

Memorandum to the City of Markham Committee of Adjustment

February 16, 2018

File: B/31/17 and B/32/17
Address: 22 and 24 River Bend Road, Markham
Applicant: Antonio and Gennaro Bruno
Agent: JKO Planning Services Inc. (Jim Kotsopoulos)
Hearing Date: Wednesday February 21, 2018

The following comments are provided on behalf of the Central Team:

22 River Bend Road

B/15/17

The applicant is requesting provisional consent to:

- a) sever and convey a parcel of land with an approximate area of 610.1 m² and lot frontage of 14.504 metres (Part 2);
- b) retain a parcel of land with an approximate area of 514.5 m² and lot frontage of 14.504 metres (Part 1).

Parts 3 and 4 with an approximate area of 902.9 m² are to be conveyed to the City of Markham.

24 River Bend Road

B/16/17

The applicant is requesting provisional consent to:

- a) sever and convey a parcel of land with an approximate area of 588.81 m² and lot frontage of 15.393 m (Part 6);
- b) retain a parcel of land with an approximate area of 647 m² and lot frontage of 15.392 m (Part 5).

Parts 7 and 8 with an approximate area of 927.2 sq. m are to be conveyed to the City of Markham.

BACKGROUND

Property Description

22 and 24 River Bend Road (the "subject lands") are located on the north side of River Bend Road, east of Oakcrest Avenue, south of Highway 7 East (see Appendix A – Aerial Photo).

22 River Bend Road has an area of approximately 0.2 hectares (0.49 acres) and a frontage of approximately 29 metres (95 feet). It contains a one-storey single detached dwelling constructed circa 1960, which is not of heritage value. A set of terraced retaining walls exist in the rear yard which provide stepped access to the Rouge River Valley

24 River Bend Road has an area of approximately 0.2 hectares (0.5 acres) and a frontage of approximately 31 metres (101 feet). It contains a one-storey single detached dwelling

constructed circa 1960, which is not of heritage value. Three accessory buildings are located in the rear yard along with an in-ground swimming pool.

The subject lands are located within the Oakcrest/Sabiston community, which is undergoing transition and surrounded on all sides, with the exception to the north, by single detached residential dwellings. Mature vegetation is scattered through the subject lands. A woodland and steep slope associated with the abutting Rouge River Valley exists within the rear yard of the subject lands.

Proposal

The applicant proposes to sever and convey parts of the subject properties (see Appendix B – Draft Reference Plan). The effect of the severances would be to create four lots fronting onto River Bend Road. Two of the lots would have frontages of approximately 14.5 metres and the remaining two would have frontages of approximately 15.3 metres or half the frontages of the original lots. The applicant proposes to construct a new two-storey detached dwelling on each lot (see Appendix C – Supporting Plans).

The remaining parts (Parts 3, 4, 7 and 8) are to be conveyed to the City for environmental protection purposes.

Official Plan and Zoning

2014 Official Plan, as partially approved on Oct 30, 2015, May 26, 2016, Mar 10, 2017, Apr 21, 2017 and Nov 24, 2017 (2014 Official Plan)

The subject property is designated “Residential Low Rise” in the 2014 Official Plan which provides for single detached dwellings. Section 8.2.3.5 in the 2014 Official Plan contains infill development criteria, with the intent being that infill development respects and reflects the existing patterns and character of adjacent development. The 2014 Official Plan includes an area-specific policy for portions of Oakcrest Avenue, Sabiston Drive and River Bend Road, as follows:

“9.19.2 Infill Development

For the “Residential Low Rise” lands shown on Figure 9.19.2, Council may consider a zoning by-law amendment to permit a consent (severance) to create one additional lot generally equal to one half of the area and frontage of lots from the original plans of subdivision for the lands. Where such consents (severances) are permitted, the lot frontage(s) and lot area(s) of the proposed new lot(s) shall be deemed consistent with the emerging lot sizes on the street where the property is located.

The intent of this Official Plan is to support infill development within this area, but ensure the massing of new dwellings or additions to existing dwellings respects and reflects the pattern and character of adjacent development, where appropriate. Site specific development standards established through individual zoning by-law amendments may address lot coverage, building depth, floor area ratios, height, number of storeys, garage projections and garage widths.”

This policy came out of a land use study undertaken by the City for this community in 2010/11 in response to a number of development applications to create new lots.

The rear portion of the subject lands is designated “Greenway - Natural Heritage Network”. This is a core element of the “Greenway” system and includes natural heritage and

hydrologic features and associated vegetative protection zones. Natural heritage and hydrologic features are generally intended to be conveyed into public ownership with the approval of development.

Zoning By-law 122.72, as amended

The subject lands are zoned Hold Single Family Residential [(H)R3] and Open Space (O1) under By-law 122.72, as amended, including site-specific development standards. The hold on the subject lands may not be removed until the issuance by the Secretary Treasurer of a consent to sever under subsection 53 (42) of the Planning Act. Amongst other standards, By-law 2016-103 establishes a minimum lot frontage and area of 14.5 metres and 510 m² on the subject lands.

PUBLIC INPUT SUMMARY

No written submissions have been received as of *February 16, 2018*. It is noted that additional comments may be received after the writing of the report, and the Secretary-Treasurer will provide comment on this at the meeting.

COMMENTS

The subject property underwent a re-zoning in 2016 to facilitate a severance to create the four proposed building lots. The implementing zoning amendment establishes the minimum lot frontage and area at 14.5 metres and 510 m². The proposed lots conform to the minimum lot frontage and area requirements of the by-law and are consistent with the intent of the area specific policies of the 2014 Official Plan.

Rear Portion of Subject Lands to be Conveyed to the City

The Owner has worked with the City and the Toronto and Region Conservation Authority (TRCA) to finalize the development limit in the rear yards. In accordance with the 2014 Official Plan and TRCA policy, as a condition of severance approval, staff request the rear portion of the subject lands be conveyed to the City free of all cost and encumbrances (see Appendix B – Draft Reference Plan – Parts 3, 4, 7 and 8).

Site Plan Approval Required

The subject property falls within an area of the City which is subject to site plan approval. Through the site plan approval process, staff will review the proposed elevations, undertake the review of a Tree Assessment and Preservation Plan, require the erection/inspection of tree protection fencing, and require any tree replacements and/or tree replacement fees.

CONCLUSION

In concluding, staff note the proposal is consistent with the emerging lot fabric and implements the recently adopted site-specific by-law. Staff have had regard for the criteria in Section 51 (24) of the Planning Act for reviewing severance applications. As conditions of severance approval, the Owner is required to provide cash-in-lieu of parkland based on the creation of two additional lots and convey the rear portion of the subject lands free of all cost and encumbrances. Staff recommend the conditions attached in Appendix D.

PREPARED BY:


Daniel Brutto, Planner, Central District

REVIEWED BY:


Richard Kendall, Development Manager, Central District

Appendix A – Aerial Photo

Appendix B – Draft Reference Plan

Appendix C – Supporting Plans

Appendix D – Conditions of Approval (2 sets)

Appendix E – TRCA Comments/Conditions (2 sets)



22 and 24 River Bend Road



Legend

- Road Attributes
- Building Footprints
- Ponds
- Creeks
- Rivers
- Parcel (MPAC)
- Park Facilities

Notes

Committee of Adjustment File No.'s:
B/31/17 and B/32/17

57.3 0 28.65 57.3 Meters

NAD_1983_UTM_Zone_17N
© City of Markham

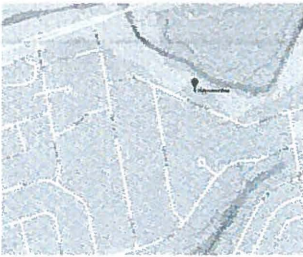
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

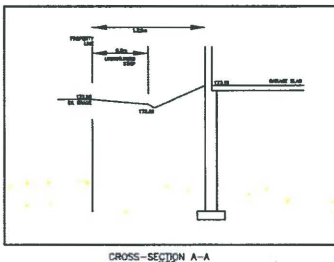
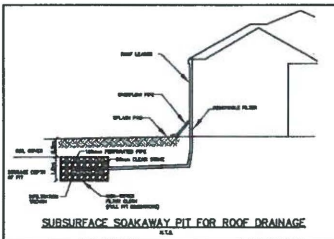


GENERAL NOTES

1. MEASUREMENTS IN METRES AND/OR MILLIMETRES UNLESS OTHERWISE SHOWN.
2. ALL DIMENSIONS AND ELEVATIONS TO BE CHECKED AND VERIFIED ON THE SITE BY THE CONTRACTOR AND ANY DISCREPANCIES TO BE REPORTED TO THE ENGINEER.
3. ALL LOCATIONS AND ELEVATIONS OF EXISTING SERVICE AND UTILITIES SHOWN ON THE PLANS ARE FOR REFERENCE PURPOSES ONLY. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING, RELOCATING AND PROTECTING ALL UTILITIES DURING CONSTRUCTION, AS REQUIRED.
4. ALL TRENCHING IS TO BE DONE IN ACCORDANCE WITH THE CONSTRUCTION SAFETY ACT.
5. ALL WORK SHALL BE IN ACCORDANCE WITH CURRENT ONTARIO PROVINCIAL STANDARD DRAWING SPECIFICATIONS, REGION OF YORK STANDARDS AND CITY OF MARKHAM STANDARDS UNLESS OTHERWISE NOTED.
6. ROAD OCCUPANCY PERMIT TO BE OBTAINED BY CONTRACTOR FROM CITY OF MARKHAM.
7. ROADS/DRIVEWAYS TO BE GRADED, TOPSOILED AND SODDED TO THE CITY'S SATISFACTION.
8. ALL EXISTING PAVEMENT, CURBS, SIDEWALKS, AND DRIVEWAYS AND ROADSIDE AREAS DISTURBED BY THE CONSTRUCTION MUST BE REINVESTED TO THE SATISFACTION OF THE CITY OF MARKHAM.
9. ALL RAINWATER LEADERS TO DISCHARGE ONTO SPLASH PADS AT GROUND LEVEL.



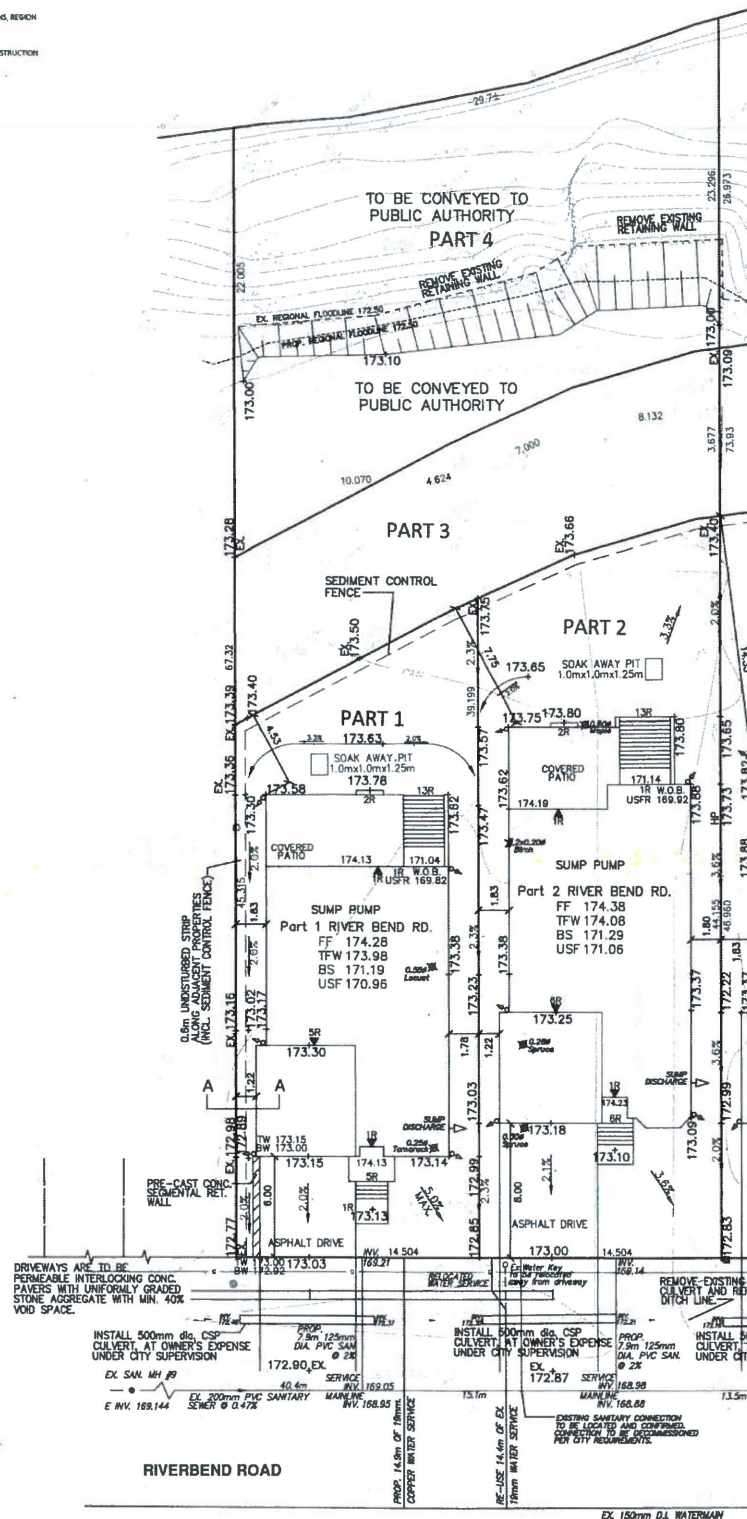
KEY PLAN



BUILDER TO VERIFY AND CONFIRM THE LOCATION AND INVERT ELEVATION OF THE EXISTING SANITARY LATERAL CONNECTIONS AND VERIFY WATERMAIN CONNECTION TOPOGRAPHICAL SURVEY INFORMATION RECEIVED FROM DONALD E. ROBERTS OLS, DATED SEPTEMBER 5 2014

ELEVATIONS ARE GEODETIC AND ARE REFERRED TO TOWN OF MARKHAM BM. NO. M-26-002
DESCRIPTION: TABLET SET IN TOP OF CONC. MONUMENT 7.9m N OF MOST NORTHERLY WALL & 6.7m W OF THE MOST WESTERLY WALL OF NO. 15 SWANSEA ROAD. ELEVATION 176.212m

CONSULTANTS DECLARATION: THE PROPOSED HOUSE TYPE IS COMPATIBLE WITH THE GRADING. THE PROPOSED DRIVEWAY LOCATIONS TO NOT CONFLICT WITH THE LOCATION OF ANY EXISTING ON STREET SERVICES.



BRUNDALE FINE HOMES
CITY OF MARKHAM (SC #15 244809)
22 RIVERBEND ROAD - PARTS 1 TO 4
REG. PLAN 3684

HOUSE SITING PLAN

LOT NO. 3684
THE PROPOSED LOT GRADING AND DRAINAGE IS APPROVED AS BEING IN CONFORMITY WITH THE OVERALL APPROVED GRADING PLANS FOR THE SUBDIVISION.
THIS REVIEW DOES NOT WARRANT THAT OTHER INFORMATION SHOWN ON THIS DRAWING IS ACCURATE OR COMPLETE. SOLE RESPONSIBILITY FOR THE DESIGN AND DETAILS SHALL REMAIN WITH THE DESIGNER.
NO COMMENT
COMMENTS AS NOTED
DATE: Sept 7, 17

CANDEVCON LIMITED
CONSULTING ENGINEERS AND PLANNERS

1800 CHAPMAN AVE. SUITE 402
R.L. (203) 315-3000

Drawn By: C.D. Checked By: M.F. Proj. No. E18069
Designed By: C.D. Checked By: M.F. DWG. No. HS-1
Scale: 1:200 Date: September 7, 2017

FILE: E18069 - RiverBendRoad.dwg

1. MEASUREMENTS IN METERS AND/OR MILLIMETERS UNLESS OTHERWISE SHOWN.
2. ALL DRAINHOES AND ELEVATIONS TO BE CHECKED AND VERIFIED ON THE SITE BY THE CONTRACTOR AND AIR DISCIPLES PARTIES TO BE REPORTED TO THE ENGINEER.
3. ALL DRAINHOES AND ELEVATIONS OF EXISTING SERVICE AND UTILITIES SHOWN ON THE PLANS ARE FOR REFERENCE PURPOSES ONLY. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING, RELOCATING, AND PROTECTING ALL UTILITIES DURING CONSTRUCTION, AS REQUIRED.
4. FENCING IS TO BE DONE IN ACCORDANCE WITH THE CONSTRUCTION SAFETY ACT.
5. ALL WORK SHALL BE IN ACCORDANCE WITH CURRENT ONTARIO PROVINCIAL STANDARD DRAWING SPECIFICATIONS, REGION OF YORK STANDARD AND CITY OF MARKHAM STANDARD UNLESS OTHERWISE NOTED.
6. ALL OCCUPANCY PERMIT TO BE OBTAINED FROM THE CITY OF MARKHAM.
7. BOULEVARDS TO BE GRADED, TOPSOILED AND SLOPED TO THE CITY'S SATISFACTION.
8. ALL EXISTING PAVEMENT CURBS, SIDEWALKS, AND DRIVEWAYS AND BOULEVARD ARE DEMANDATED BY THE CONTRACTOR TO BE IN ACCORDANCE WITH THE SATISFACTORY.
9. ALL RAINWATER LEADERS TO DISCHARGE ONTO SPLASH PANS AT GROUND LEVEL.



ELEVATIONS ARE GEODETIC AND ARE REFERRED TO TO

CONSULTANTS DECLARATION: THE PROPOSED HOUSE TYPE IS COMPATIBLE WITH THE GRADING. THE PROPOSED DRIVEWAY LOCATIONS TO NOT CONFLICT WITH THE LOCATION OF ANY EXISTING ON STREET SERVICES.

CONSULTANTS DECLARATION: THE PROPOSED HOUSE TYPE IS COMPATIBLE WITH THE GRADING. THE PROPOSED DRIVEWAY LOCATIONS TO NOT CONFLICT WITH THE LOCATION OF ANY EXISTING ON STREET SERVICES.



— DRIVEWAYS ARE TO BE PERMEABLE INTERLOCKING CONC. PAVERS WITH UNIFORMLY GRADED STONE AGGREGATE WITH MIN. 40% VOID SPACE.

REMOVE EXISTING CULVERT AND
INSTALL 500mm dia. CSP CULVERT
AT OWNER'S EXPENSE UNDER CITY SUPERVISION

BRUNDALE FINE HOMES
CITY OF MARKHAM (SC #15 244809)
22 RIVERBEND ROAD - PARTS 5 TO 8
REG. PLAN 3684

HOUSE SITING PLAN

LOT NO. 546 REGISTERED PLAN 3684

THE PROPOSED LOT GRADING AND DRAINAGE IS APPROVED AS BEING IN CONFORMITY WITH THE OVERALL APPROVED GRADING, DRAINAGE, ETC. FOR THE SUBDIVISION.

THIS REVIEW DOES NOT WARRANT THAT OTHER INFORMATION SHOWN ON THIS DRAWING IS ACCURATE OR COMPLETE. SO RESPONSIBILITY FOR THE DESIGN AND DETAILS SHALL REMAIN WITH THE DESIGNER.

NO COMMENT  REVIEWED BY 

NO COMMENT ☒ REVIEWED BY *U*
COMMENTS AS NOTED ☐ DATE *SEP 7 17*

CD CANDEVCON LIMITED

EDC CANDEVCON LIMITED
CONSULTING ENGINEERS AND PLANNERS

1600 CHAMPLAIN AVE., SUITE 402
TEL. (209) 315-3600

Drawn By:	C.D.	Checked By:	M.F.	Proj. No.	E16099
Designed By:	C.D.	Checked By:	M.F.	DWG. No.	
Scale:	1:200	Date:	September 7, 2017	HS-2	

FILE: E16089 OberlandBund.de

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/31/17 (22 RIVER BEND)

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled;
2. Submission to the Secretary-Treasurer of the required transfers to effect the severance applied for under File B/31/17, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act;
3. Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted;
4. Submission of an Appraisal Report prepared by a member of the Appraisal Institute of Canada in accordance with the City's terms of reference respecting the proposed new lot shown as Part 1 on the Draft Reference Plan submitted with the application; to be reviewed and approved by the City; payment of cash-in-lieu of parkland dedication in accordance with By-law 195-90, as amended or proof of previous payment or dedication for the additional lot created, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate;
5. Payment of the required Conveyance Fee for the creation of a residential lot per City of Markham Fee By-law 211-83, as amended;
6. That the Owner provide confirmation from an Ontario Land Surveyor that the severed and retained parcels, in their final configuration, meets all the requirements of the applicable Zoning By-law, and that the Secretary-Treasurer receive written confirmation that this condition has been satisfied to the satisfaction of the Zoning Supervisor or their designate;
7. That the Owner make satisfactory arrangements with the Director of Engineering or their designate, to confirm that there are no existing easements registered on title in favour of the City that will be impacted by the proposed severance and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or their designate;
8. That the Owner provide confirmation that any and all existing services for the Retained Lot do not traverse the Severed Lot and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or their designate;

9. That Parts 3 and 4 be conveyed to the City free of all cost and encumbrances and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate;

10. That the Owner submit to the City the following:

- i. Phase One Environmental Site Assessment (ESA) and Phase Two ESA (If recommended through the Phase One ESA) by a Qualified Person, in accordance with the O.Reg. 153/04 as amended for the land to be conveyed to the City.
- ii. Provide an Environmental Clearance and Reliance letter as per the City's template. Note that no changes are allowed to the template except where indicated.
- iii. A Record of Site Condition, filed on the Provincial Environmental Site Registry for the land to be conveyed to the City.
- iv. Fees to pay for the costs associated with the City retaining a third-party reviewer for the peer review service.
- v. Further remedial action plan if during construction, contaminated soils or materials are discovered, the Owner shall inform the Director of Engineering immediately, and undertake, at its own expense, the necessary measures to identify and remediate the contaminated soils or groundwater, all in accordance with the Environmental Protection Act and its regulations, and City's requirements to the satisfaction of the Director of Engineering and the Ministry of Environment and Climate Change

11. The Owner shall enter into a Development Agreement with the City to the satisfaction of the Director of Planning and Urban Design, the City Solicitor, and the Director of Engineering, or their designates, which Development Agreement shall be registered on title to the lands in priority to all mortgages, charges, liens and other encumbrances, and the Owner shall procure and cause to be executed and registered at its own cost and expense such discharges, postponements, and subordination agreements as may be required by the City in order to provide for the priority of registration for the Development Agreement on title to the Lands. The Development Agreement shall specifically provide for matters including but not limited to:

- a) Payment of all applicable fees in accordance with the City's fee by-law;
- b) Assessment, preservation and canopy replacement compensation as they relate to significant existing vegetation, subject to review and approval by the Director of Planning and Urban Design;

- c) Erection and inspection by City staff of tree protection fencing, in accordance with the City's Streetscape Manual (2009), as amended, and the Tree Assessment and Preservation Plan;
 - d) Siting of buildings, garages/driveways, lot grading and servicing plans as they relate to preservation of vegetation and replacement plantings, subject to review and approval by the Director of Planning and Urban Design;
 - e) Payment of cash-in-lieu of Parkland Dedication in accordance with By-law 195-90, as amended, upon execution of the development agreement, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate; and,
 - f) To provide notice to all future owners that the lands may not be connected to the City's water system, sewage system and/or drainage system (The "Municipal Services"), and that in order to connect to the Municipal Services, the Owner must submit an application to the City and pay for the connections to the Municipal Services, which shall be installed by the City.
12. That the Owner satisfies the requirements of the Toronto and Region Conservation Authority (TRCA), financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix E to this Staff Report, to the satisfaction of the TRCA, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the TRCA; and,
13. Fulfillment of all of the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act, R.S.O. 1990, c.P.13.

CONDITIONS PREPARED BY:



Daniel Brutto, Planner, Central District

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/32/17 (24 RIVER BEND)

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled;
2. Submission to the Secretary-Treasurer of the required transfers to effect the severance applied for under File B/32/17, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act;
3. Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted;
4. Submission of an Appraisal Report prepared by a member of the Appraisal Institute of Canada in accordance with the City's terms of reference respecting the proposed new lot shown as Part 5 on the Draft Reference Plan submitted with the application; to be reviewed and approved by the City; payment of cash-in-lieu of parkland dedication in accordance with By-law 195-90, as amended or proof of previous payment or dedication for the additional lot created, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate;
5. Payment of the required Conveyance Fee for the creation of a residential lot per City of Markham Fee By-law 211-83, as amended;
6. That the Owner provide confirmation from an Ontario Land Surveyor that the severed and retained parcels, in their final configuration, meets all the requirements of the applicable Zoning By-law, and that the Secretary-Treasurer receive written confirmation that this condition has been satisfied to the satisfaction of the Zoning Supervisor or their designate;
7. That the Owner make satisfactory arrangements with the Director of Engineering or their designate, to confirm that there are no existing easements registered on title in favour of the City that will be impacted by the proposed severance and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or their designate;
8. That the Owner provide confirmation that any and all existing services for the Retained Lot do not traverse the Severed Lot and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or their designate;

9. That Parts 7 and 8 be conveyed to the City free of all cost and encumbrances and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate;

10. That the Owner submit to the City the following:

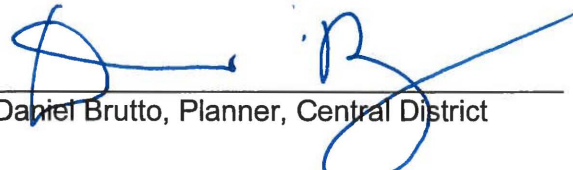
- i. Phase One Environmental Site Assessment (ESA) and Phase Two ESA (If recommended through the Phase One ESA) by a Qualified Person, in accordance with the O.Reg. 153/04 as amended for the land to be conveyed to the City.
- ii. Provide an Environmental Clearance and Reliance letter as per the City's template. Note that no changes are allowed to the template except where indicated.
- iii. A Record of Site Condition, filed on the Provincial Environmental Site Registry for the land to be conveyed to the City.
- iv. Fees to pay for the costs associated with the City retaining a third-party reviewer for the peer review service.
- v. Further remedial action plan if during construction, contaminated soils or materials are discovered, the Owner shall inform the Director of Engineering immediately, and undertake, at its own expense, the necessary measures to identify and remediate the contaminated soils or groundwater, all in accordance with the Environmental Protection Act and its regulations, and City's requirements to the satisfaction of the Director of Engineering and the Ministry of Environment and Climate Change

11. The Owner shall enter into a Development Agreement with the City to the satisfaction of the Director of Planning and Urban Design, the City Solicitor, and the Director of Engineering, or their designates, which Development Agreement shall be registered on title to the lands in priority to all mortgages, charges, liens and other encumbrances, and the Owner shall procure and cause to be executed and registered at its own cost and expense such discharges, postponements, and subordination agreements as may be required by the City in order to provide for the priority of registration for the Development Agreement on title to the Lands. The Development Agreement shall specifically provide for matters including but not limited to:

- a) Payment of all applicable fees in accordance with the City's fee by-law;
- b) Assessment, preservation and canopy replacement compensation as they relate to significant existing vegetation, subject to review and approval by the Director of Planning and Urban Design;

- c) Erection and inspection by City staff of tree protection fencing, in accordance with the City's Streetscape Manual (2009), as amended, and the Tree Assessment and Preservation Plan;
 - d) Siting of buildings, garages/driveways, lot grading and servicing plans as they relate to preservation of vegetation and replacement plantings, subject to review and approval by the Director of Planning and Urban Design;
 - e) Payment of cash-in-lieu of Parkland Dedication in accordance with By-law 195-90, as amended, upon execution of the development agreement, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate; and,
 - f) To provide notice to all future owners that the lands may not be connected to the City's water system, sewage system and/or drainage system (The "Municipal Services"), and that in order to connect to the Municipal Services, the Owner must submit an application to the City and pay for the connections to the Municipal Services, which shall be installed by the City.
12. That the Owner satisfies the requirements of the Toronto and Region Conservation Authority (TRCA), financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix E to this Staff Report, to the satisfaction of the TRCA, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the TRCA; and,
13. Fulfillment of all of the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act, R.S.O. 1990, c.P.13.

CONDITIONS PREPARED BY:



Daniel Brutto, Planner, Central District



December 11, 2017

CFN: 56971.12
X CFN: 52389.05

BY E-MAIL ONLY

Mr. Rick Cefaratti
Acting Secretary-Treasurer
Committee of Adjustment
City of Markham
101 Town Centre Boulevard
Markham, ON
L3R 9W3

Dear Mr. Cefaratti:

Re: Consent Application - B/31/17
22 River Bend Road, Markham, ON
Antonio Bruno (Owner)
Jim Kotsopoulos (Agent)

This letter will acknowledge receipt of the above noted application. Toronto and Region Conservation Authority (TRCA) staff have reviewed this application and provide the following comments.

PURPOSE OF THE APPLICATION
B/31/17

It is our understanding that the purpose of the consent application is to:

- a. sever and convey a parcel of land with an approximate area of 610.1 m² and lot frontage of 14.504 m (Part 2);
- b. retain a parcel of land with an approximate area of 514.5 m² and lot frontage of 14.504 m (Part 1).

Parts 3 and 4 with an approximate area of 902.9 m² are to be conveyed to the City of Markham.

APPLICABLE TRCA REGULATIONS AND POLICIES

Ontario Regulation 166/06 (as amended):

The rear of the subject property is located within TRCA's Regulated Area, as it is traversed by the Rouge River valley corridor. In accordance with Ontario Regulation 166/06, as amended, (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), a permit is required from the TRCA prior to any of the following works taking place:

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

Development is defined as:

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

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

The LCP describes a "Natural System" of water resources, natural features and areas, natural hazards, potential natural cover and/or buffers. TRCA policies generally require that natural features within the "Natural System" be protected from development, site alteration and infrastructure. Notwithstanding additional setbacks prescribed by federal, provincial or municipal requirements, TRCA defines the limit of the "Natural System" as the greater of, but not limited to the following:

- Valley and Stream Corridors: 10 metre buffer from the greater of the long-term stable top of slope (LTSTOS), top of slope (TOS), Regulatory Floodplain, meander belt and any contiguous natural features or areas;
- Woodlands: 10 metre buffer from the dripline and any contiguous natural features or areas;
- Wetlands: 30 metre buffer from Provincially Significant Wetlands (PSWs) and a 10 metre buffer from all other wetlands and any contiguous natural features or areas.

APPLICATION SPECIFIC COMMENTS**Planning & Development:**

As noted above, the subject property is within a TRCA Regulated Area of the Rouge River Watershed. To ensure the long-term protection and maintenance of natural systems within our jurisdiction, we recommend that through the planning approvals process, all lands containing natural features and hazards be zoned for environmental protection (i.e. Open Space/Hazard Land) and gratuitously dedicated into public ownership, free and clear of all encumbrances. Additionally, in accordance with TRCA policies, lot creation is not permitted within hazardous lands (including associated buffers) as to do so would increase the flood and erosion risk associated with the previous/existing development.

Please note, TRCA staff have recently reviewed a related Site Plan Control (SC 15 244809) and Zoning Amendment (ZA 15 244809) application for the rezoning of 22 & 24 River Bend Road, Markham to permit the construction of 4 (four) new two-storey single family detached dwellings. Through our concurrent review, we are of the understanding that Parts 3 & 4 are to be conveyed into public ownership (lands to be conveyed), while Parts 1 & 2 are to be retained and the latter severed to facilitate the construction of a single family dwelling on each lot. As such, we have no objections to the requested severance application as currently submitted. However, in accordance with past TRCA correspondence to the City for the associated application, a number of comments pertaining to our geotechnical and ecology related concerns have yet to be addressed. These outstanding concerns can be addressed through the Site Plan Control and Zoning Amendment application process.

Permitting:

As noted above, the subject property is located within TRCA's Regulated Area. On this basis, a TRCA permit is required from this Authority prior to the proposed works commencing on the subject site, pursuant to Ontario Regulation 166/06, as amended. Details with respect to permit submission requirements are available on our website (<https://trca.ca/planning-permits/apply-for-a-permit/>).

APPLICATION FEE

Please be advised, in addition to TRCA's Regulating responsibilities, TRCA has a role as a commenting agency for *Planning Act* applications circulated by member municipalities to assess whether a proposed development may be impacted by the TRCA. By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services.

By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. This application is subject to a \$1,325.00 review fee (2016 TRCA Planning Fees Schedule –Consent/Severance/Land Division – Minor). The applicant is responsible for fee payment and should forward the fee to this office within 60 days of this letter.

RECOMMENDATION

Based on the above, TRCA staff have **no objections** to the approval of the above noted application subject to the following conditions:

1. The applicant successfully obtains a permit under Ontario Regulation 166/06 for the proposed works;
2. The applicant remits the outstanding TRCA Planning Services review fee of \$1,325.00 within 60 days of this letter.

I trust these comments are of assistance. Should you have any further questions or comments, please do not hesitate to contact the undersigned.

Sincerely,



Aidan Pereira
Planner I, Planning & Development
apereira@trca.on.ca
Extension 5723

AP/as



Toronto and Region
Conservation
for The Living City

December 11, 2017

CFN: 56971.13
X CFN: 52389.05

BY E-MAIL ONLY

Mr. Rick Cefaratti
Acting Secretary-Treasurer
Committee of Adjustment
City of Markham
101 Town Centre Boulevard
Markham, ON
L3R 9W3

Dear Mr. Cefaratti:

Re: Consent Application - B/32/17
24 River Bend Road, Markham, ON
Gennaro Bruno (Owner)
Jim Kotsopoulos (Agent)

This letter will acknowledge receipt of the above noted application. Toronto and Region Conservation Authority (TRCA) staff have reviewed this application and provide the following comments.

PURPOSE OF THE APPLICATION
B/32/17

It is our understanding that the purpose of the consent application is to:

- a. sever and convey a parcel of land with an approximate area of 588.81 m² and lot frontage of 15.393 m (Part 6);
- b. retain a parcel of land with an approximate area of 647 m² and lot frontage of 15.392 m (Part 5).

Parts 7 and 8 with an approximate area of 927.2 m² are to be conveyed to the City of Markham.

APPLICABLE TRCA REGULATIONS AND POLICIES

Ontario Regulation 166/06 (as amended):

The rear of the subject property is located within TRCA's Regulated Area, as it is traversed by the Rouge River valley corridor. In accordance with Ontario Regulation 166/06, as amended, (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), a permit is required from the TRCA prior to any of the following works taking place:

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

Development is defined as:

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

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

The LCP describes a "Natural System" of water resources, natural features and areas, natural hazards, potential natural cover and/or buffers. TRCA policies generally require that natural features within the "Natural System" be protected from development, site alteration and infrastructure. Notwithstanding additional setbacks prescribed by federal, provincial or municipal requirements, TRCA defines the limit of the "Natural System" as the greater of, but not limited to the following:

- Valley and Stream Corridors: 10 metre buffer from the greater of the long-term stable top of slope (LTSTOS), top of slope (TOS), Regulatory Floodplain, meander belt and any contiguous natural features or areas;
- Woodlands: 10 metre buffer from the dripline and any contiguous natural features or areas;
- Wetlands: 30 metre buffer from Provincially Significant Wetlands (PSWs) and a 10 metre buffer from all other wetlands and any contiguous natural features or areas.

APPLICATION SPECIFIC COMMENTS**Planning & Development:**

As noted above, the subject property is within a TRCA Regulated Area of the Rouge River Watershed. To ensure the long-term protection and maintenance of natural systems within our jurisdiction, we recommend that through the planning approvals process, all lands containing natural features and hazards be zoned for environmental protection (i.e. Open Space/Hazard Land) and gratuitously dedicated into public ownership, free and clear of all encumbrances. Additionally, in accordance with TRCA policies, lot creation is not permitted within hazardous lands (including associated buffers) as to do so would increase the flood and erosion risk associated with the previous/existing development.

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APPLICATION FEE

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RECOMMENDATION

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I trust these comments are of assistance. Should you have any further questions or comments, please do not hesitate to contact the undersigned.

Sincerely,



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