

**SUBJECT:** RECOMMENDATION REPORT  
Digram Developments Inc. and Humboldt Properties Ltd.  
Applications for Draft Plan of Subdivision 19TM-13003 and  
Zoning By-law Amendment,  
Southeast Corner of Donald Cousens Parkway and Delray  
Drive

File Numbers: SU 13 - 129548 and ZA 13 - 129548

**PREPARED BY:** Stephen Corr, B.E.S. Ext. 2624  
Planner II, East District

**REVIEWED BY:** Dave Miller, M.C.I.P., R.P.P. Ext 4960  
Manager, East District

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**RECOMMENDATION:**

- 1) That the report dated April 29, 2014, entitled "Recommendation Report, Digram Developments Inc. and Humboldt Properties Ltd., Applications for Draft Plan of Subdivision 19TM-13003 and Zoning By-law Amendment, Southeast Corner of Donald Cousens Parkway and Delray Drive, File Numbers SU 13 – 129548 and ZA 13 – 129548", be received.
- 2) That draft plan of subdivision 19TM-13003 submitted by Digram Developments Inc., be draft approved subject to the conditions outlined in Appendix 'A'.
- 3) That the Director of Planning and Urban Design, or his designate, be delegated authority to issue draft approval, subject to the conditions set out in Appendix 'A' as may be amended by the Director of Planning and Urban Design;
- 4) That the application submitted by Digram Developments Inc. and Humboldt Properties Ltd. to amend Zoning By-laws 304-87 and 177-96, as amended, be approved and the draft by-laws attached as Appendix 'B' be finalized and enacted without further notice;
- 5) That 2011/2012 servicing allocation for 9.5 single detached units (35.15 population) be granted to Digram Developments Inc. for plan of subdivision 19TM-13003, and that servicing allocation for 1.0 single detached unit (3.7 population) be granted to Humboldt Properties Ltd. in accordance with the June 26, 2012 Servicing Allocation Update Report.
- 6) That the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner;
- 7) That the Region of York be advised of the servicing allocation for this development;

- 8) That the draft plan approval for plan of subdivision 19TM-13003 will lapse after a period of three (3) years from the date of issuance in the event that a subdivision agreement is not executed within that period;
- 9) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

**EXECUTIVE SUMMARY:**

Not applicable.

**PURPOSE:**

This report recommends approval of draft plan of subdivision for Digram Developments Inc. and implementing zoning by-law amendment for Digram Developments Inc. and Humboldt Properties Ltd. in the Greensborough Community.

**BACKGROUND:**

The subject lands are located on the south side of Donald Cousens Parkway, on the east side of Delray Drive in the Greensborough Community, and consist of two properties. The first is owned by Digram Developments Inc. It has an area of approximately 0.73 ha (1.80 ac). The second is owned by Humboldt Properties Ltd. It has an area of approximately 1.3 ha (3.2 ac). The total land area is approximately 2.03 ha (5.02 ac) (See Figures 1, 2, 3 and 4).

Surrounding uses are as follows:

- To the north (across Donald Cousens Parkway) is a plan of subdivision currently being constructed by Primont Homes.
- To the northwest (across Donald Cousens Parkway) is a vacant parcel of land also owned by Digram Developments Inc. that was recently draft approved and rezoned to facilitate residential development comprised of townhouse dwellings.
- To the northeast (across Donald Cousens Parkway) are vacant parcels of land, which are owned by the City, and proposed to be developed as parkland.
- To the south, east and west are existing single detached dwellings, as well as residential development lots currently under construction.

The application for draft plan of subdivision is for the lands owned by Digram Developments Inc. only. The Digram lands are zoned Rural Residential Four (RR4) under By-law 304-87, as amended (See Figure 2). These lands are proposed to be rezoned in accordance with By-law 177-96, as amended, to permit the development of 9.5 single detached units that are proposed in the draft plan of subdivision.

The lands owned by Humboldt Properties Ltd. are already part of an approved draft plan of subdivision (19TM-02013 Phase III). These lands were draft approved on July 20, 2010. These lands have been zoned to permit residential development in accordance with By-law 177-96, as amended, since 2003 (see Figure 2). These lands are proposed to be rezoned to add an additional Exception Zone related to porch sizes.

Part lots on the proposed Digram draft plan of subdivision and approved Humboldt draft plan of subdivision will be exchanged between the two property owners (see Figure 5). Once exchanged, these part lots will merge with adjacent part lots to create complete residential development lots. Some lots will be retained and developed by Digram, and other lots will be retained and developed by Humboldt. The proposed rezoning will facilitate residential development on these lots by ensuring that the exchanged part lots have the same zoning designation as the adjacent part lots they merge with.

### **Official Plan and Current Zoning**

Both properties are designated “Urban Residential” in the City of Markham Official Plan (revised 1987), “Residential Low Rise” in the new Official Plan endorsed by Council in December 2013 (pending Regional approval), and “Urban Residential – Low Density” in the Greensborough Planning District Secondary Plan (OPA 51). These policies allow for a range of low density housing including, single detached dwellings.

As noted, the Digram Developments Inc. lands are zoned Rural Residential Four (RR4) under By-law 304-87, as amended. The Humboldt Properties Ltd. lands are already zoned by By-law 177-96, as amended, as follows:

- “Residential Two – Exception 133 and 207 (R2\*133\*207)”;
- “Residential Two – Special – Exception 134 and 207 (R2\*134\*207)”;
- “Residential Two – Special – Exception 134, 205 and 207 (R2-S\*134\*205\*207)”;
- “Open Space One (OS1)”.

Figure 2 shows the current zoning of the Humboldt and Digram lands.

### **Proposed Draft Plan of Subdivision and Rezoning**

The application for draft plan of subdivision is for the lands owned by Digram Developments Inc. only (See Figure 4). It is comprised of 9.5 units, as shown in Table 1 below. Road allowances to extend Warton and Cheswick Courts and a buffer block adjacent to the Donald Cousens Parkway right of way will be conveyed to the City.

**Table 1**

<b>Lot/Block No.</b>	<b>Frontage (metres)</b>	<b>Number of Units</b>
Lots 1 – 6	13.7m min	6 units
Block 7	13.1m min	0.5 units
Blocks 8 – 13	13.7m min	3 units
<b>Total Units</b>		<b>9.5 units</b>

The applicant proposes to rezone these lands from Rural Residential Four (RR4) under By-law 304-87, as amended, to facilitate residential development in accordance with By-law 177-96, as amended. The proposed Zoning will implement appropriate development standards and facilitate the exchange of part lots with the adjacent Humboldt lands to the south. Figure 6 illustrates the proposed zoning as it applies to each portion the Digram lands, which is detailed in Table 2 below.

**Table 2 – Proposed Zoning on Digram Lands**

<b>Location shown on Figure 6</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>	<b>Explanation</b>
Buffer Block - A To be conveyed to the City	RR4	Open Space One (OS1)	Buffer Block adjacent to Donald Cousens Parkway right of way
Full Lots - B To be retained by Digram	RR4	Residential Two – Special (R2-S)	Rezoned Digram lands R2-S
Part Lot - C To be conveyed to Humboldt	RR4	Residential Two- Special (R2-S)*134*207*394	Part lot to be conveyed to Humboldt and rezoned with same Zoning designation as Humboldt
Full Lot - D To be retained by Digram	RR4	Residential Two (R2)	Rezoned Digram lands R2
Part Lot - E To be conveyed to Humboldt	RR4	Residential Two (R2)*133*207*394	Part lot to be conveyed to Humboldt and rezoned with same Zoning designation as Humboldt
Part Lot - F To be conveyed to Humboldt	RR4	Residential Two-Special (R2-S)*134*205*207*394	Part lots to be conveyed to Humboldt and rezoned with same Zoning designation as Humboldt

As shown in Table 2 above, full lots being retained and developed by Digram are proposed to be rezoned Residential Two (R2) and Residential Two – Special (R2-S) under By-law 177-96, as amended, with no exceptions.

The lands being rezoned with exceptions are the part lots that will be conveyed to Humboldt. The zoning designations of the Digram part lots will be the same as the adjacent Humboldt part lots they are proposed to merge with.

The exceptions (\*133, \*134, \*205, and \*207) currently applicable to the Humboldt lands, and proposed to apply to the Digram part lots being conveyed, relate to common development standards consistent with the Zoning of the surrounding Greensborough community. These Exception Zones include development standards regarding minimum lot frontages, setbacks and architectural encroachments.

Exception \*394 is proposed to be added to the Humboldt lands and the part lots they will be obtaining from Digram. Exception \*394 permits porches to be built in accordance with the original version of By-law 177-96, prior to it being consolidated in 2005 and 2013. Prior to 2005 there were no porch size requirements. Subsequent consolidations have since required porches to have a minimum depth of 1.5 m (4.92 ft). Both consolidated versions of By-law 177-96 permit porches to be built in accordance with pre-2005 requirements, if the lands were zoned under By-law 177-96 prior to its 2005 consolidation. The Humboldt lands are not subject to the minimum porch size requirement because they were zoned in 2003. However, the Digram lands are subject to the minimum porch size requirements. Accordingly, exception \*394 is proposed on the Digram part lots that will be conveyed to Humboldt to be consistent with the 2003 zoning.

Exception \*394 will also be applied to the balance of the Humboldt lands. This is a technical application of exception \*394 to ensure the part lots that will merge will have the same zoning designation and exceptions. It will also reaffirm the porch size requirements already applicable to these lands. Assigning this exception to the balance of the Humboldt lands is preferred by the Zoning Section of the Building Standards Department, as the zoning requirements within this area will be more clearly identifiable. The exception zone relating to porch sizes is consistent with the zoning of the surrounding Greensborough community.

It is also proposed that the Humboldt part lots being conveyed to Digram Developments Inc. will be rezoned 'R2' with no exceptions so that they will be consistent with the proposed zoning on the Digram lands to the north. Figure 6 illustrates the proposed zoning as it applies to each portion the Humboldt lands, which is detailed in Table 3 below.

**Table 3 – Proposed Zoning on Humboldt Lands**

Location shown on Figure 5	Current Zoning	Proposed Zoning	Explanation
Part Lot - G To be retained by Humboldt	R2-S*134*207	R2-S*134*207*394	Adds Exception Zone *394, related to porch size requirements
Part Lot - H To be conveyed to Digram	R2*133*207	R2	Part lots to be conveyed to Digram and rezoned with same Zoning designation as Digram
Full Lots - I To be retained by Humboldt	R2*133*207	R2*133*207*394	Adds Exception Zone *394, related to porch size requirements
Full Lots - J To be retained by Humboldt	R2-S*134*205*207	R2-S*134*205*207*394	Adds Exception Zone *394, related to pre-2005 porch size requirements

#### **Redline Revision to the Humboldt Properties Ltd. Lands**

Through a separate application, Humboldt is also proposing a redline revision to draft approved Plan of subdivision 19TM-02013, Phase III, to reduce the 14 m (45.9 ft) lot frontages of four single detached residential lots. This will allow one additional single detached residential lot to be added to the draft approved plan of subdivision, resulting in two single detached lots with lot frontages of 13.7 m (44.9 ft) and three single detached lot frontages of 10.65 m (34.9 ft). Staff are currently reviewing this proposal to revise the draft approved plan of subdivision and add one additional lot. This redline revision conforms with the current Zoning requirements

#### **OPTIONS/ DISCUSSION:**

##### **Servicing allocation**

The draft plan of subdivision, as well as the additional lot being added to the Humboldt Properties Ltd. lands, have sufficient current servicing allocation as noted in the City's June 26, 2012 Development Services Committee report on servicing allocation.

The trustee for the Greensborough Developers Group has confirmed that sufficient servicing allocation is available for the 9.5 single detached units (population 35.15) on the draft plan of subdivision, for the lands owned by Digram Developments Inc. The trustee has also confirmed that servicing allocation is available for one additional single detached dwelling unit (population 3.7) proposed to be created through the redlined revision to the lands owned by Humboldt Properties Ltd. (Draft Plan 19TM-02013, Phase III).

**Draft Zoning By-law**

If approved, the draft Zoning By-law (Appendix 'B') will remove the subject lands, owned by Digram Developments Inc., from By-law 304-87 as amended, and incorporate them into appropriate residential zone categories in By-law 177-96, as amended. It will also incorporate the buffer block between residential lots on the Digram draft plan and Donald Cousens Parkway Regional road allowance into an appropriate Open Space One Zone in By-law 177-96, as amended.

The Zoning By-law, if approved, will also facilitate the merger of part lots between Digram Developments Inc. and Humboldt Properties Ltd. by ensuring that the part lots to be combined will have the same Zoning. It will reaffirm the permitted development standards on the Humboldt lands with respect to the porch size requirements and continue to permit exceptions that are consistent with the Zoning in place within the surrounding and existing Greensborough Community.

**Development Type and Road Pattern**

The pattern of single-detached dwellings proposed in this Draft Plan is consistent with the approved Greensborough Community Design Plan. The proposed roads, extensions of Warton and Cheswick Courts through the subject lands owned by Humboldt Properties Ltd., will terminate as cul-de-sacs on the subject lands owned by Digram Developments Inc. This proposed road pattern is consistent with the existing road pattern in the area, and conforms to the Greensborough Community Secondary Plan.

**Digram's Draft Plan Complies with the density provisions of the Greensborough Planning District Secondary Plan (OPA 51)**

As noted above, the subject lands are designated Urban Residential – Low Density” in the Greensborough Planning District Secondary Plan (OPA 51). The net site density allowed by this designation ranges from 17.0 to 37.0 units per hectare (6.9 to 14.9 units per acre). The Digram Developments Inc. lands, have a net site area of 0.43 ha (1.1 ac), exclusive of open space buffers and public roads. The proposed net site density on these lands is 22.1 units per hectare (9 units per acre). Therefore, the proposed draft plan of subdivision complies with the density provisions in the Secondary Plan.

**CONCLUSION**

Based on the discussion above staff are of the opinion that Digram's proposed draft plan of subdivision is consistent with the patterns of development within the surrounding community. The proposed road pattern, built form and density requirements conform to the requirements of the Greensborough Planning District Secondary Plan. The proposed

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Zoning By-law amendment will implement this draft plan of subdivision, and permit residential development on the subject lands.

The proposed Zoning By-law amendment on portions of lands owned by Humboldt Properties Ltd. will ensure the Zoning requirements of these lands are consistent with that of the existing dwellings within the Greensborough Community. The proposed By-law will also facilitate the exchange of part lots to create complete residential development lots on these lands, in conjunction with the draft plan of subdivision.

Although the Trustee for the Landowners Group has confirmed that sufficient service allocation is available for the draft plan of subdivision and additional lot on the Humboldt Properties Ltd. lands, a final clearance letter from the Trustee of the Landowners Group is required, prior to registration of the plan of subdivision, advising that the owner has fulfilled all of their obligations under the Landowners Agreement.

**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 priority of Growth Management by implementing the proposed development in phases in coordination with available servicing allocation.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

These applications have been circulated to various departments and external agencies and their requirements are reflected in the draft plan of subdivision, draft conditions and draft zoning by-law amendment.

**FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)**

Not applicable.

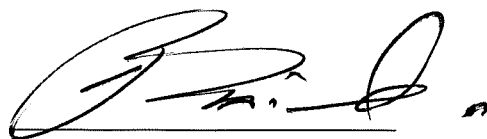
**HUMAN RESOURCES CONSIDERATIONS**

Not applicable.

**RECOMMENDED BY:**



Rino Mostacci, M.C.I.P., R.P.P.  
Director of Planning



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

**ATTACHMENTS:**

Figure 1 – Location Map

Figure 2 – Area Context/Zoning

Figure 3 – Air Photo

Figure 4 – Proposed Draft Plan of Subdivision

Figure 5 – Digram Developments Inc. and Humbold Properties Ltd. Part Lot Exchange

Figure 6 – Proposed Zoning Designations

Appendix 'A' – Draft Conditions

Appendix 'B' – Draft By-law

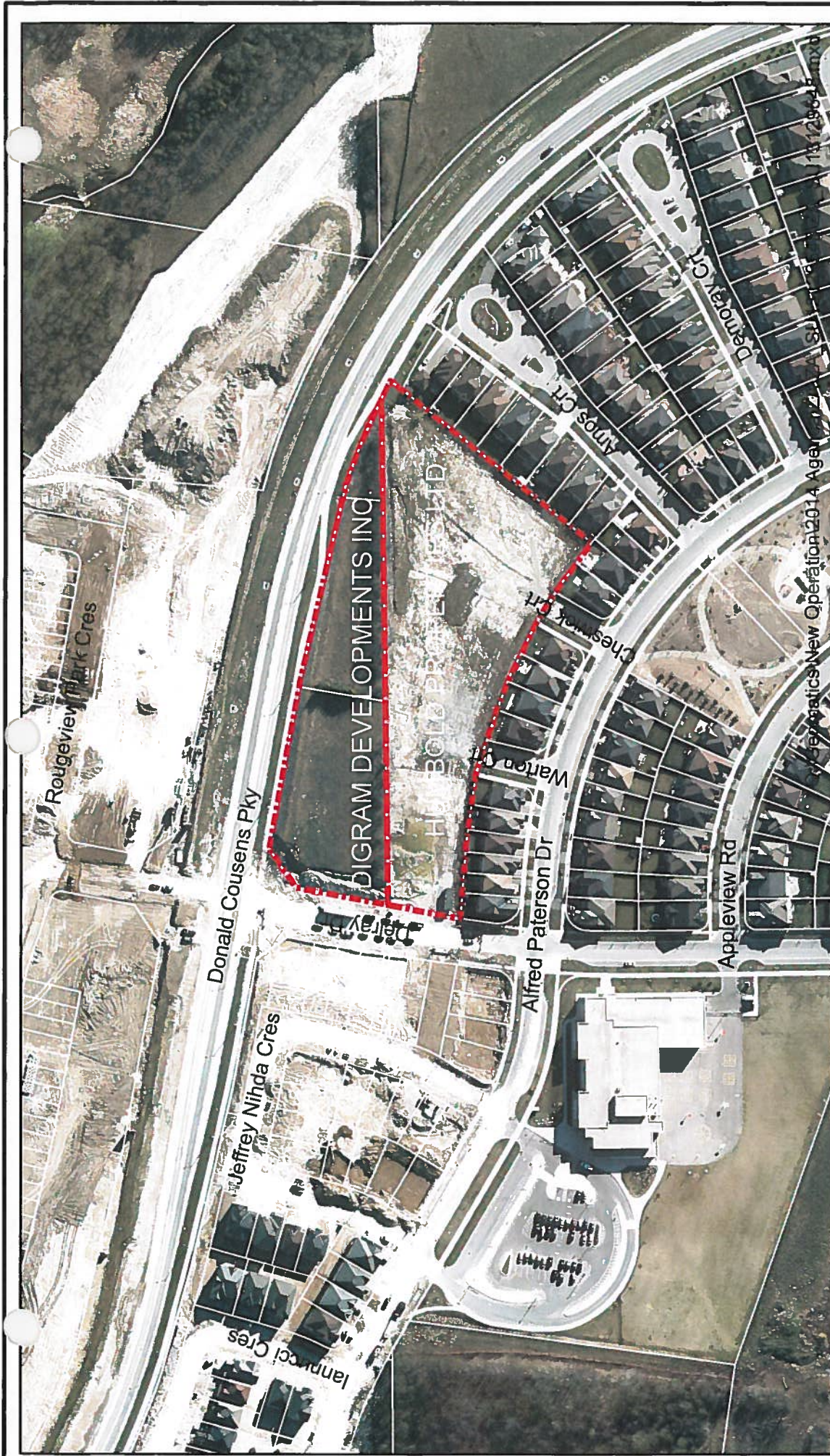
**Owner:** Digram Developments Inc.  
Attn: Mr. Masood Pervez  
327 Renfrew Drive  
Markham ON L3R 9S8  
(905) 513-7999

**Owner:** Humbold Properties Ltd.  
Attn: Shana Rezvan  
369 Rimrock Road  
Toronto, ON M3J 3G2  
416-661-4000

**Agent:** KLM Planning Partners Inc.  
Attn: Sandra Wiles  
64 Jardin Drive, Unit 1B  
Concord, ON L4K 3P3  
Ph: 905-669-4055

File path: Amanda\File 13 129548\Documents\Recommendation Report





# AIR PHOTO 2012

APPLICANT: DIGRAM DEVELOPMENTS INC.  
S/E CORNER DCP/DELGRAM RD

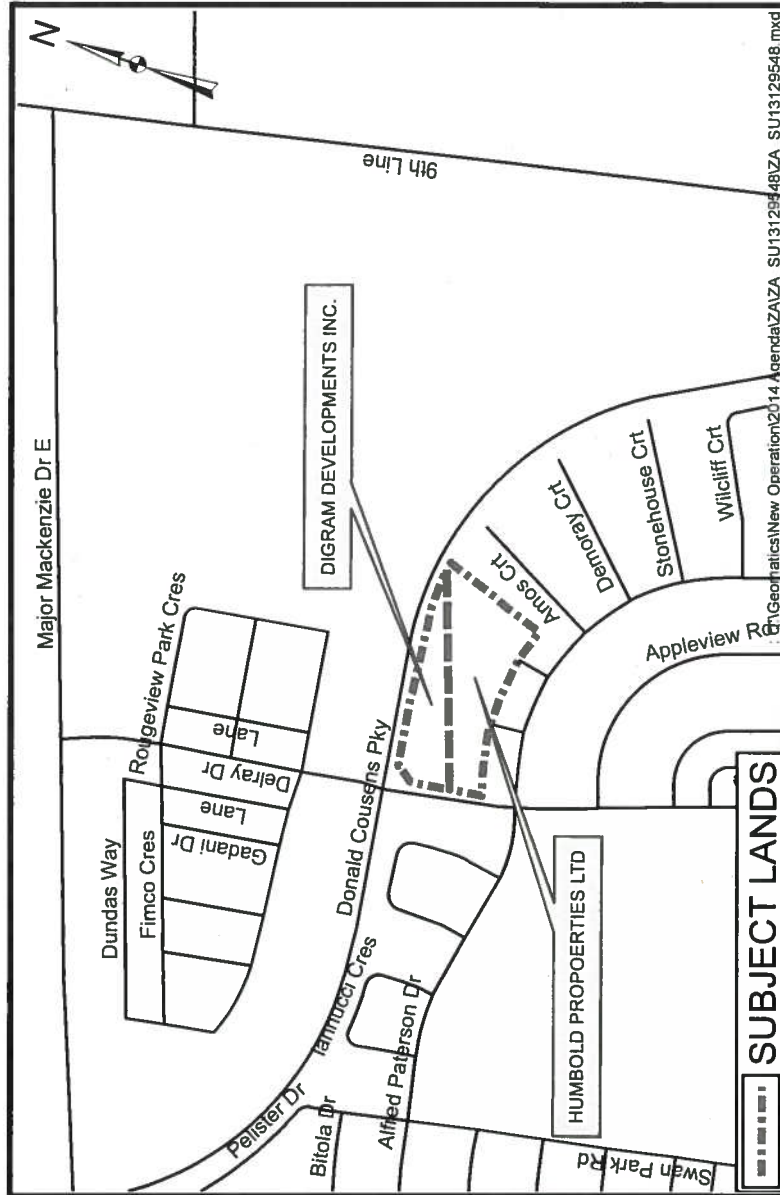
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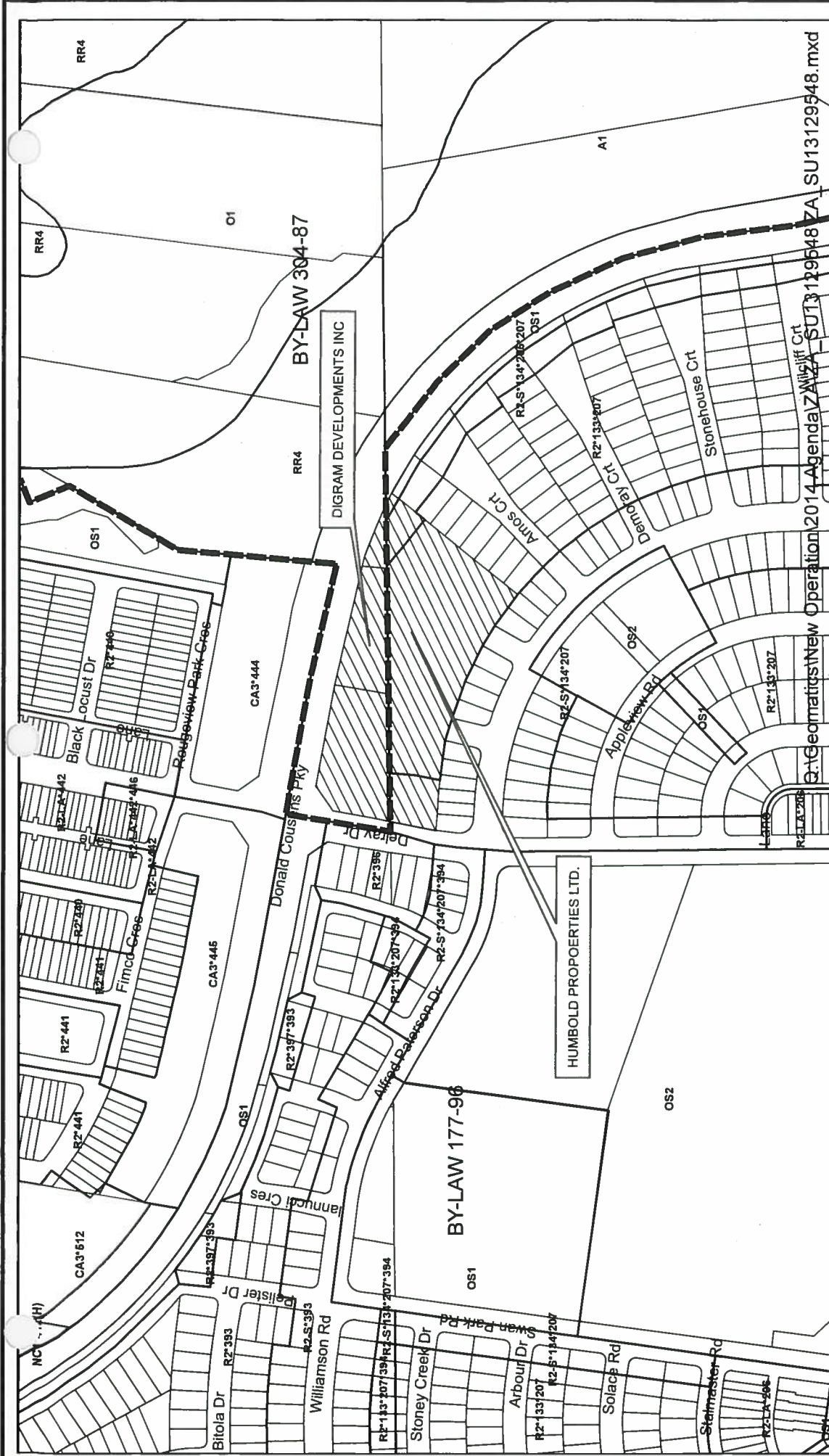
 SUBJECT LANDS

DATE:10/10/13

FIGURE No. 3







# AREA CONTEXT/ZONING

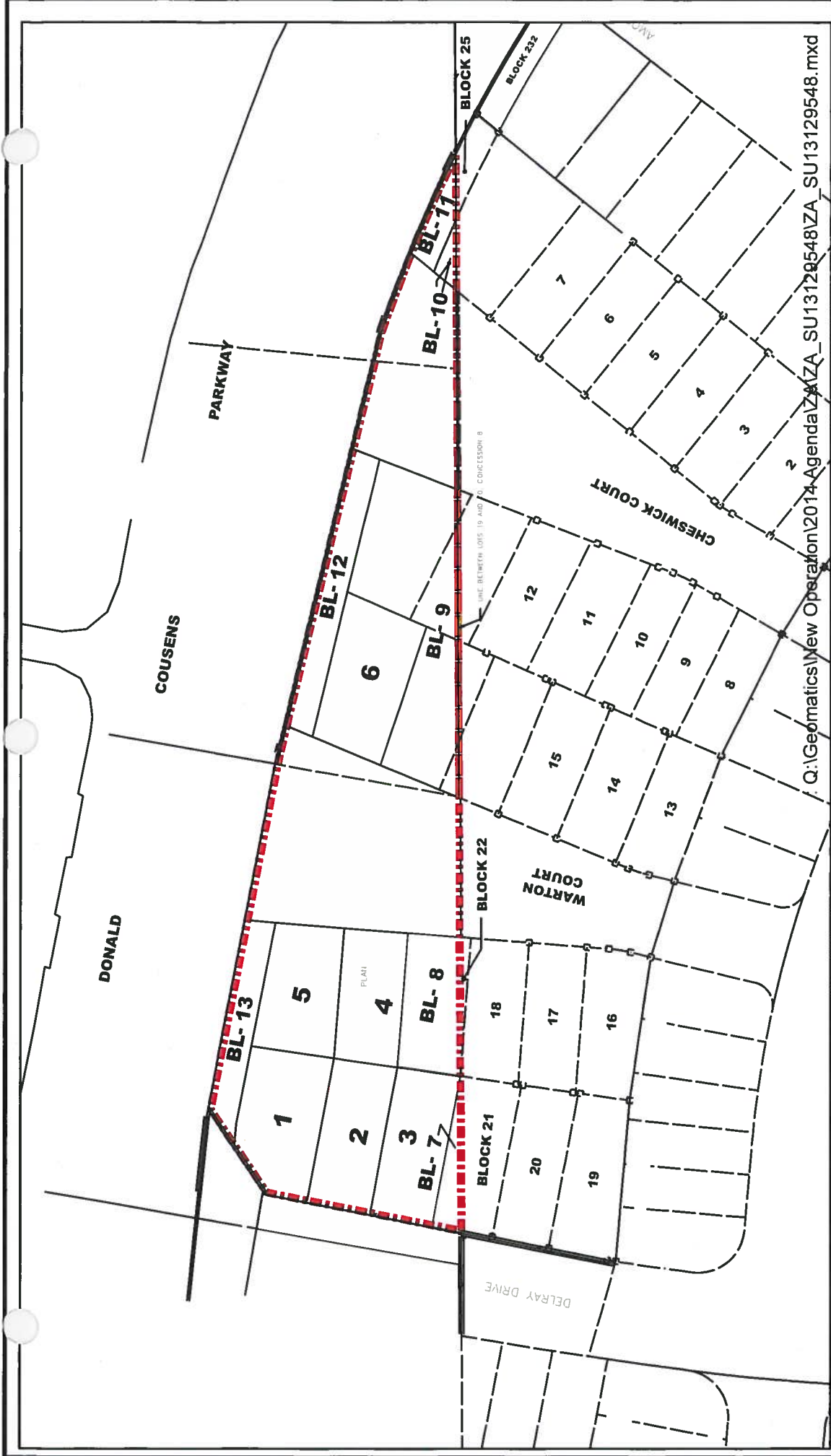
APPLICANT: DIGRAM DEVELOPMENTS INC.  
S/E CORNER DCP/DELGRAM RD

FILE No. ZA\_SC13129548(SC)

 SUBJECT LANDS

DATE:10/10/13

FIGURE No. 2



# DRAFT PLAN OF SUBDIVISION

APPLICANT: DIGRAM DEVELOPMENTS INC.  
S/E CORNER DCP/DELGRAM RD

FILE No. ZA\_SC13129548(SC)

 SUBJECT LANDS








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# PART LOT EXCHANGE

APPLICANT: DIGRAM DEVELOPMENTS INC.  
S/E CORNER DCP/DELGRAM RD

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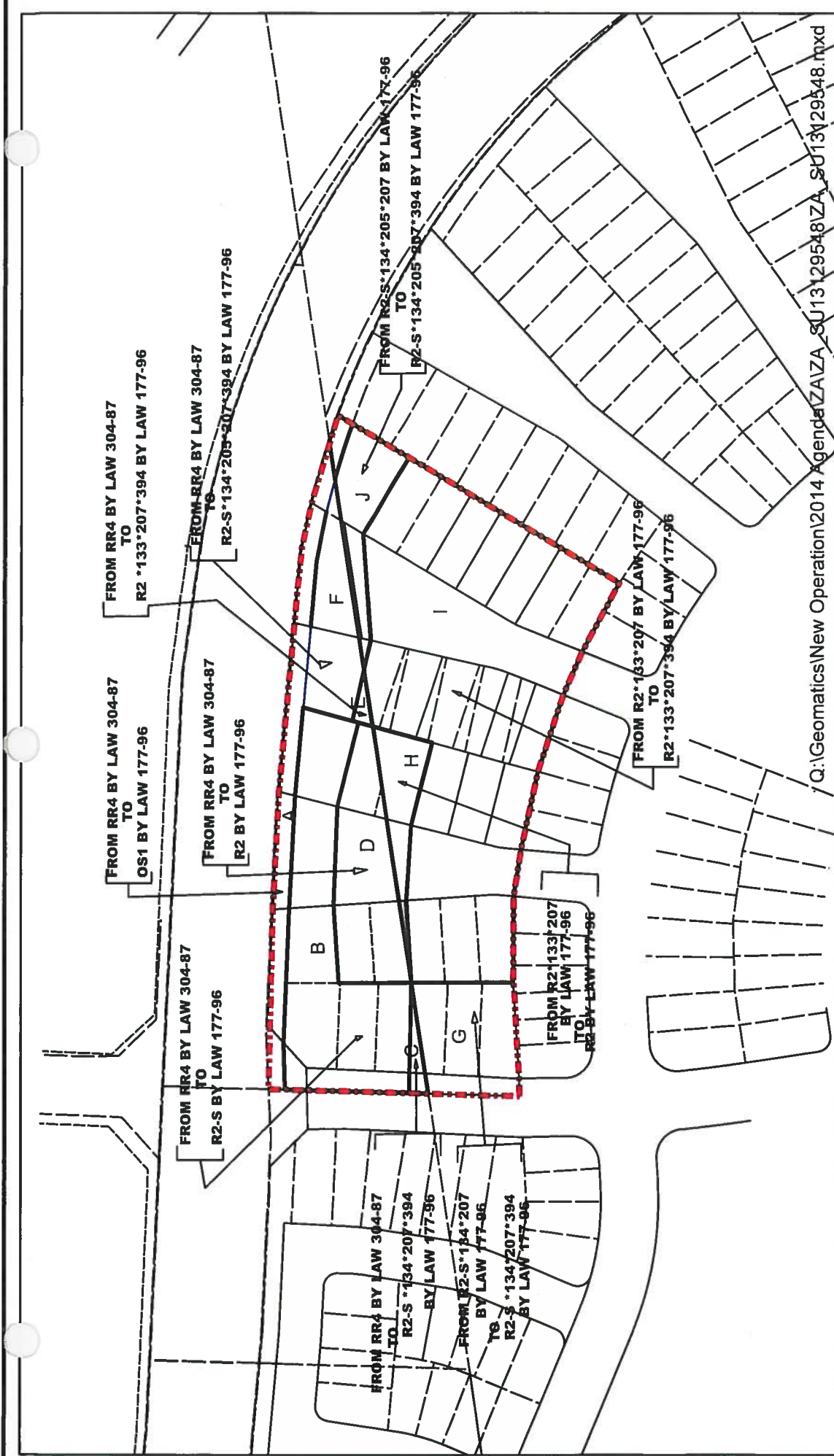
-  SUBJECT LANDS
-  TO HUMBOLDT PROPERTIES LTD.
-  TO DIGRAM DEVELOPMENTS INC.



DATE: 03/26/14

FIGURE No. 5






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# PROPOSED ZONING

APPLICANT: DIGRAM DEVELOPMENTS INC.  
S/E CORNER DCP/DELGRAM RD

FILE No. ZA\_SC13129548(SC)

 SUBJECT LANDS

DATE: 03/26/14

FIGURE No. 6



**“THE CONDITIONS OF THE COUNCIL OF THE CITY OF MARKHAM TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TM-13003 (DIGRAM DEVELOPMENTS LTD.) AS FOLLOWS:”**

1. General

- 1.1 Approval shall relate to a draft plan of subdivision prepared by KLM Planning Partners Inc., identified as Project Number P-2186, dated March 11, 2014, incorporating the following redline revisions:
  - Revise ROW layout for Warton Court to include the triangular portion on east to be part of Warton Court.
- 1.2 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 Month XX, 2017 unless extended by the City upon application by the Owner.
- 1.3 The Owner shall enter into a subdivision agreement with the City agreeing to satisfy all conditions of the City and Agencies, financial and otherwise, prior to final approval.
- 1.4 The Owner acknowledges and understands that prior to final approval of this draft plan of subdivision, amendments to Zoning By-laws 304-87 and 177-96 shall have come into effect in accordance with the provisions of the Planning Act.
- 1.5 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the City, to implement or integrate any recommendations from studies required as a condition of draft approval, including, but not limited to, Traffic Impact Study, Internal Functional Traffic Design Study Stormwater Management Study (Environmental Master Drainage Plan), Internal Servicing Study, Noise Impact Study, confirmation of alignment of roads with the locations shown in the draft approved plans, as well as any comments and conditions received from municipal departments and external agencies after draft approval is granted.
- 1.6 The Owner shall convey blocks 14, 15, and 16 to the City, free of all costs and encumbrances for municipal servicing.

## 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.
- 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 0.3m reserves at the south end of Warton Court and Cheswick Street to the City, free of all costs and encumbrances, upon registration of the plan of subdivision.
- 2.5 The Owner shall covenant and agree in the subdivision agreement to provide temporary turning circles where required at their cost and remove them and restore the streets to their normal condition at their cost when required by the City, to the satisfaction of the City (Commissioner of Development Services). The design of the temporary turning circles, and any implications on surrounding land use, shall be addressed in the subdivision agreement to the satisfaction of the City.
- 2.6 The Owner shall covenant and agree in the subdivision agreement to implement the traffic calming measures identified in the Internal Functional Traffic Study. The Owner shall further covenant and agree to implement additional traffic calming measures, prior to assumption of the plan of subdivision, if it is determined by the City that additional traffic calming measures are required.

## 3.0 Tree Inventory and Tree Preservation Plans

- 3.1 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.
- 3.2 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.
- 3.3 The Owner shall obtain written approval from the Director of Planning and Urban Design prior to the removal of any trees or destruction or injury to any part of a tree within the area of the draft plan.
- 3.4 The Owner shall submit for approval, as part of the tree inventory and tree preservation plan, in accordance with the City of Markham Streetscape Manual a tree compensation schedule detailing replacement and enhancement planting or the replacement value based on the following:



- a) Trees between 20cm and 40cm diameter at breast height (DBH) shall be replaced at a ratio of 2:1
- b) All trees over 40cm DBH shall have an individual valuation submitted to the City by an ISA certified Arborist in accordance with the Council of Tree and Landscape Appraisers (CTLA) Guide for Plant Appraisal (2000)
- c) Where a site does not allow for the 2:1 replacement, the City will negotiate a credit for tree planting on alternate sites
- d) The requirement for the replacement or equivalent economic value following unauthorized tree removal or damage shall be determined by the City.

4. Community Design

- 4.1 The Owner shall implement and incorporate all requirements of the approved Neighbourhood of Greensborough Community Design Plan dated January 2000 into all landscape plans, architectural control guidelines, engineering plans and any other required design documents.
- 4.2 The Owner shall comply with the Neighbourhoods of Greensborough Architectural Design Guidelines, prepared by Planning Partnership dated September 2002.
- 4.3 The Owner shall retain a design consultant to implement the Architectural Control Guidelines.
- 4.4 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.
- 4.5 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.

5. Parks and Open Space

- 5.1 The Owner shall provide a specialized depth of topsoil in the entire municipal boulevard to appropriately plant boulevard trees to the satisfaction of the Director of Planning and Urban Design, in accordance with the City of Markham Streetscape Manual.
- 5.2 The Owner shall post approved copies of any Open Space Plans, Conceptual Park Development Master Plans and Conceptual Facility Fit Plans for the park and

school campus in all sales offices for dwelling units within the draft plan of subdivision.

## 6.0 Landscape Works

6.1 Prior to execution of the subdivision agreement, the Owner shall submit landscape plans based on the approved Neighbourhoods of Greensborough Community Design Plan into all landscape works, to the satisfaction of the Director of Planning and Urban Design, including but not limited to:

- a) Street tree planting in accordance with the City of Markham Streetscape Manual dated June 2009.
- b) 1.8m high wood or acoustical screen corner lot fencing, as determined by a noise study
- c) Streetscape plan including street trees and buffer plantings for Block 15
- d) Any other landscaping as determined by the Community Design Plan 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 not permit their builders to charge home purchasers for the items listed in Condition 4.1.

6.4 The Owner shall include in all agreements of purchase and sale the following clause:

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

- STREET TREES (TREES PLANTED IN THE CITY BOULEVARD Or IN ADJACENT PUBLIC LANDS OR PRIVATE LOTS to meet 4.1a)
- CORNER LOT FENCING
- REAR LOT LINE FENCING AT LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
- TREE PLANTING IN REAR YARDS ADJOINING THE LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
- NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY

- FENCING OF SCHOOL, PARK, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS
- BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES
- SUBDIVISION ENTRY FEATURES AND DECORATIVE FENCING AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE CITY.

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

## 7.0 Financial

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

## 8. Noise Impact Study

- 8.1 Prior to final approval of the draft plan, the Owner shall submit a Noise Impact Study, prepared by a qualified noise consultant, with recommended mitigation measures for noise generated by road traffic on Donald Cousens Parkway and by any other identified noise sources, 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.
- 8.2 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.

## 9. Stormwater Management

- 9.1 Prior to final approval of the draft plan, the Owner shall submit a stormwater management study, prepared by a qualified engineer, detailing the provision of water quality and quantity management facilities, hydraulic gradelines, overland flow routes, and erosion and siltation controls for the draft plan for approval by the City and the Toronto and Region Conservation Authority. The Owner acknowledges and agrees that they will be required to construct the proposed stormwater management facilities and overland routes, provide any easements or lands for stormwater and overland flow purposes, and to revise the draft plan accordingly, as may ultimately be required.
- 9.2 The Owner shall covenant and agree in the subdivision agreement to undertake the monitoring of watercourse temperatures which may be affected by storm drainage from its development, subject to consultation with, and to the satisfaction of the City.

- 9.3 The Owner shall covenant and agree in the subdivision agreement to obtain approval of Site Alteration Plans in accordance with the City's Standards prior to proceeding with any on-site works and more particularly topsoil stripping.

## 10. Municipal Services

- 10.1 Prior to final approval of the draft plan, the Owner shall prepare, to the satisfaction of the City (Commissioner of Development Services), a Functional Servicing Report to determine the infrastructure required for all municipal services internal to the subdivision and potential upgrades to municipal infrastructure downstream of the subdivision resulted from this development. Any requirements resulting from this Report shall be incorporated into the draft plan and provided for in the subdivision agreement. The owner shall covenant and agree in the subdivision agreement to pay for all external municipal infrastructure upgrades.
- 10.2 The Owner shall covenant and agree in the subdivision agreement that they shall be required to construct, or pay for the construction of, roads, bicycle lanes, curbs, gutters, sidewalks (in accordance with the applicable Council policy), underground and above ground services, street lights, street signs, utilities, stormwater management facilities, etc., to the satisfaction of the City (Commissioner of Development Services).
- 10.3 Prior to final approval of the draft plan, detailed engineering drawings shall be provided by the Owner which will include, but not be limited to grading control plans, plan and profile drawings of all underground and aboveground services, general plans, drainage plans, composite utility plans, stormwater management detail plans, etc. to the satisfaction of the City (Commissioner of Development Services).
- 10.4 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Services has been advised by the Fire Chief that there is an adequate water supply for firefighting operations and acceptable access for firefighting equipment is available.

## 11. Dewatering

- 11.1 The Owner shall agree in the subdivision agreement to prepare a ground water constraint assessment that will examine existing and proposed ground water levels in relation to the proposed development, underground construction and servicing and stormwater management infrastructure, to the satisfaction of the Director of Engineering. Interactions between untreated (or insufficiently treated) surface and groundwater, shallow ground water, and dewatering requirements must be identified, with refinements and/or revisions made as necessary to the stormwater management system to mitigate against any potential impacts, to the satisfaction of the City. No permanent dewatering of groundwater or interflow associated with any component of this development shall be permitted, unless it can be demonstrated to the satisfaction of the City, that any potential impacts to groundwater resources can be adequately mitigated.

The need for liners associated with the stormwater management system shall be assessed, and suitable liners shall be provided where necessary

12. Traffic Impact Study / Internal Functional Traffic Design Study

- 12.1 Prior to final approval of the draft plan, the Owner shall prepare, in consultation with the Owners of other lands within the ---- Secondary Plan area, a Traffic Impact Study / 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 the Traffic Impact Study into the draft approved plan and subdivision agreement.

13. Easements

- 11.1 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 watermain, storm and sanitary sewers to outfall trunks and stormwater management facilities shall be satisfactory to, and dedicated to, the City.

14. Utilities

- 14.1 The Owner shall covenant and agree in the subdivision agreement that hydro electric, telephone, gas and television cable services, and any other form of telecommunication services shall be constructed at no cost to the City as underground facilities within the public road allowances or within other appropriate easements, as approved on the Composite Utility Plan, to the satisfaction of the City (Commissioner of Development Services) and authorized agencies.
- 14.2 The Owner shall covenant and agree in the subdivision agreement to enter into any agreement or agreements required by any applicable utility companies, including PowerStream, Enbridge, telecommunications companies, etc.
- 14.3 The Owner shall covenant and agree in the subdivision agreement to facilitate the construction of Canada Post facilities at locations and in manners agreeable to the City of Markham in consultation with Canada Post, and that where such facilities are to be located within public rights-of-way they shall be approved on the Composite Utility Plan and be in accordance with the Community Design Plan.
- 14.4 The Owner shall covenant and agree in the subdivision agreement to include on all offers of purchase and sale a statement that advises prospective purchasers that mail delivery will be from a designated Community Mailbox. The Owners will further be responsible for notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sale.
- 14.5 The Owner shall covenant and agree in the subdivision agreement to provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at

the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to new residents as soon as homes are occupied.

- 14.6 Standard Community Mailbox installations are to be done by Canada Post at locations approved by the municipality and shown on the Composite Utility Plan. Should the developer propose an enhanced Community Mailbox installation, any costs over and above the standard installation must be borne by the developer, and be subject to approval by the City in consultation with Canada Post.
- 14.7 The Owner covenants and agrees that it will permit any telephone or telecommunication service provider to locate its plant in a common trench within the proposed subdivision prior to registration provided the telephone or telecommunications services provider has executed a Municipal Access Agreement with the City. The Owner shall ensure that any such service provider will be permitted to install its plant so as to permit connection to individual dwelling units within the subdivision as and when each dwelling unit is constructed.
15. Phase 1 Environmental Site Assessment (ESA)
- 15.1 Prior to release for registration of the draft plan, the Owner shall:
- i) Submit environmental site assessment reports prepared by a Qualified Person in accordance with the Record of Site Condition Regulation (O.Reg. 153/04) describing the current conditions of the land to be conveyed to the City and any proposed remedial action plan, for peer review and concurrence;
  - ii) At the completion of any necessary site remediation process, submit certification from the Qualified Person that the necessary clean up has been carried out and that the land to be conveyed to the City meets the Site Condition Standards of the intended land use;
  - iii) File a Record of Site Condition on the Provincial Environmental Site Registry for the land to be conveyed to the City; and
  - iv) Pay all costs associated with the City retaining a third-party reviewer for the peer review service.
- 15.2 The Owner shall covenant and agree in the subdivision agreement that if during construction of any infrastructure or building within the subdivision contaminated soils are discovered, the Owner shall submit a further remedial action plan to the City for peer review and concurrence prior to carrying out the clean up, to the satisfaction of the Director of Engineering.
16. Well Monitoring Program and Mitigation Plan

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

17. Development Charges

- 17.2 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.
- 17.3 The Owner shall pay all fees and development charges as set out in the subdivision agreement.

18. Heritage

- 18.1 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 (Heritage Branch). 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 (Heritage Branch) to the City indicating that all matters relating to heritage resources have been addressed in accordance with licensing and resource conservation requirements.
- 18.2 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 (Heritage Branch).
- 18.3 Prior to any removal or alteration of any existing buildings, trees or other site features, the Owner shall permit City staff an opportunity to carry out photographic documentation of the property and its features for archival purposes.

19. Other City Requirements

- 19.1 Prior to final approval of the draft plan or any phase 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 in the Greensborough Secondary Plan area, to the satisfaction of the City (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.

- 19.2 Prior to final approval, the Trustee of the Greensborough Developers' Group agreement shall deliver a release to the City indicating the Owner has satisfied all conditions of the Group agreement and the Trustee has no objection to the registration of this draft plan of subdivision.
- 19.3 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.
- 19.4 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:
- f) the City's parking by-law requires a minimum of two parking spaces, one in the driveway and one in the garage
  - ii) the City's zoning by-law restricts the width of the driveway, this width may not allow two cars to park side by side
  - iii) overnight street parking will not be permitted unless an overnight street parking permit system is implemented by the City
- 19.5 The Owner shall covenant and agree in the subdivision agreement that Blocks 7 through 10 (inclusive), may be developed only in conjunction with abutting lands and that no building permits will be issued for said blocks until combined with abutting lands to create building lots in conformity with the zoning by-law and until all applicable fees have been paid.
- 19.6 The Owner shall provide and post display plans in all sales offices which clearly indicate the location of the following facilities in relation to the lot being purchased, prior to any Agreements of Purchase and Sale being executed by the Owner, a builder, or their real estate agents:

Parks by type, including Park and Open Space Concept Plans and Streetscape Plans; stormwater management ponds and related facilities; schools by type; place of worship sites; other institutional sites by type; commercial sites by type; other surrounding land uses and facilities as specified by the City; existing or future: rail facilities, provincial highways, arterial and collector roads, transit routes and stops; City approved sidewalk, walkway and bike route locations; City approved postal box and utility furniture locations or possible locations if prior to approval; City lot grading standards.



All display plans shall be reviewed and approved at the sales office by City staff, prior to the opening of the sales office.

20     Region of York

- 20.1     The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the City of Markham and York Region.
- 20.2     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.
- 20.3     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.
- 20.4     Prior to final approval, the engineering drawing showing the layout of watermains and sewers shall be submitted to the Capital Planning and Delivery Branch for review and record.
- 20.5     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 Capital Planning and Delivery for approval.
- 20.6     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 By-law 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.

20.7 The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable prior to final approval in accordance with By-law # 2012-36.

20.8 The Region of York Transportation and Community Planning Department shall advise that Conditions 1 to 7 inclusive, have been satisfied.

21. MNR

21.1 The Owner shall agree in the subdivision agreement to satisfy all requirements of the Ministry of Natural Resources with respect to a Redside Dace (endangered species) potential impact on the draft plan of subdivision.

22. External Clearances

22.1 Prior to final approval 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 Conditions 2.1, 8.1, 8.2 and 20 have been satisfied.
- b) The Ministry of Culture (Heritage Branch) shall advise that Condition 18 has been satisfied.

Dated: Month XX, 2014

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Biju Karumanchery  
Senior Development Manager  
Planning and Urban Design



## EXPLANATORY NOTE

### BY-LAW 2014-

**A By-law to amend By-laws 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)

**Digram Developments Inc. & Humboldt Properties Ltd.**  
**Part of Lot 20, Concession 8**  
**Greensborough Community**

#### Lands Affected

The proposed by-law amendment applies to two adjacent properties. The first property, owned by Digram Developments Inc, is approximately 0.73 ha (1.80 ac) in size. The second property, owned by Humboldt Properties Ltd, is approximately 1.3 ha (3.2 ac) in size. The total land area of the two properties is approximately 2.03 ha (5.02 ac). These properties are located on south side of Donald Cousens Parkway and east side of Delray Drive, within the Greensborough community.

#### Existing Zoning

The Digram lands are presently zoned Rural Residential Four (RR4) under By-law 304-87, as amended. The Humboldt lands are zoned in accordance with By-law 177-96, as amended, as follows:

Residential Two*133*207	R2*133*207
Residential Two – Special*134*207	R2-S*134*207
Residential Two – Special*134*205*207	R2-S*134*205*207

#### Purpose and Effect

This By-law will delete the Digram lands from the area zoned by By-law 304-87, as amended, to incorporate them into appropriate Residential and Open Space Zone categories within By-law 177-96, as amended. The By-law will also rezone the Humboldt lands to add an exception zone to the Residential Zone categories, and allow for an exchange of part lots between the two property owners to create complete residential development lots. The proposed Zone categories are:

Residential Two	R2
Residential Two – Special	R2-S
Residential Two*133*207*394	R2*133*207*394
Residential Two – Special*134*207*394	R2-S*134*207*394
Residential Two – Special*134*205*207*394	R2-S*134*205*207*394
Open Space One	OS1

The effect of the By-law amendment is that two draft plans of subdivision comprised of a total of 33 single detached dwelling units will be permitted on the subject lands.



## BY-LAW 2014-

**A By-law to amend By-laws 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)

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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, and by zoning the lands:

Residential Two	R2,
Residential Two – Special	R2-S
Residential Two*133*207*394	R2*133*207*394,
Residential Two – Special*134*207*394	R2-S*134*207*394, and
Residential Two – Special *134*205*207*394	R2-S*134*205*207*394
Open Space One	OS1
  - 2.2 By rezoning the lands as shown on Schedule 'A' attached hereto:

from Residential Two *133*207	R2*133*207,
to Residential Two	R2,
from Residential Two*133*207	R2*133*207,
to Residential Two*133*207*394	R2*133*207*394,
from Residential Two – Special*134*207	R2 – S*134*207,
to Residential Two – Special*134*207*394	R2 - S*134*207*394, &
from Residential Two – Special*134*205*207	R2 - S*134*205*207,
to Residential Two – Special*134*205*207*394	R2 -S*134*205*207*394
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 APRIL , 2014

