



Report to: Development Services Committee

Report Date: December 11, 2012

SUBJECT: RECOMMENDATION REPORT
Gemini Urban Design (Houghton) Corporation, Draft Plan of
Subdivision, Zoning Amendment and Draft Plan of
Condominium for 10 single detached dwellings at 11 & 15
Houghton Boulevard & 55 Joseph Street
File Nos. SU 12 131249, ZA 12 131249 & CU 12 131249

PREPARED BY: Rick Cefaratti ext. 3675, Planner II, East District

REVIEWED BY: David Miller ext. 4960, Manager, East District

RECOMMENDATION:

- 1) That the report titled "RECOMMENDATION REPORT, Gemini Urban Design (Houghton) Corporation, Draft Plan of Subdivision, Zoning Amendment and Draft Plan of Condominium for 10 single detached dwellings at 11 & 15 Houghton Boulevard & 55 Joseph Street, Files SU 12 131249, ZA 12 131249 & CU 12 131249," dated November 20, 2012 be received;
- 2) That the record of the Public Meeting held on June 19, 2012, regarding the application for approval of Draft Plan of Subdivision be received;
- 3) That draft plan of subdivision 19TM-12001 submitted by Gemini Urban Design (Houghton) Corporation, be draft approved subject to the conditions outlined in Appendix 'A';
- 4) That the application by Gemini Urban Design (Houghton) Corporation to amend Zoning By-law 1229, as amended, be approved and the draft by-law attached as Appendix 'B', be finalized and enacted without further notice;
- 5) That Council authorize servicing allocation for 9 single detached units (33.3 population) within the current servicing allocation reserve;
- 6) That the Town 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 Staff be authorized and directed to do all things necessary to give effect to this resolution; and,
- 9) That the draft plan approval for plan of subdivision 19TM-12001 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.

PURPOSE:

The purpose of this report is to recommend draft approval of Plan of Subdivision 19TM-12001, and approval of the associated implementing zoning by-law amendment. By-law 2012-02 delegates the draft approval authority for plan of condominium 19CDM-12001 to staff to create the private road that will provide street frontage for eight freehold lots.

BACKGROUND:

The 2.17 ha. (5.36 ac.) site is located east of Albert Street at the terminus of Houghton Boulevard and partially located on the south side of Joseph Street (see Figure 1 – Location Map). The subject lands are approximately 300 m (984 ft) east of Main Street Markham, and are located outside of the Markham Village Heritage Conservation District. Single detached dwellings with varied lot sizes are located to the north, and west of the site. Single detached dwellings and Markham District High School are located to the east and south of the proposed development, across Mount Joy Creek.

PROPOSAL:

The applicant is proposing to develop 10 single detached dwellings on the subject lands. Eight of the proposed dwellings are proposed to front on to a private condominium road. One dwelling is proposed to front on Houghton Boulevard and one dwelling on Joseph Street (see Figure 5 - Site Plan). The proposed lot frontages range between 15.00 m (50 ft) and 22.86 m (75 ft) and the proposed lot areas range between 533 m² (5,737 sq ft) and 912.42 m² (9,821 sq ft) (see Figure 5 – Conceptual Site Plan).

The revised Draft Plan of Subdivision (see Figure 4 – Draft Plan of Subdivision) proposes two lots, one each fronting on Houghton Boulevard and Joseph Street, a residential block which can further be divided in the future by a part-lot control exemption by-law into eight freehold lots for single detached dwellings fronting on a private condominium road, an environmental buffer block and a valley land block. Alternatively, the future lots (Lots 2 to 9) on a private condominium road may be created through the Plan of Condominium application process. Staff will work with the applicant to determine the most appropriate method to create these future lots. Table 1 below describes the proposed land areas by use:

Table 1

Use and Area	Blocks	Lots	Units	Area
Residential (Block 1)	1	8 (Lots 2 to 8)	8	0.68 ha. (1.68 ac.)
Residential (Lots 1 & 2)		2 (Lots 1 & 10)	2	0.16 ha. (0.40 ac.)
Valley Lands (Block 3)	1			1.08 ha. (2.6 ac.)
Environmental Buffer and access easement (Block 2)	1			0.23 ha. (0.58 ac.)
Total	3	10	10	Total Site Area 2.17 ha. (5.36 ac.)

The proposed environmental buffer area will be re-naturalized by a comprehensive planting program, which will be subject to approval by the Toronto and Region Conservation Authority (TRCA). It is recommended that the valley lands and environmental buffer blocks located at the south east end of the subject lands be conveyed to the City.

The proposal also includes a Draft Plan of Condominium to create the private road (see Figure 6 – Draft Plan of Condominium) and a Zoning By-law Amendment application to accommodate the proposal, including modifications to the development standards and provisions to allow freehold lots to front on a private condominium road.

Official Plan & Zoning

The subject lands are designated Urban Residential Low Density in the Official Plan. This designation permits single detached dwellings. The lands are zoned R1 – Single Detached Residential Zone by By-law 1229, as amended. This zone category permits detached dwellings, and requires a minimum lot frontage of 60.00 ft (18.28 m) and a minimum lot area of 6,600.00 ft² (613.16 m²). The proposed lots generally comply with By-law 1229, as amended, and its R1 Zone development standards for lot frontage and lot area except that Lots 5 and 6 will have reduced lot frontages, and Lots 7 and 8 will have reduced lot areas. Lot 5 is proposed to have a lot frontage of 56.29 ft (17.16 m), and Lot 6 will have a lot frontage of 49.37 ft (15.05 m). Lot 7 is proposed to have lot area of 6,137.68 ft² (570.20 m²), and Lot 8 is proposed to have a lot area of 5,958.68 ft² (553.58 m²).

Lots 1 and 10, which front on to Houghton Boulevard and Joseph Street, respectively, will generally comply with By-law 1229, as amended, and its R1 Zone development standards, with the following exceptions, as shown on Table 2 below:

Table 2

Development Standard	Current Standard	Proposed Standard
Maximum Building Height	9.8 m (32.15 ft)	11.00 m (36.05 ft)
Maximum Building Depth	16.8 m (55.11 ft)	19.00 m (62.33 ft)
Maximum Porch Projection	18 inches	2.00 m (6.56 ft)

Table 3 on the following page illustrates the proposed exceptions to development standards for Lots 2 to 9. The minimum front yard setback will range between 5.00 m (16.40 ft) and 6.00 m (19.68 ft) while the minimum rear yard setback will range between 6.50 m (21.32 ft) and 7.00 m (22.96 ft). The Floor Area Ratio will range from 50 percent to 62 percent.

Table 3

Development Standard	Current Standard	Proposed Standard
Maximum Building Height - Lots 2 to 9	9.80 m (32.15 ft)	11.90 m (39.04 ft)
Maximum Building Depth - Lots 2 to 9	16.8 m (55.11 ft)	19.00 m (62.33 ft)
Maximum Porch Projection - Lots 2 to 9	18 inches	2.00 m (6.56 ft)
Minimum Front Yard Setback - Lots 2 to 6 - Lots 7 & 8	7.50 m (25.00 ft)	6.00 m (22.96 ft) 5.00 m (21.32 ft)
Minimum Rear Yard Setback - Lots 2 to 6 - Lots 7 & 8	7.50 m (25.00 ft)	7.00 m (22.96 ft) 6.50 m (21.32 ft)
Maximum Floor Area Ratio - Lots 2 to 7 - Lot 8 - Lot 9	45 %	59 % 62 % 50 %

In addition to the exceptions illustrated in Tables 2 and 3 above, no garage projection shall be permitted beyond the main front wall for Lots 1 to 10, whereas By-law 1229, as amended by By-law 99-90, permits a maximum garage projection of 2.1 m (6.8 ft).

The differences from the existing zoning standards, as shown in the Tables 2 and 3 above, can be supported as explained later in the report.

Eight of the proposed lots do not front on to a public road. Consequently, the Zoning By-law will also allow freehold lots to front on a private condominium road (Appendix 'C' – Draft Zoning By-law 1229). A 1.08 ha. (2.6 ac.) portion of the southeast area of the site is zoned O – Open Space which does not permit development. These lands are to be conveyed to the City. The amending zoning by-law expands the existing O – Open Space Zone boundary on the subject lands to include the environmental buffer area (Block 2).

OPTIONS/ DISCUSSION:

The proposal conforms with the Density Provisions of the Official Plan

The Urban Residential – Low Density Housing policies of the Official Plan permit a maximum (gross) residential density of 14.8 dwelling units per hectare (6 units per acre). Gross Residential Density is defined as the total residential units divided by the total developable land area in a subdivision including lots, roads, and open space areas excluding valley lands. The gross residential density of this proposal, is 9.3 dwelling units per hectare (3.8 units per acre), which conforms to the Official Plan.

Issues identified at the Public Meeting and Community Meetings have been addressed

The following issues were raised at the Public Meeting held on June 19th, 2012 and each of the two Community Meetings held on April 4th, 2012, and July 26th, 2012:

Stormwater Management

Area residents raised concerns regarding the impacts to existing storm drainage patterns. Engineering Department staff has confirmed that the storm water management design for this proposal ensures that existing drainage flows for storm water will be accommodated by this development, and storm water flows to neighbouring properties will not be increased as a result of this development. The proposal will include the installation of an orifice tube at the limit of the property to control storm water run-off on to pre-development conditions. An orifice tube is a device which restricts the volume of storm water to ensure that the existing pre-development flow rate of discharge into the valley lands is maintained.

Access and maintenance of the valley lands

The proponent will be required to convey the valley lands and environmental buffer to the City as a condition of approval. Access to the valley lands will be provided through an easement, approximately 5.0 m (16.4 ft) in width, located between Lots 5 and 6 (Part 13, Figure 6). This access and maintenance easement will be gated to reduce the probability of unwanted loitering. Public ownership of the buffer and valley lands will ensure that they will be properly protected and maintained. The width of this easement will accommodate the installation and maintenance of site controls for infiltration entirely within the privately owned lands (Block 1).

Tree Preservation

A Tree Preservation Plan was submitted. It illustrates the preservation of the majority of existing mature trees including the preservation of a significant row of deciduous trees along the northwest property boundary where it abuts the property at 10 Houghton Boulevard.

Architectural Style of the Dwellings

The subject lands are located outside of the Markham Village Heritage Conservation District. However, the proponent has provided Staff and area residents, sample renderings of the proposed dwellings that illustrate a heritage style of architecture that is sympathetic to existing development in Markham Village. The Owner will be required to retain a design consultant to prepare architectural control guidelines to the satisfaction of the City prior to execution of the subdivision agreement. The architectural control guidelines will ensure that building elevations are designed in a manner that is sympathetic to the existing homes in the neighbourhood.

Housing Density and Lotting Pattern

Concerns were raised by residents that the housing density of the proposal, in relation to the existing neighbourhood, was excessive. Staff conducted an analysis of the net residential density of dwellings within 120 m (394 ft) of the property located on Joseph

Street, Houghton Boulevard, Albert Street and Edward Street. The average net residential density within 120 m (394 ft) of the subject lands is approximately 19.2 units per hectare (7.8 units per acre). Net residential density is defined as the total number of residential units divided by total private residential lot area and does not include roads, pathways, open space areas or valley lands. The net residential density of the current proposal is 15.15 dwelling units per hectare (6.13 units per acre). The proposed lot sizes generally conform with R1 zoning requirements (see page 3, Official Plan and Zoning).

The development proposal is compatible and consistent with the existing lots on local streets in the area including Houghton Boulevard, Joseph Street, Albert Street, Edward Street, Elm Street, Franklin Street, George Street, Jerman Street and Washington Street.

TRCA Environmental Buffer Area Confirmed

Toronto and Region Conservation Authority staff has confirmed that the proposed environmental buffer between the valley lands and the proposed residential lands on the site is acceptable. The environmental buffer and valley lands will be dedicated gratuitously to the City as a condition of the development. The environmental buffer width varies from 6.0 m (19.6 ft) to 15.0 m (49.2 ft). As part of the agreement regarding the proposed environmental buffer area, the TRCA will require a substantial planting plan within the buffer area. The implementing Zoning By-law will prohibit any structures from being located within the buffer area, which is to be conveyed to the City.

Proposed road pavement widths will accommodate Waste Management and Fire Services vehicles

Based on discussions with Waste Management and Fire Services staff, the proposed 7.5 m (25.0 ft) pavement width and 12.0 m (39.3 ft) radius of the turning bulb at the end of the private road will accommodate the turning and operational requirements for their vehicles.

It should be noted that, in accordance with current practice for low rise condominium development, The City of Markham will provide waste collection services for the proposed development. Snow plowing will be privately operated.

Automatic Sprinkler systems required for proposed Lots 2 to 9

Fire Services staff will require automatic sprinklers system to be installed in each future dwellings on the proposed private condominium road due to the single access/egress point. The dwellings on proposed Lots 1 and 10 will not require sprinkler systems as they front on Houghton Boulevard and Joseph Street, respectively.

Servicing allocation

Staff has confirmed that there is sufficient servicing allocation available from Council's current allocation reserve to accommodate the proposed development. The owner will require servicing allocation for 9 dwelling units. The proposed dwelling fronting on to Joseph Street will not require servicing allocation assignment due to the fact that the existing dwelling on the property is already connected to municipal sanitary service.

Municipal Services

Municipal Water connection will be available at the east terminus of Houghton Boulevard to service proposed Lots 1 to 9. A municipal water connection is also available on Joseph Street to service proposed Lot 10.

Engineering Department staff has further confirmed that municipal sanitary service to the site for Lots 1 to 9 can be extended from Albert Street to the west to the terminus of Houghton Boulevard and the infrastructure will be publicly owned and maintained. The cost of the infrastructure will be the responsibility of the applicant. This additional infrastructure will also be sized appropriately to provide an opportunity for existing landowners on the north and south sides of Houghton Boulevard to connect to municipal sanitary service available from Albert Street. The proposed Water and Sanitary infrastructure beyond Houghton Boulevard will be privately owned and maintained by the future land owners of the condominium. Sanitary Service connection for proposed Lot 10 will be provided on Joseph Street.

Exceptions to Infill By-law are appropriate

As previously noted, a number of exceptions have been proposed to the Infill By-law. These exceptions are considered appropriate given the configuration and location of the development, particularly the proximity of Lots 2 to 7, respectively, to the valley lands and with no immediate abutting neighbours. These proposed lots will be at the edge of an existing neighbourhood and will be relatively isolated from existing dwellings.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

Not applicable

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

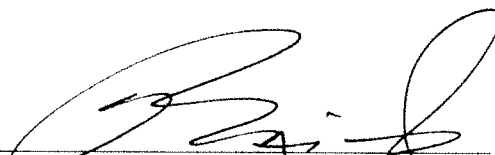
The proposal will continue the orderly development of this community, and will align with the City's strategic priorities of Growth Management and Municipal Services by implementing the proposed development in coordination with available servicing infrastructure. The proposal also aligns with the City's strategic priority of the Environment through the conveyance of privately owned valley lands to the municipality.

BUSINESS UNITS CONSULTED AND AFFECTED:

Not applicable.

RECOMMENDED BY:


Rino Mostacci, M.C.I.P., R.P.P.
Director, Planning & Urban Design


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

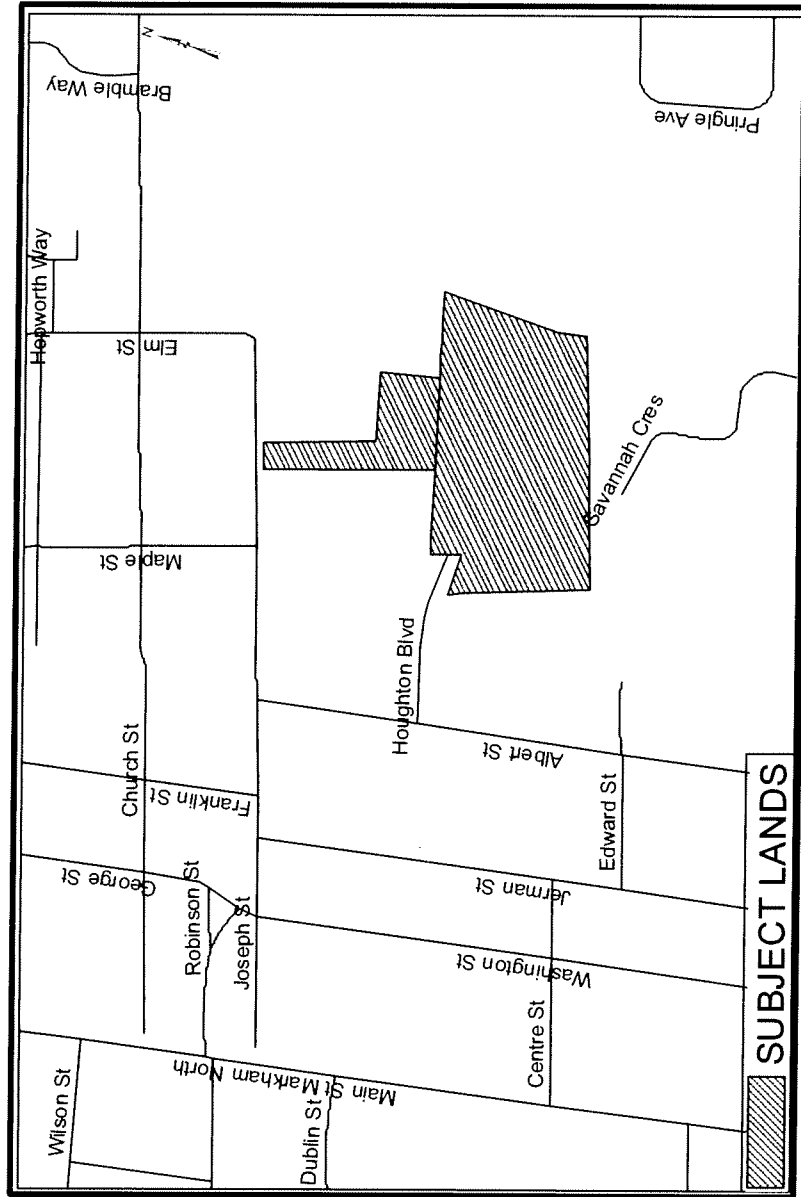
ATTACHMENTS:

Figure 1 – Location Map
Figure 2 – Area Context/Zoning
Figure 3 – Aerial Photo
Figure 4 – Proposed Draft Plan of Subdivision
Figure 5 – Conceptual Site Plan
Figure 6 – Draft Plan of Condominium
Appendix 'A' – Draft Conditions
Appendix 'B' – Draft Zoning By-law

AGENT/CONTACT INFORMATION

Jim Levac, Senior Associate
Weston Consulting Group Inc.
201 Millway Avenue, Unit 19
Vaughan, ON L4K 5K8
Tel: (905) 738-8080
Email: jlevac@westonconsulting.com

File path: Amanda\File 12 131249\Documents\Recommendation Report






AREA CONTEXT / ZONING

APPLICANT: GEMINI URBAN DESIGN (HOUGHTON) CORPORATION
 11, 15 HOUGHTON BLVD. & 55 JOSEPH STREET

FILE No. ZA.12121249 : SU & CU.12131249 (RC)

 SUBJECT LANDS

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Drawn By: CPW Checked By: RC

DATE: 09/13/2012

FIGURE No. 2



AIR PHOTO

APPLICANT: GEMINI URBAN DESIGN (HOUGHTON) CORPORATION
11, 15 HOUGHTON BLVD. & 55 JOSEPH STREET

FILE No. ZA.12121249 : SU & CU.12131249 (RC)

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DEVELOPMENT SERVICES COMMISSION

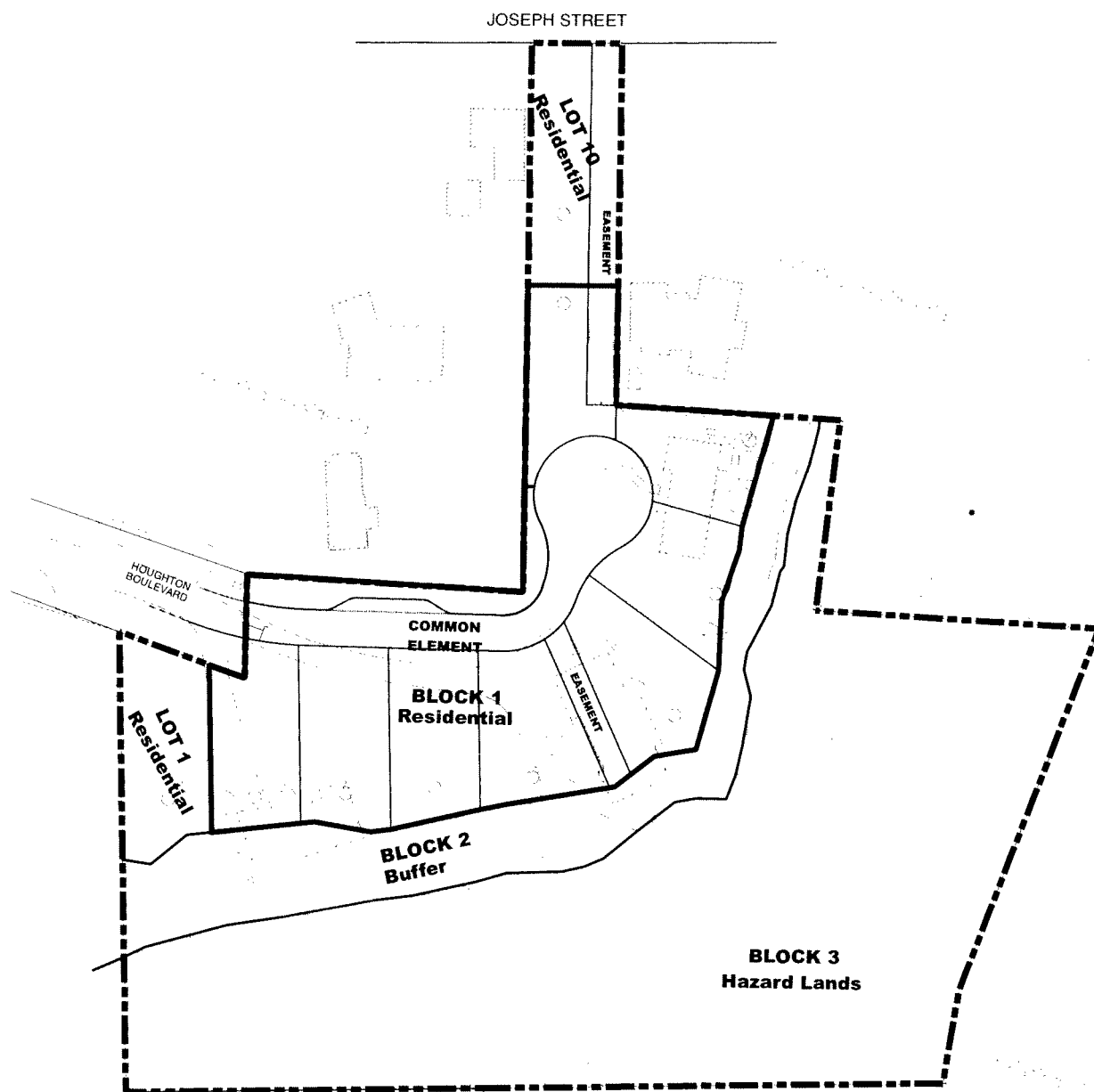
 SUBJECT LANDS

DATE: 09/13/2012

Checked By: RC

Drawn By: CPW

FIGURE No. 3



DRAFT PLAN OF SUBDIVISION

APPLICANT: GEMINI URBAN DESIGN (HOUGHTON) CORPORATION
11, 15 HOUGHTON BLVD. & 55 JOSEPH STREET

FILE No. ZA. 12131249 : SU & CU. 12131249 (RC)

DATE: 09/13/2012

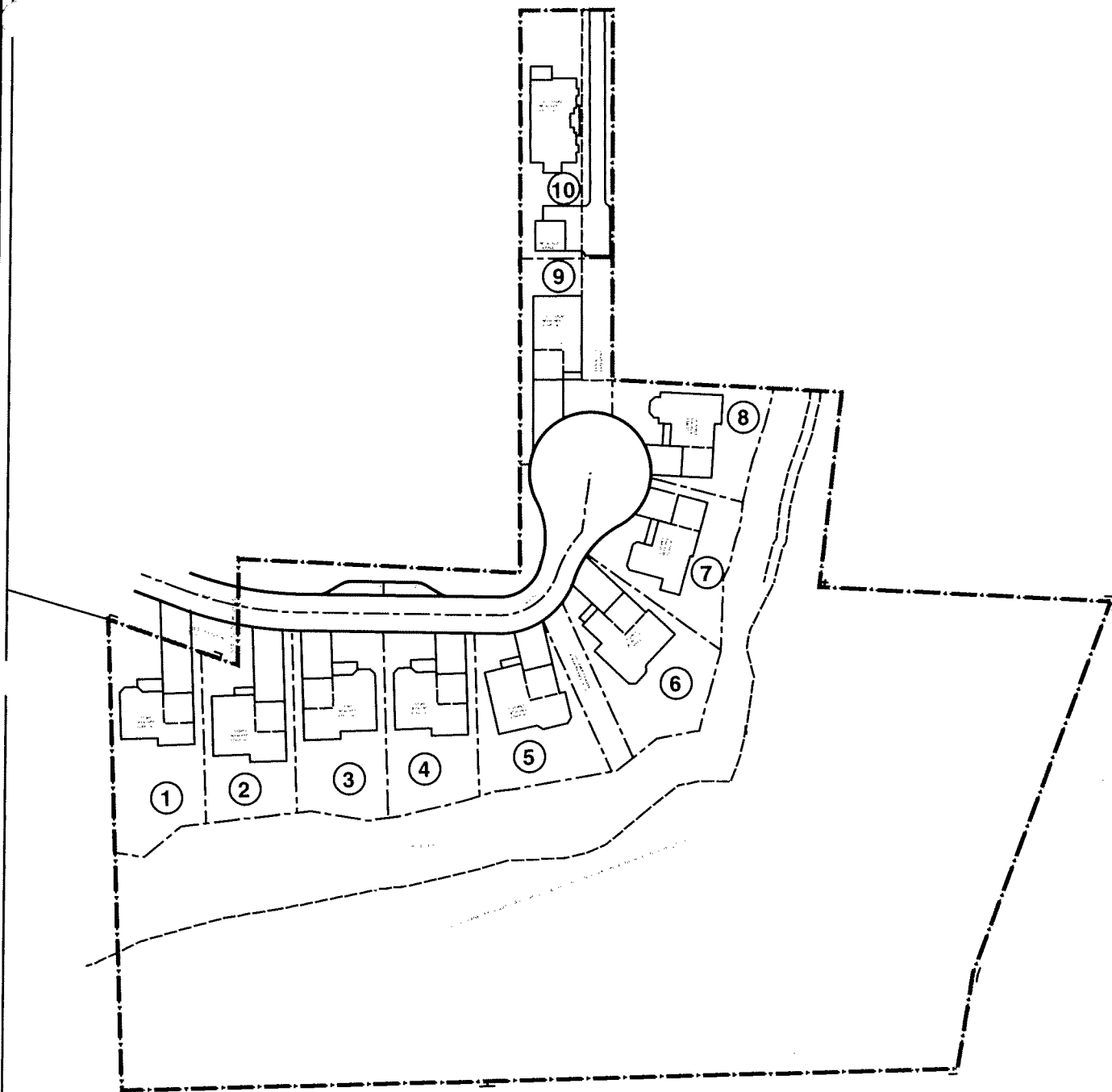


DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: RC

FIGURE No. 4



CONCEPTUAL SITE PLAN

APPLICANT: GEMINI URBAN DESIGN (HOUGHTON) CORPORATION
11, 15 HOUGHTON BLVD. & 55 JOSEPH STREET

FILE No. ZA. 12131249 : SU & CU. 12131249 (RC)

DATE: 09/13/2012



DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: RC

FIGURE No. 5

APPENDIX 'A'

SU 12-131249

THE CONDITIONS OF THE CITY OF MARKHAM TO BE SATISFIED, PRIOR TO RELEASING DRAFT PLAN OF SUBDIVISION 19TM-12001 GEMINI URBAN DESIGN (HOUGHTON) CORP.] FOR REGISTRATION, ARE AS FOLLOWS

1.0 General

- 1.1 Approval shall relate to a draft plan of subdivision prepared by Weston Consulting Group Inc., identified as Project Number 5722, Drawing Number D4, dated November 13, 2012.
- 1.2 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, Stormwater Management Study, 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.
- 1.3 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 December 11, 2015 unless extended by the City upon application by the Owner.

2.0 Roads

- 2.1 The common element road within the draft plan shall be named to the satisfaction of the City and the Region of York.
- 2.2 The Owner shall covenant and agree in the subdivision agreement that the common element road shall be designed and constructed in accordance with established municipal standards to the satisfaction of the City (Commissioner of Development Services).

3.0 Noise Impact Study

- 3.1 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 Joseph Street and by any other identified noise sources, to the satisfaction of the City. 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.

APPENDIX 'A'

- 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).

4.0 Tree Inventory and Tree Preservation Plans

- 4.1 The Owner shall submit for approval an updated 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.
- 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 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.
- 4.4 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; and,
 - d) The requirement for the replacement or equivalent economic value following unauthorized tree removal or damage shall be determined by the City.

5.0 Community Design

- 5.1 The Owner shall implement and incorporate all requirements of the City's Generic Architectural Design Guidelines, June 2001 into architectural control guidelines and other required design documents.
- 5.2 The Owner shall retain a design consultant to prepare architectural control guidelines to be submitted to the Director of Planning and Urban Design for approval prior to execution of the subdivision agreement

APPENDIX 'A'

- 5.3 The Owner shall retain a design consultant to implement the Architectural Control Guidelines.
- 5.4 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.
- 5.5 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.

6.0 Parks and Open Space

- 6.1 The Owner acknowledges and agrees in the subdivision agreement to provide cash-in-lieu of parkland dedication.

7.0 Community Landscaping

- 7.1 Prior to execution of the subdivision agreement, the Owner shall submit landscape plans based on the City's Streetscape Manual, June 2009, as amended from time to time into all landscape works, to the satisfaction of the Director of Planning and Urban Design, which shall include but not be limited to:
 - a) Street tree planting in accordance with the City of Markham Streetscape Manual dated June 2009;
 - b) 1.8m high wood screen corner lot fencing, rear yard fencing, exterior side yard fencing;
 - c) Buffer Block planting;
 - d) Planting and or fencing to reinforce and enhance existing hedgerows and property lines between existing residential properties and the proposed development; and,
 - e) any other landscaping as determined by the Storm Drainage Plan.
- 7.2 The Owner shall construct all landscaping in accordance with the approved plans at no cost to the City.
- 7.3 The Owner shall not permit their builders to charge home purchasers for the items listed in Condition 7.1.
- 7.4 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

APPENDIX 'A'

REQUIRED THE DEVELOPER TO UNDERTAKE AND BEAR THE COST OF THE FOLLOWING ITEMS:

- STREET TREES AND LANDSCAPING ON PRIVATE LAND / LOTS OR ADJACENT PUBLIC LANDS TO MEET CONDITION 5.1
- 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.”

8.0 Financial

- 8.1 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.

9.0 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 be required.
- 9.2 The Owner shall acknowledge and agree in the subdivision agreement that all quality and quantity controls of stormwater will be the responsibility of the Owner. The City is not responsible for any of the stormwater control structures

APPENDIX 'A'

and their operation and maintenance. Furthermore, all stormwater control structures shall be installed within Lot 1, Lot 10 & Block 1 and shall outlet into Block 2 (Buffer) and Block 3 (Hazard Lands).

- 9.3 The Owner shall convey Blocks 2 and 3 to the City, as Buffer and Hazard Lands, free of all costs and encumbrances, to the satisfaction of the City and the TRCA, upon registration of the plan of subdivision.
- 9.4 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.
- 9.5 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.

10.0 Other 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. Any requirements resulting from this Report shall be incorporated into the draft plan and provided for in the subdivision agreement.
- 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, curbs, gutters, 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 The Owner shall construct a municipal sanitary sewer along Houghton Boulevard, from Albert Street to the limit of Lot 1, Lot 10 & Block 1.
- 10.4 The sanitary and water services within Lot 1, Lot 10 & Block 1 shall connect to municipal sewer and watermain along Houghton Boulevard.
- 10.5 The Owner shall acknowledge and agree in the subdivision agreement that all services within Lot 1, Lot 10 & Block 1 will be the responsibility of the condominium corporation. The City is not responsible for any of these services and their maintenance.
- 10.6 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,

APPENDIX 'A'

general plans, drainage plans, composite utility plans, stormwater management detail plans, etc. to the satisfaction of the City (Commissioner of Development Services).

11.0 Easements

- 12.1 The Owner shall grant required easements to the appropriate authority for access, 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.

12.0 Utilities

- 12.1 The Owner shall covenant and agree in the subdivision agreement the hydro electric, telephone, gas and television cable services, and any other form of telecommunication services within Lot 1, Lot 10 & Block 1 shall be constructed at no cost to the City as underground facilities within the common element 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.
- 12.2 The Owner shall covenant and agree in the subdivision agreement to enter into any agreement or agreements required by any applicable utility companies, including Power Stream, Enbridge, telecommunications companies, etc. for the utility servicing of Lot 1, Lot 10 & Block 1.
- 12.3 The Owner shall covenant and agree in the subdivision agreement to facilitate the construction of Canada Post facilities for Lot 1, Lot 10 & Block 1 at locations and in the manner agreeable to the City in consultation with Canada Post, and that where such facilities are to be located within the common element road allowances, they shall be approved on the Composite Utility Plan and be in accordance with the Community Design Plan.
- 12.4 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.

13. Phase 1 Environmental Site Assessment (ESA)

- 13.1 Prior to registration of the plan of subdivision, the Owner shall:
- i) Submit environmental site assessment reports prepared by a Qualified Person in accordance with the Record of Site Condition Regulation

APPENDIX 'A'

(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.

- 13.2 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.

14.0 Well Monitoring Program and Mitigation Plan

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.

15.0 Heritage

- 15.1 Prior to registration of the 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 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.

- 15.2 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.

APPENDIX 'A'

16.0 Other City Requirements

- 16.1 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.
- 16.2 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. The Owner also covenants and agrees that the future dwelling units within Block 1 will be constructed with automatic fire protection sprinkler systems in conformance with the Ontario Building Code.
- 16.3 The property is inspected by the Markham Fire Department staff to ensure that the fire access route signs, hydrants, fire access routes, addressing complies with the approved site plan drawings as approved.

17.0 Region of York

- 17.1 The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the area municipality and the York Region Planning and Development Services Department.
- 17.2 Prior to registration of the plan of subdivision, 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.
- 17.3 The Owner shall covenant and 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.
- 17.4 Prior to registration of the plan of subdivision, the Owner shall provide a copy of the subdivision agreement to the Transportation and Community Planning Department, outlining all requirements of the Transportation and Community Planning Department.
- 17.5 The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation, Regional

APPENDIX 'A'

Development Charges are payable prior to final approval in accordance with By-law 2010-49.

- 17.6 The Region of York Transportation and Community Planning Department shall advise that Conditions 17.1 to 17.5 inclusive, have been satisfied.

18.0 External Clearances

- 18.1 Prior to registration of the 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 Ministry of Culture shall advise that Conditions 16.1 and 16.2 have been satisfied.

- 18.2 That prior to any grading, development, pre-servicing or site alteration, or registration of the plan of subdivision or any phase thereof, the applicant submit for the review and approval of the Toronto and Region Conservation authority (TRCA):

- (a) A detailed engineering report, stamped by a professional engineer, that describes the storm drainage system (quantity and quality) for the proposed development of the subject lands. 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 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;
 - iv. mapping of proposed stormwater management measures, with consideration for existing vegetation to be disturbed, grade differentials and grading required, opportunities for minimizing impacts through pond design and location, if applicable;
 - v. Plans illustrating proposed methods for treating road run-off, and proposed locations for the stock-piling of snow;
 - vi. A description of lot-level controls for infiltration or SWM "at source" control (i.e. roof leaders to rear yards) to achieve on-site

APPENDIX 'A'

retention and overall water balance of run-off for a minimum 5mm storm event.

- b) Overall grading plans for the subject lands. These plans must indicate how grade differentials will be accommodated without the use of retaining walls within or adjacent to the natural areas and valley and stream corridors. No retaining walls within or adjacent to the valley or stream, natural areas or associated buffer blocks shall be permitted;
- c) A detailed water balance implementation report that will identify measures that will be implemented to maintain ground water infiltration on-site, and on-site retention. On-site retention measures shall be quantified, and the report shall demonstrate that a minimum of the first 5mm of precipitation on-site is being retained to the satisfaction of the TRCA. This study must provide detailed design of the system(s), and implementation;
- d) Detailed design of infiltration measures and stormwater management best management practices with anticipated performance targets, maintenance requirements, and a monitoring strategy to the satisfaction of the TRCA;
- e) A report detailing low impact development measures to be applied within the subdivision, including energy star certification, stormwater management best management practices, sustainable community design elements, and low impact development measures.
- f) That the owner agrees in the subdivision agreement to provide a buffer enhancement/compensation planting plan and details for trees and vegetation that are to be removed to the satisfaction of the TRCA. Compensation planting can be located onsite and/or offsite and will be subject to the approval of the TRCA.
- g) That the owner agree in the subdivision agreement, in wording acceptable to the TRCA:
 - i. to carry out, or cause to be carried out, to the satisfaction of the TRCA, the recommendations of the technical report(s) and plans referenced in TRCA's conditions;
 - ii. to implement the requirements of the TRCA's conditions in wording acceptable to the TRCA;
 - iii. to design and implement on-site erosion and sediment control in accordance with current TRCA standards;
 - iv. to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the TRCA;
 - v. to obtain all necessary permits pursuant to Ontario Regulation 166/06 from the TRCA, in addition to all permits and approvals

APPENDIX 'A'

from Fisheries and Oceans Canada, and the Ministry of Natural Resources;

- vi. to implement all water balance/infiltration measures identified in the water balance study that is to be completed for the subject property;
- vii. to provide enhancement buffer/compensation planting to replace removed trees and vegetation located onsite and to provide vegetation within the buffers to the satisfaction of the TRCA;
- viii. to provide for the warning clauses and information identified in TRCA's conditions;
- ix. to carry out, or cause to be carried out the cleaning-out and maintenance of all stormwater management infrastructure (including best management practice measures) prior to assumption of the subdivision by the Town of Richmond Hill. And, to include appropriate clauses in all agreements of purchase and sale, for lots or blocks on which infiltration infrastructure is to be located that clearly identifies maintenance responsibilities of the landowner.

18.3 That the draft plan be red-lined revised in order to meet the requirements of the TRCA's conditions, if necessary.

Dated:

Biju Karumanchery, M.C.I.P., R.P.P.
Senior Development Manager
Planning and Urban Design

APPENDIX 'B'



BY-LAW 2012-XX

A By-law to amend By-law 1229

To rezone the land to permit the development of single detached dwellings fronting on a private condominium road, and to expand the O - Open Space Zone

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

1.0 By-law 1229, as amended, is hereby further amended as follows:

1.1 By rezoning the lands within the designated area of this By-law as shown on Schedule 'A' attached hereto from Residential One (R1) Zone to (Hold) Residential One [(H)(R1)] Zone; and,

1.2 For the purposes of this By-law, the following definition shall apply:

PRIVATE ROAD: shall mean a privately owned right-of-way from which vehicular access may be provided from a STREET to one or more abutting LOTS. A private road is not owned, maintained or under the jurisdiction of the City of Markham.

1.3 By adding the following new sub-section 12.33 to Section 12 – EXCEPTIONS:

12.33: The following provisions shall apply the lands municipally known as 11 and 15 Houghton Boulevard, and 55 Joseph Street as outlined on Schedule 'A' attached to By-law 2012-XX.

Notwithstanding any other provisions of this By-law, the provisions in this section shall apply to those lands subject to By-law 2012-XX, as shown on Schedule 'A' attached hereto. All other provisions of By-law 1229, as amended, unless specifically modified by this Section, continue apply to the lands subject to this Section.

12.33: ZONE STANDARDS
The following specific zone standards apply to all the lands shown on Schedule 'A':

a) Lot 1

- i. Maximum BUILDING HEIGHT – 11.0 m
- ii. Maximum BUILDING DEPTH – 19.0 m

b) Lot 2 to 4, inclusive

- i. Minimum LOT FRONTAGE – 18.3 m
- ii. Minimum FRONT YARD – 5.0 m
- iii. Minimum SIDE YARD – 1.8 m
- iv. Minimum REAR YARD – 7 m
- v. Maximum BUILDING HEIGHT – 11.9 m
- vi. Maximum BUILDING DEPTH – 19 m
- vii. Maximum FLOOR AREA RATIO – 59 %

c) Lot 5

- i. Minimum LOT FRONTAGE – 17 m
- ii. Minimum FRONT YARD – 5.0 m
- iii. Minimum SIDE YARD – 1.8 m
- iv. Minimum REAR YARD – 7 m
- v. Maximum BUILDING HEIGHT – 11.9 m
- vi. Maximum BUILDING DEPTH – 19 m
- vii. Maximum FLOOR AREA RATIO – 59 %

d) Lot 6

- i. Minimum LOT FRONTAGE – 15 m
- ii. Minimum FRONT YARD – 5.0 m
- iii. Minimum SIDE YARD – 1.8 m
- iv. Minimum REAR YARD – 7 m
- v. Maximum BUILDING HEIGHT – 11.9 m
- vi. Maximum BUILDING DEPTH – 19 m
- vii. Maximum FLOOR AREA RATIO – 59 %

e) Lot 7

- i. Minimum LOT FRONTAGE – 22 m
- ii. Minimum LOT AREA – 560 m²
- iii. Minimum FRONT YARD – 5.0 m
- iv. Minimum SIDE YARD – 1.8 m
- v. Minimum REAR YARD – 6.5 m
- vi. Maximum BUILDING HEIGHT – 11.9 m
- vii. Maximum BUILDING DEPTH – 19 m
- viii. Maximum FLOOR AREA RATIO – 59 %

f) Lot 8

- i. Minimum LOT FRONTAGE – 21 m
- ii. Minimum LOT AREA – 513 m²
- iii. Minimum FRONT YARD – 5.0 m
- iv. Minimum SIDE YARD – 1.8 m
- v. Minimum REAR YARD – 6.5 m
- vi. Maximum BUILDING HEIGHT – 11.9 m
- vii. Maximum BUILDING DEPTH – 19 m
- viii. Maximum FLOOR AREA RATIO – 62 %

g) Lot 9

- i. Minimum LOT FRONTAGE – 18.3 m
- ii. Minimum FRONT YARD – 5.0 m
- iii. Minimum SIDE YARD – 1.8 m
- iv. Minimum REAR YARD – 6.5 m
- v. Maximum BUILDING HEIGHT – 11.9 m
- vi. Maximum BUILDING DEPTH – 19 m
- vii. Maximum FLOOR AREA RATIO – 50 %

h) Lot 10

- i. Maximum BUILDING HEIGHT – 11.0 m
- ii. Maximum BUILDING DEPTH – 19.0 m

12.33.2

Special Site Provisions:

a) Lots 1 to 10 inclusive

- i. Porches and balconies may encroach 2.0 m into the required FRONT YARD
- ii. The FRONT LOT LINE shall be the LOT LINE that abuts the PRIVATE ROAD.

b) Lots 2 to 8 inclusive

- i. A LOT may front or abut a PRIVATE ROAD.

2.0 HOLDING PROVISIONS

For the purpose of this By-law, a Holding (H) Zone is hereby established and is identified on Schedule 'A', attached hereto by the letter (H) in parenthesis following the zoning symbol.

No person shall ERECT or ALTER any BUILDING or STRUCTURE on the lands subject to '(H)' provision, for the purposes permitted under this By-law until amendments to this By-law to remove the letter '(H)' has come into effect pursuant to the provisions of Section 36 of the Planning Act.

Prior to removing the '(H)' Holding provision, the following conditions must be met:

- a) The City of Markham approves a transfer of servicing allocation to the subject lands that is not dependent upon the completion of infrastructure; or,
- b) York Region has advised in writing that it is no earlier than six (6) months prior to the expected completion of the Southeast Collector Trunk Sewer, Duffin Creek WPCP Outfall, Second Conduit of Primary Trunk Sewer and Duffin Creek WPCP Stage 1 and 2 Upgrade; or,
- c) The Regional Commissioner of Environmental Services confirms servicing allocation for this development by a suitable alternative method and the City of Markham allocates capacity to this development.

- 3.0 All other provisions of By-law 1229, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
** DAY OF ***, 2012.

KIMBERLEY KITTINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

APPENDIX 'B'



EXPLANATORY NOTE

BY-LAW 2012-XXX

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

**Gemini Urban Design (Houghton) Corp.
11, 15 Houghton Boulevard & 55 Joseph Street
CON 8 PT LT 11 65R15825 PTS 1-5**

Lands Affected

The proposed by-law amendment applies to approximately 2.17 hectares (5.36 acres) of land east of Albert Street at the terminus of Houghton Boulevard, and also the south side of Joseph Street.

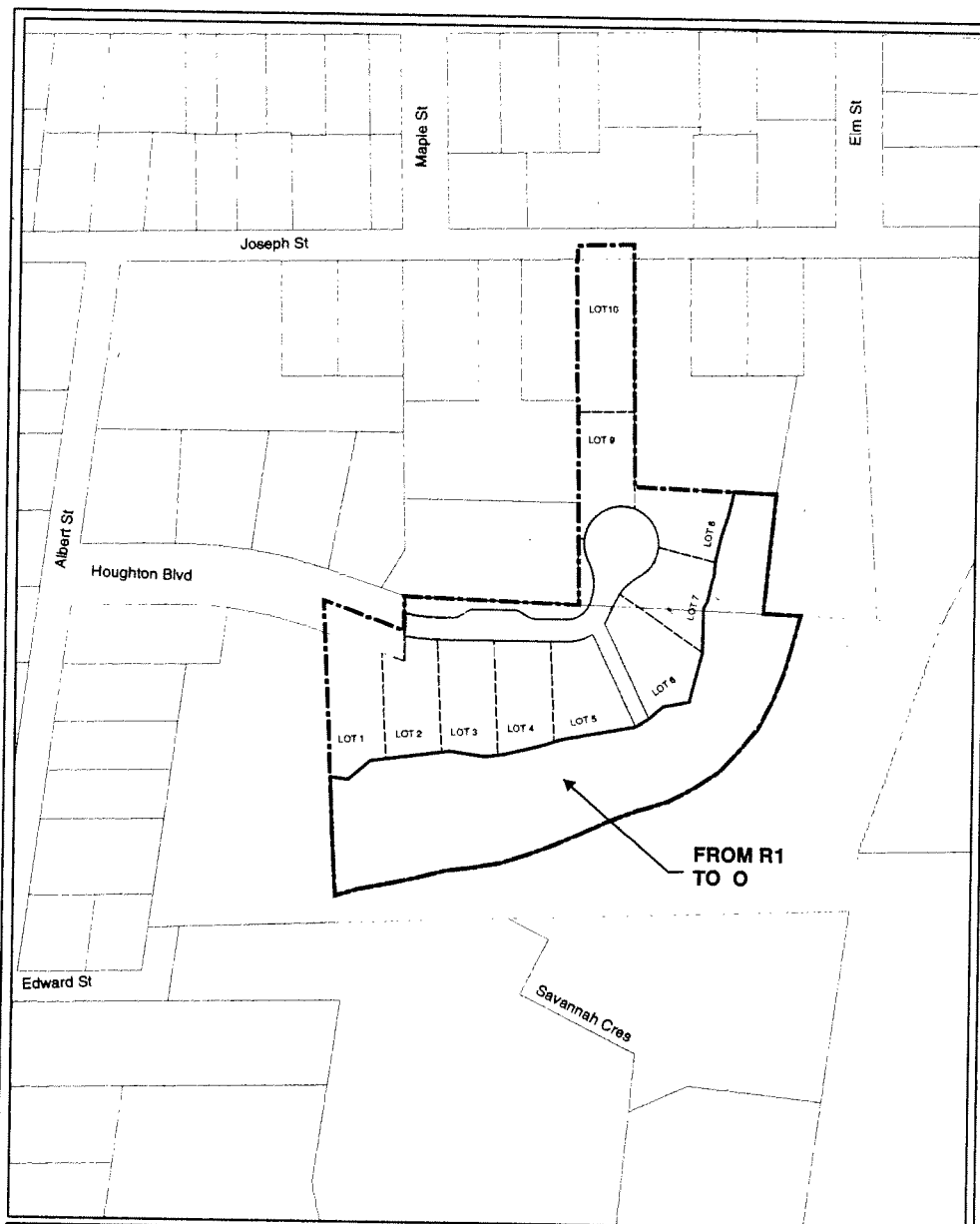
Existing Zoning

The lands are zoned Residential One (R1) Zone R1 and Open Space (O) under By-law 1229, as amended.





Purpose and Effect

The purpose of this By-law is to amend the Zoning By-law to permit the development of single detached dwellings fronting on to a private road, and to rezone certain areas of the property from Residential (R1) to Open Space (O).

The effect of the By-law is to permit the construction of ten (10) single detached dwellings on the subject lands with site specific provisions, and restrict development from occurring within the environmental buffer area.



BY-LAW SCHEDULE 'A' TO AMEND BY-LAW 1229

-  **BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE**
 **ZONE BOUNDARY**
 **RESIDENTIAL ONE**  **OPEN SPACE**

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BY-LAW AMENDMENT No. PASSED
 (MAYOR) (CLERK)



DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: RC

DATE: 10/24/2012

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