Meander Belt;
- Long-term-stable top-of-slope;
- Staked top-of-bank;
- Dripline of vegetation contiguous with a stream or valley corridor.

TRCA's policies identify that a minimum 10 metre buffer (which is considered to be part of the natural feature) must be provided from the greater of the above noted potential constraints. It is intended that the feature, hazard and associated buffer are to be conveyed into public ownership.

Endangered Species Act 2007

Please note in addition to setback limits established under municipal requirements and under the LCP, additional setbacks apply under the Endangered Species Act as Berczy Creek is designated as regulated Redside Dace habitat. Typically, a setback of 30 metres from the meander belt is required by the Ministry of Natural Resources and Forestry (MNRF). Continued consultation with the MNRF is recommended.

APPLICATION SPECIFIC COMMENTS

As noted above, the subject property is traversed by the valley corridor of Berczy Creek (a tributary of the Rouge River).

For this application, based upon the materials provided, it appears that both the 10 metre buffer from the flood plain and the staked feature limit would define the development limit. However, as we have comments regarding the Meander Belt Assessment (please see Appendix B), we cannot at this time conclude that the meander belt and its associated erosion hazard limit, as well as MNRF setbacks, will not impact the development limit as well.

TRCA staff have significant concerns with regard to the approach taken to prepare the development concept presented in this submission. We note that encroachments into the existing flood plain (and its associated buffer) and well within the 10 metre buffer of the staked feature limit have been proposed. TRCA staff are not supportive of these encroachments. Furthermore, TRCA staff are not supportive of the proposed flood plain cut and fill balance as this practice is not permitted under LCP unless it is related to works which are permitted within the flood hazard such as: infrastructure, floodproofing of structures, conservation projects, etc. As new development (residential, commercial, industrial) is not permitted within the flood hazard, a cut and fill balance is not permissible.

TRCA staff wish to provide additional technical comments based upon our review of the materials submitted. These technical comments can be found in Appendix B. We request that the applicant explore

development opportunities respecting requisite buffers and avoiding manipulation of the flood plain prior to addressing the detailed Ecology, Water Resources Engineering and Hydrogeological comments. However, in order to help establish the development limits, the Meander Belt comments below must be addressed to TRCA's satisfaction.

Meander Belt Assessment Comments

TRCA staff have reviewed the Meander Belt Width Assessment prepared by Beacon Environmental and offer the following comments:

1. Please provide a plan illustrating the meander axis to demonstrate that the meander belt is plotted appropriately on either side of the centreline as the meander belt limit appears to be located close to the creek (1974 and 2002 alignment) adjacent to the property limit. Please provide a brief description on how the meander axis is determined.
2. Please ensure that the Constraints Plan is updated to reflect the results of the final version of the Meander Belt Assessment to demonstrate that the development limits are appropriately setback from the staked feature limit and all hazards.
3. Please have the final version of the report signed and stamped by a professional engineer or geoscientist.

FEE

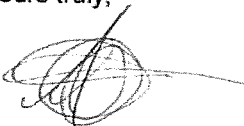
By copy of this letter, please be advised that this application is subject to a TRCA planning application review fee of \$8,200 (combined Official Plan and Zoning By-law Amendment Application – Standard). At this time, this fee remains outstanding. The applicant is responsible for fee payment and should forward this outstanding application review fee to this office as soon as possible. Please note until such time as this fee has been received, staff will not be in a position to continue the review of this application.

RECOMMENDATIONS

Given that an acceptable development limit has not yet been established to TRCA's satisfaction, TRCA staff cannot support the application at this time and consider the application to be **premature**.

We trust this is of assistance. Should you have any further questions or comments, please do not hesitate to contact the undersigned.

Yours truly,



Anthony Sun, B.E.S.
Planner II
Planning and Development
Tel: (416) 661-6600, Ext. 5724

cc: Regan Hutcheson, City of Markham (e-mail: rhutcheson@markham.ca)
Teema Kanji, Region of York (e-mail: teemakanji@york.ca)
James Koutsovitis (e-mail: james@gatziosplanning.com)

Appendix A: Materials Reviewed

- Site Plan Concept, prepared by Hunt Design Associates Inc., dated April 2015;
- Planning Justification Report, prepared by Gatzio Planning + Development Consultants Inc., dated January 2016;
- Natural Heritage Evaluation, prepared by Beacon Environmental, dated December 2015;
- Meander Belt Width Assessment, prepared by Beacon Environmental, dated December 2015;
- Functional Servicing and Stormwater Management Report, prepared by Masongsong Associates Engineering Limited, dated December 2015;
- Geotechnical Investigation, prepared by Terraprobe Consulting Geotechnical & Environmental Engineering, dated December 3, 2014.

Appendix B: Detailed Technical Comments

Geotechnical Comments

TRCA staff have reviewed the Geotechnical Investigation prepared by Terraprobe and are satisfied with the methodology and delineated Long-Term Stable Slope Crest (LTSSC) in report. A 10 metre buffer is required from the LTSSC; however, based upon Figure 10 of the Planning Justification Report, prepared by Gatzios Planning, it appears that this hazard is superseded at different locations by both the staked feature limit and the flood plain.

Ecology

TRCA staff have reviewed the Natural Heritage Evaluation prepared Beacon Environmental offer the following comments:

1. Please add the TRCA staked dripline and associated 10 meter buffer to Figure 2.
2. Please illustrate the 10 meter buffer from the TRCA existing floodline on Figure 3.
3. TRCA is not supportive of reductions in buffers. In order to consider any reductions in the requisite 10 meter buffer, it must be clearly demonstrated that a net ecological benefit is provided as justification. While TRCA staff note that a proposed "net gain" in area is shown, it is unclear how this provides a buffer for the forest edge. It is correct that the feature will not be graded or impacted directly, but the increases in impervious surfaces, predation, light etc. all affect the function and quality of both flora and fauna. We note that the buffer is reduced in some areas to 2.5 meters, well below the requisite 10 metres.
4. Please include a restoration plan for the buffer in the next submission. The plan should include details for soil remediation to support vegetation growth, woody vegetation, herbaceous species to be planted and native seed. Species, size, number and spacing requirements should be provided. Please ensure that species native to the area are planted on site.
5. Please note that if any grading within the Reside Dace buffer is to occur, the Redside Dace timing window is applicable (ie. the buffer should be graded, stabilized and planted within the timing window).
6. TRCA would wish to ensure that storm water runoff entering the watercourse does not increase and quality and infiltration do not decrease. TRCA would also like to ensure that the meadow marsh receives pre-development water quantities. For further information, please see comment 12 below.

Water Resources Engineering

TRCA staff have reviewed the Functional Servicing & Stormwater Management Report prepared by Masongsong Associates Engineering Limited and offer the following comments:

7. Please provide a more detailed catchment map to demonstrate what proportion of the impervious area is being directed to the rain garden within the road turn around. TRCA staff are concerned that a significant portion of runoff is leaving the site untreated, which is unacceptable.
8. Further to the above, please clarify the direction of the roof runoff. TRCA suggests directing the roof area to the rear yard infiltration trench to ensure the potential for infiltration is maximized by directing a large portion of impervious area to the trench.
9. Infiltration trenches and a bio retention system have been provided to retain the first 5 mm of rainfall onsite. Please note however, TRCA requires this volume be calculated before initial abstractions (as per page 19 of TRCA's SWM Criteria document) which results in a slightly larger volume requirement than has been provided. Please revise the calculations and provide more storage volume for infiltration to meet this criterion.
10. Please illustrate the location of the Oil Grit Separator (OGS) unit on the plan and, further to the above comment, illustrate what flows receive treatment from the OGS unit alone as TRCA does not recognize OGS units (regardless of manufacturer) as achieving 80% removal and requires a treatment train approach. Please consider directing all driveway and road area to the rain garden followed by the OGS unit to address this comment.
11. Please provide preliminary OGS sizing calculations to ensure the appropriate drainage area and percent imperviousness are used.

Water Balance / Hydrogeology

12. A Water Balance Assessment is required to ensure there are no adverse impacts on the natural features (watercourse and wetland) due to stormwater runoff. Please incorporate Low Impact Development (LID) measures into the design to provide a water balance that maintains the current hydroperiod as much as possible. In addition, please consider Ecological Significant Groundwater Recharge Areas (EGRAs) when locating LID measures. EGRAs were identified as part of the Rouge River Watershed Plan. EGRAs, unlike Significant Groundwater Recharge Areas, are not based on recharge volume but rather on flowpaths supporting natural heritage features.
13. Detailed building plans and elevations have not yet been prepared / provided. At detailed design, the feasibility of adopting permanent perimeter and underfloor drainage for the basements must be investigated in a Hydrogeological Study. Please note that it is TRCA policy to recommend against any proposed active permanent dewatering (e.g. sumps in underfloor drainage system) of the Oak Ridges Aquifer Complex.

Erosion and Sediment Control

14. At the detailed design stage, please provide an erosion and sediment control plan(s) that illustrates the location and details of the ESC measures required for the construction of the site. Please provide supporting calculations if applicable. Please refer to the *Erosion and Sediment Control Guideline for Urban Construction, 2006*, which can be downloaded from TRCA's STEP website: <http://www.sustainabletechnologies.ca/wp/>.