

Memorandum to the City of Markham Committee of Adjustment

December 15, 2020

File: B/015/20, A/098/20, and A/099/20
Address: 159 John St Thornhill
Applicant: Joseph Battaglia
Agent: JKO Planning Services Inc. (Jim Kotsopoulos)
Hearing Date: Wednesday January 20, 2021

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

B/015/20

The applicant is requesting provisional consent to:

- a) sever and convey a parcel of land with an approximate lot frontage of 17.73 m (58.17 ft) and an approximate lot area of 561.71 sq. m (6,046.2 sq. ft.) (Part B);
- b) retain a parcel of land with an approximate lot frontage of 23.39 m (76.74 ft.) and approximate lot area of 763.30 sq. m (8,216.09 sq. ft..) (Part A).

The purpose of this application is to create a new residential lot fronting John Street. This application is accompanied by the variance applications A/098/20 for the retained lot (Part A) and A/099/20 for the proposed new lot (Part B)

A/098/20 (retained lot)

The applicant is requesting relief from the following requirements of By-law 2237, R2 as amended, to permit:

- a) a minimum lot area of 8,216.11 sq.ft, whereas the By-law requires a minimum lot area of 9,750 sq.ft;
- b) a minimum front yard setback of 24.8 feet, whereas the By-law requires a minimum front yard setback of 27 feet;
- c) a minimum rear yard setback 8.2 feet, whereas the By-law requires a minimum rear yard setback of 30 feet;
- d) a maximum building depth of 23.08 metres, whereas the By-law permits a maximum building depth of 16.8 metres;
- e) a minimum driveway setback of 0.6 metres, whereas the By-law requires a minimum interior side yard setback of 1.2 metres for a driveway;

A/099/20 (new lot)

The applicant is requesting relief from the following requirements of By-law 2237, R2 as amended, to permit:

- a) a minimum lot frontage of 56 feet, whereas the By-law requires a minimum lot frontage of 75 feet;
- b) a minimum lot area of 6,046.19 sq.ft, whereas the By-law requires a minimum lot area of 9,750 sq.ft.;
- c) a minimum front yard setback of 20.2 feet, whereas the By-law requires a minimum front yard setback of 27 feet;

- d) a minimum flankage yard setback of 9 inches (0.75 feet), whereas the By-law requires a minimum flankage yard setback of 15 ft 5 in;
- e) a minimum rear yard setback of 5.9 feet, whereas the By-law requires a minimum rear yard setback of 30 feet;
- f) a maximum building depth of 25.28 metres, whereas the By-law permits a maximum building depth of 16.8 metres;
- g) a maximum floor area ratio of 82.6 percent (4,997.64 sq.ft.), whereas the By-law permits a maximum floor area ratio of 33 percent (1,995 sq.ft.);
- h) a porch stair/eaves to encroach up to the lot line, whereas the By-law permits a maximum encroachment of 18 inches into the required yard;

as they relate to the retained lot (Part A) and the proposed new building lot (Part B) that are the subject of the consent application B/015/20

BACKGROUND

Property Description

The 1,325.0 m² (14,262.3 ft²) subject property is located at the south east corner of John Street and Johnson Street within the Thornhill Heritage Conservation District (See Figure 1-Location Map) The property is occupied by a 209.3m² (2,252.8 ft²), one and one half storey single detached house with an attached garage at the far south end of the property (See Figure 2-Photograph of the Existing Heritage Dwelling). According to City records, the Arts and Crafts style house was constructed circa 1920 for Matthew Johnson, whom Johnston Street is named after, and whose family operated a market garden on 20 acres for almost 3 decades before it was subdivided into several residential lots prior to Mr. Johnston selling the property in 1952.

The Johnson house represents the oldest house in the District on the south side of the John Street between Johnston Street and Don Valley Park which marks the eastern border of the Thornhill Heritage Conservation District, as all the other homes of this section of John Street date to the late 1940's or later, and were constructed on lots severed from the original 20 acre Johnston farm. Because of this, the Johnston house is identified as a Class 'A' building/property in the Thornhill Heritage Conservation District Plan which means that the building/property:

- Possesses cultural heritage value;
- Maintains the heritage character of the district;
- Possesses heritage attributes or features, characteristics, forms, locations, spatial configurations, uses or historical associations that contribute to the cultural heritage value of the District;
- Was identified as having architectural and historical significance in the original 1986 Heritage District Plan.

It would appear that the lots east of the subject lot were further divided into two, to create new building lots fronting Ida Street to the south in the 1960's, based on the earliest construction dates of the homes that front Ida Street.

However, the corner lot occupied by the Johnston house appears to have been severed into three lots in the 1960's which was possible due to the Johnson Street frontage,

creating new building lots at 77 and 75 Johnson Street, which left the Johnston house with a rear yard that is little more than 3.15m (10 ft.) deep.

An approximately 27 ft. deep piece of property fronting John St. was conveyed to the City for road widening purposes, likely as a condition of one of the past severance applications for 159 John St. This is the only property in this section of John St. to have conveyed any land for a future road widening to the City.

Proposal

The applicant is proposing to further subdivide 159 John Street into two lots, to create a new 561.71 m² (6,046.2 ft².) building lot (Part B) in front of the existing Johnson House, in order to construct a proposed 464.24m² (4,997.6 ft²) one and one half storey house facing John Street, while retaining a 763.30 m² (8,216.09 ft²) lot (Part A) occupied by the existing Johnston House (See Figure 3-Proposed Severance and New Dwelling).

Several of the variances associated with the retained lot and the existing house, and the proposed new lot and new dwelling are the result of the discrepancy between how the frontage of a lot is defined by the Zoning By-law, which considers the front of the lot as the narrowest lot dimension facing a street (Johnston Street) and how both lots function based on the architecture of both the retained Johnston House, and the proposed new dwelling, which face John Street.

The requested variances to permit a reduced minimum lot area on the retained lot and reduced minimum lot area and frontage and an increased floor area ratio on the proposed new lot are not affected by the discrepancy between the front of the lot from a zoning perspective and how the lots actually function.

However, the requested variance to permit an increased floor area ratio on the proposed new lot is affected by the loss of the 27 ft. deep parcel of land along John Street that was conveyed to the City for road widening purposes.

Official Plan and Zoning

Official Plan 2014

The subject property is designated 'Residential – Low Rise', which provides for low rise housing forms including single detached dwellings. In considering applications for development approval in a 'Residential Low Rise' area, which includes severances and infill development, the proposed severance is required to meet the general intent of Section 8.2.3.5 of the 2014 Official Plan with respect to lot frontage and lot area to ensure that the development is appropriate for the site, and generally consistent with the zoning requirements for adjacent properties and properties along the same street. Regard shall also be had for retention of existing trees and vegetation, the width of proposed garages and driveways and the overall orientation and sizing of new lots within a residential neighbourhood.

Section 9.18.13. of the Official Plan provides area and site specific policies for 'Residential Low Rise' lands in the Thornhill Heritage Centre which state that the objective of the Thornhill Heritage Centre is to recognize the distinct character or of heritage buildings,

historic sites and landscapes of the Thornhill Heritage Conservation District and to ensure that compatible infill development and redevelopment will enhance the District's heritage character and complement the area's village-like, human scale of development.

Section 9.18.13.3. a) states that all new development and redevelopment including parks and plazas in the Thornhill Heritage centre shall conform to the Thornhill Heritage Conservation District Plan, which shall take precedence over any policies of the Official Plan 2014 and section 9.18.13.4. b) only permits detached dwellings.

Section 4.5.3.10 of the Official Plan contains Cultural Heritage Policies related to Development Approvals requiring the evaluation of each land severance and variance proposal that directly affects a cultural heritage resource itself and adjacent lands on its own merits and its compatibility with the heritage policies of this Plan and the objectives and policies of any applicable heritage conservation district plan. This shall include the preservation of the existing lot fabric or historical pattern of lot development on the specific street or in the immediate neighbourhood where it contributes to the uniqueness, and forms part of the historical character of the area.

Zoning By-law 2237

The property is zoned R2 "Residential" under By-law 2237, as amended. The R2 zone provisions require a minimum lot area of 9,750 ft² and a minimum lot frontage of 75 ft. Neither the proposed retained lot, or the proposed building lot meet the minimum lot size prescribed by the By-law and the proposed new lot does not meet the minimum required lot frontage.

Thornhill Heritage Conservation District Plan

The Thornhill Heritage Conservation District Plan contains the following policies related to proposed severances and variance applications:

- Each land division proposal and variance will be evaluated on its own merits and as to its compatibility with the objectives and policies of the District Plan; and
- The retention of the variety of different lots sizes and frontages in the district is important and is supported, as this is part of the unique character of the heritage district.

COMMENTS

Consent application are evaluated in the context of Section 51 (24) of the *Planning Act*, as well as provincial and local land division policies.

LAND DIVISION

In order for land division to occur under the *Planning Act*, the process requires both provincial interests and local planning concerns to be satisfied. In Markham, land division is regulated within a policy-led planning system that consists of a number of inter-related types of legislation and policies including:

- The Planning Act and the Provincial Policy Statement (PPS)
- Other Provincial Plans (if applicable)
- Markham Official Plan
- Community Improvement Plans (if applicable)
- Local Zoning By-laws

- Site Plan Control Area By-law

a) The Planning Act

The *Planning Act* in Ontario provides the framework for the province's policy-led planning system. All decisions regarding consent applications must:

- Have regard to criteria listed in subsection 51(24) which relates to the subdivision of land, and includes, but is not limited to:
 - Effect on matters of provincial interest listed in section 2 of the Act;
 - Suitability of the land for the purposes for which it is to be subdivided;
 - Lot dimensions and shapes;
 - Restrictions of the land;
 - Interrelationship with site plan control matters

Each of these criteria is explored below:

Matters of Provincial Interest

The subject property at 159 John Street does involve a matter of provincial interest, that being Section 2(c) "the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest" as the property is located in a designated heritage conservation district and is occupied by a Class 'A' heritage dwelling. This home and its relationship to John Street will be negatively impacted by the proposed severance and proposed new house which will block views between the Johnson House and John St., necessitate the removal of some mature trees, and further reduce the variety of lot sizes in the District which both contribute to the unique heritage character of the neighbourhood.

Suitability of the Land for its Intended Use

The property is in residential use and both the conveyed and retained lot are proposed to remain in low rise residential use.

Lot Dimensions and Shapes

The dimensions of the existing lot can be considered similar and compatible with adjacent lots. However the proposed severance would create a lot that is significantly smaller than the adjacent lots on the south side of John Street between Johnson Street and Don Valley Park. The shape of the lots is also not compatible.

Restrictions on the Land and Interrelationship with Site Plan Control Matters

The restrictions on the subject property relate to the fact that the property is officially designated pursuant to Part V of the *Ontario Heritage Act*. Council has adopted a heritage conservation district plan through a specific by-law. This heritage plan provides policies and design guidelines to guide alterations and development. The owner must obtain a "Heritage Act" permit from the municipality to alter any part of the property, or to erect, demolish or remove any building on the property. Therefore any new development (lot creation and any future buildings) are subject to the restrictions and guidance found in the heritage conservation district plan. The proposed severance and proposed new house undermines and diminishes the heritage significance of the existing property and Johnson House by blocking it from view from John Street and creates an undesirable condition where the architectural front of the culturally significant Johnson House will face the rear yard of the proposed new house. This type of condition would generally not be supported from an Urban Design perspective, even if it did not affect a culturally significant property.

Furthermore, due to previous severances, the Johnson House lacks a meaningful rear yard amenity space. The Johnson House's lack of a large rear yard is currently compensated for by the existing expansive park-like front yard that is considered to be a character defining feature of the property that underscores the significance of the Johnson House and contributes to the variety of lot sizes valued in the Thornhill Heritage Conservation District Plan.

Although the proposed new house could generally be said to comply with the policies and guidelines contained in the Thornhill Heritage Conservation District Plan as they apply to new homes, that does not mitigate the negative impacts the proposed severance and new house would have on the Johnson House and heritage district as a whole (See Figure 4-John Street Elevation of the Proposed New Dwelling).

b) Consistency with the Provincial Policy Statement

The Provincial Policy Statement (PPS) 2020 sets the policy foundation for regulating the development and use of land in Ontario. Decisions that affect a planning matter are to be consistent with the Provincial Policy Statement. Section 2.6 of the PPS addresses cultural heritage resources. The policy requires that significant built heritage resources and **significant cultural heritage landscapes (a heritage conservation district) shall be conserved, and that Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.**

The proposed severance and new house does not conserve a heritage attribute of the property, namely the expansive front lawn and certain trees that contribute to the heritage significance of the property, neither does it conserve the historic relationship of the Johnston house to John St. The heritage attributes of the front of the existing dwelling are also diminished with the placement of a new dwelling in its front yard.

c) Conformity with the Official Plan

The Official Plan represents the municipality's chief planning tool to provide direction to approval authorities and the public on local planning matters. The 2014 Official Plan includes applicable policies respecting **infill development** (Section 8.2.3.5) and **heritage conservation** (Section 9.13.4.1 and Sections 4.5.3.9 and 4.5.3.10).

Infill Development

Section 8.2.3.5 which describes development criteria or infill development in areas designated as "Residential Low Rise" states that Council shall ensure infill development respects and reflects the existing pattern and character of adjacent development by ensuring that the lot frontages and lot areas of the proposed new lots shall be consistent with the sizes of existing lots on both sides of the street on which the property is located. Although the length of the frontage along John Street would not be altered by the proposed severance, the proposed new and retained lot would become the two smallest lots on this section of John St, taking into account both sides of the street.

Heritage Conservation

The Land Use Objectives described in Section 9.18.13. of the 2014 Official Plan regarding the Thornhill Heritage Centre and Conservation District are to recognize the distinct

character of the heritage buildings, historic sites and landscapes of the Thornhill Heritage Conservation District and ensure that compatible infill development and redevelopment will enhance the District's heritage character and complement the area's village-like, human scale of development.

The proposed house could generally be considered to be compatible infill development if not for the fact that that the proposed severance and house would eliminate the expansive front lawn of the property which contributes to the historic uniqueness of the district, and supports and enhances the cultural heritage significance of Johnston House.

Heritage Markham reviewed the severance and associated variance applications on December 9, 2020 and did not recommend support of the proposed severance, new dwelling, and associated variances (See Figure 5- Heritage Markham Extract of December 9, 2020)

d) Compliance with the Zoning By-law

The zoning by-law enables the municipality to implement the vision set out in the Official Plan. It identifies the permitted land uses and the required development standards. Although the proposed lot would support the use of a single detached dwelling, the high number variances (13) required to facilitate the severance, and to accommodate development on the proposed lots suggest that the overall proposal does not reflect the intent or goals of the Zoning By-law, despite the previous noted discrepancy between the functional and architectural realities of the proposed and retained house and how the Zoning By-law interprets the front of the proposed lots.

The requested variances to permit a reduced minimum lot area, minimum rear yard setback on the retained lot highlight the lack of a suitable amenity space, and requested variances to permit a reduced minimum lot area, minimum frontage and an increased maximum net floor area ratio of the proposed new house, suggest that the proposed new lot is out of character with neighbouring lots to the east which comply with these development standards of the By-law

e) Site Plan Control Area By-law

As noted in section a), the property is subject to the City's Site Plan Control By-law to ensure that future development is compatible and addresses City goals and objectives. All properties in heritage conservation district in the City are subject to site plan control and the execution of a Site Plan Agreement.

CONCLUSION

In concluding that the proposal is inappropriate, staff have had regard for the criteria in Section 51 (24) of the Planning Act, and are of the opinion that the proposed severance

is not supportable as it would foster an infill development that negatively impacts the overall heritage character of the District and the historic Johnston Home.

Please see Appendix 'A' for conditions to be attached should the Committee find merit in and approve the proposed severance.

VARIANCES

Zoning Preliminary Review (ZPR) Undertaken

The owner completed a Zoning Preliminary Review (ZPR) on October 26, 2020 to confirm the variances required for the proposed development.

Planning Comments:

The Planning Act states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- c) The general intent and purpose of the Zoning By-law must be maintained;
- d) The general intent and purpose of the Official Plan must be maintained

It is the opinion of Planning staff that an in-depth discussion of all the requested variances on both the proposed new lot and the retained lot is not warranted or useful in determining the appropriateness of the proposed severance and the associated variance applications.

Most of the requested variances when examined from the standpoint of whether they are minor in nature would meet this test primarily due to the discrepancy between how the Zoning By-law defines the front of the proposed lots and how the homes are designed from an architectural perspective and how they function. Due to this situation, the By-law considers yards that function as rear yards to be side yards, yards that function as side yards to be front and rear yards, a yard that functions as a front yard is considered a flankage yard, and the width of the proposed and retained homes are considered to be the building depth. In light of these discrepancies, the ability of any one of these and similar variances to meet this first test reveals little about the appropriateness of the applications.

However, a few of the requested variances do stand out as not being minor in nature, such as the requested variance on the retained lot to permit a minimum lot area of 8,216 ft² which represents a 15.7% reduction from the 9,750 ft² required by the By-law, or the requested variances to permit a minimum lot area of 6,046 ft² which represents a 37.9% reduction in what is required by the By-law, and the requested variance to permit a maximum net floor area ratio of 82.6% which represents a 150.3% increase from the 33% permitted by the By-law, on the proposed new lot.

However, in the opinion of Planning staff it is the three last tests prescribed by the Planning Act that are the most revealing and informative in reviewing the requested variances and the associated severance application.

It is the opinion of Planning Staff that the requested variances are undesirable for the appropriate development of the land, and that they do not meet the general intent and purposed of the Zoning By-law and Official Plan because they support a proposed severance that is poorly considered from a Urban Design perspective by having the front of an existing house look into the rear yard of the proposed new house, and because the proposed severance and new house would negatively impact the heritage character of the Thornhill Heritage Conservation District, and diminish the cultural heritage significance of the Johnston House, a building which is identified as a Class 'A' heritage building.

The intent of the City's Official Plan is to preserve the unique historic character of the Thornhill Heritage Conservation District by deferring to the policies and guidelines contained in the Thornhill Heritage Conservation District Plan. The proposed severance, new dwelling and requested variances would diminish the unique historic character of the neighbourhood by eliminating the varying lot sizes encouraged by the District Plan, by removing trees and green space, which in turn diminishes the significance of the historic Johnson House by reducing its visibility from John Street. The existing Johnson House has already suffered the loss of its back yard from previous severances, the proposed loss of its front yard and facing into the rear yard of the proposed new house would only make the Johnston house a less desirable residence. It is the opinion of Planning staff, that the old Johnson farm property has finally reached its maximum severance potential.

The intent of the City's Zoning By-law is to foster compatible infill homes by prescribing appropriate development standards for new dwellings. Neither the proposed new lot, nor the retained lot, meet the minimum required lot area of the By-law, even when factoring in the area of the 27 ft. deep parcel of land that fronts John St. that was dedicated to the City for potential road widening. If the severance were to be approved, the resulting lots would be out of character with adjacent lots on and across John Street, and both the proposed new house and retained house would have unsuitable private amenity areas without obtaining further variances to the City's Fence By-law.

Urban Design and Engineering

The City's Urban Design Section does not support the proposed variances because they support a severance and new dwelling that would unnecessarily remove existing mature trees and greenspace and create the undesirable condition of the front of the Johnson House facing the rear yard of the new house. The City's Engineering Department has not provided any comments.

Heritage Markham

Heritage Markham Committee reviewed the requested variances on December 9, 2020 and did not support them as they would support a proposed severance and new house that does not comply with the policies contained in the Thornhill Heritage Conservation District Plan as it applies to severances, and they would negatively impact the heritage character of the district and heritage significance of the Johnson house.

PUBLIC INPUT SUMMARY

Written submissions in opposition to the applications were received from Rob Armstrong (Ward One (South) Thornhill Residents Inc), Valerie and Dave Burke, and Pam Birrell (SPOHT) as part of the Heritage Markham Committee review.

No additional written submissions were received as of December 16, 2020. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

Planning staff have reviewed the proposal within the context of the criteria in Sections 51 (24) and 45 (1) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and recommend that the proposed severance (B/015/20) and related minor variance applications (A/098/120) and (A/099/20) be denied.

Should the committee find merit in the severance and variance applications, staff recommends that the conditions listed in in Appendix 'A' and Appendix 'B' be imposed by the Committee. Staff also recommends that the Committee consider public input in reaching a decision.

The onus is ultimately on the applicant to demonstrate why the proposed consent and variance applications should be granted.

PREPARED BY:



Peter Wokral, Senior Heritage Conservation Planner

REVIEWED BY:



Regan Hutcheson, Manager of Heritage Planning

Figure 1-Location Map



Figure 2-Photograph of the Existing Heritage Dwelling



The Johnson House constructed circa 1920

Figure 3-Proposed Severance and New Dwelling

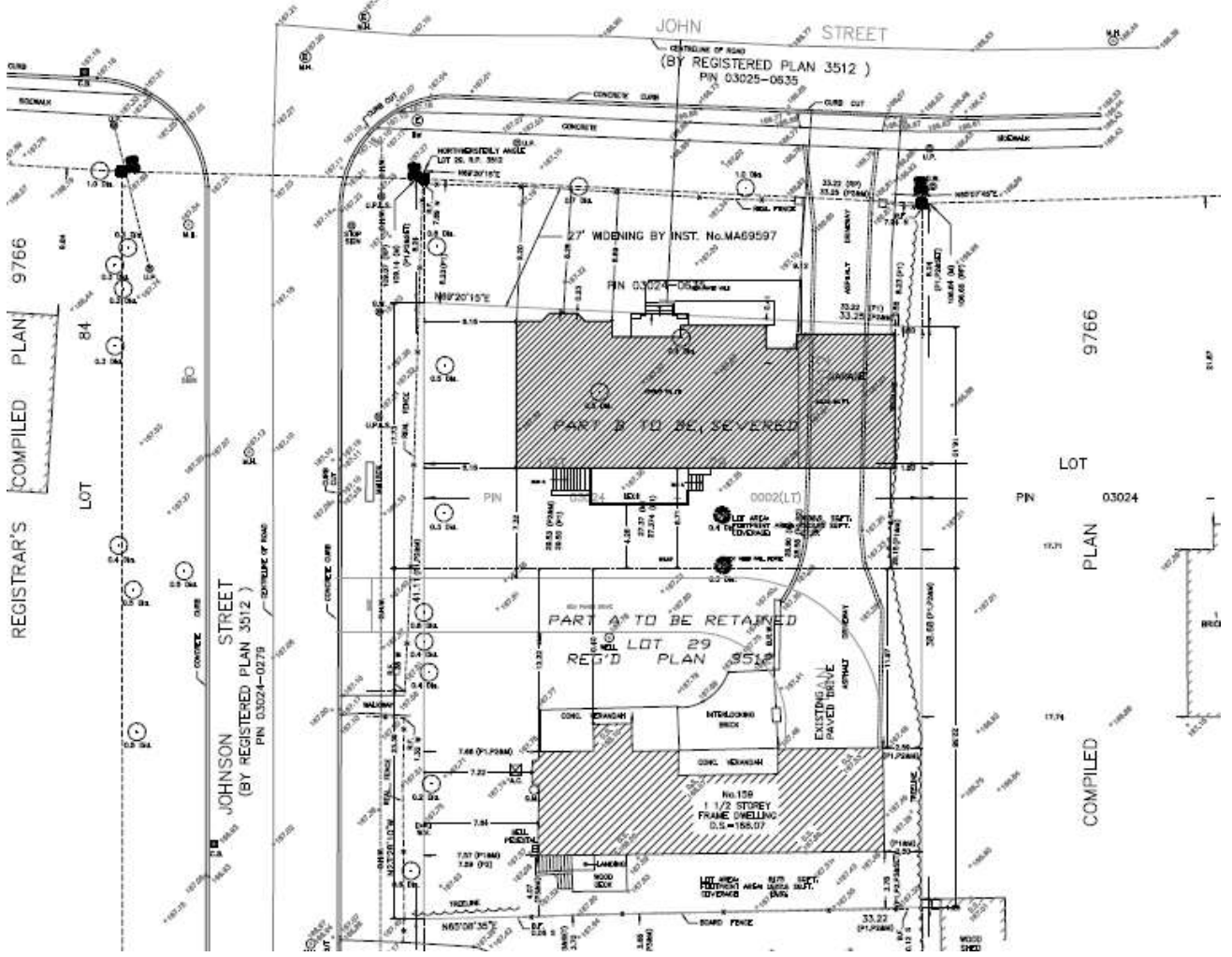


Figure 4- John Street Elevation of the Proposed New Dwelling

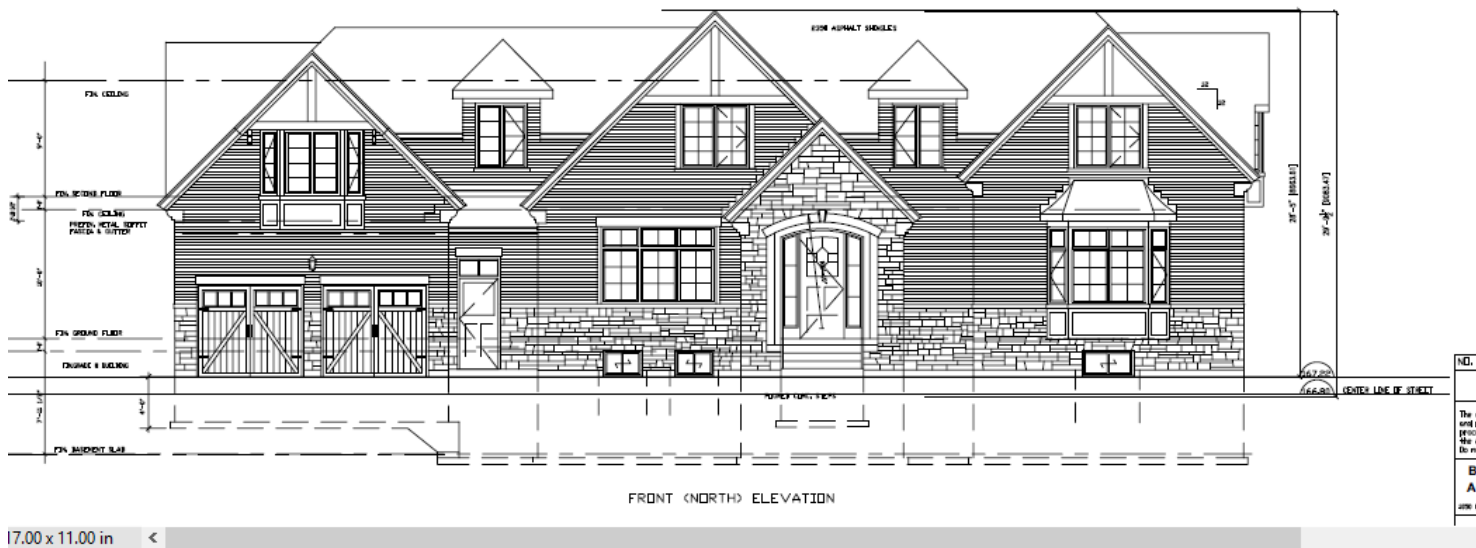


Figure 5- Heritage Markham Extract of December 9, 2020

**COMMITTEE OF ADJUSTMENT CONSENT AND VARIANCE
APPLICATIONS**

159 JOHN STREET

THORNHILL HERITAGE CONSERVATION DISTRICT (16.11)

FILE NUMBERS:

B/015/20

A/098/20

A/099/20

Recommendation:

That Heritage Markham does not support the consent (B/015/20) and related variance applications (A/098/20) and (A/099/20) for 159 John Street from a heritage perspective for the following reasons:

- Both the proposed new lot and retained lot are deficient in terms of the minimum lot area required by the By-law;
- The proposed new dwelling would block historic views to and from the existing Class A building and John Street, and undermines the heritage significance and value of the existing dwelling;
- The relationship of the proposed new house does not respect the architectural orientation of the existing Class A heritage dwelling and creates an undesirable situation where the front of the existing house from an architectural perspective, looks into the rear yard of the proposed new dwelling;
- The proposed new dwelling and driveway for the retained house would necessitate the removal of existing mature vegetation that contributes to the historic character of the neighbourhood;
- The proposed new smaller lots would further reduce the varied lot sizes of the district which helps create the historic character of old Thornhill that distinguishes the Heritage District from more modern developments with unvarying uniform lot sizes.

Carried

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/015/20

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. Execution of a Heritage Easement Agreement with the City of Markham for the Johnston House
3. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under File B/015/20, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act.
4. 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.
5. Payment of the required Conveyance Fee for the creation of residential lots per City of Markham Fee By-law 211-83, as amended.
6. 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.

CONDITONS PREPARED BY:

A handwritten signature in black ink, appearing to read "Peter Wokral", is written over a light blue horizontal line. The signature is cursive and somewhat stylized.

Peter Wokral, Senior Heritage Conservation Planner

Appendix 'B'

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF APPLICATIONS A/098/20 and A/099/20

1. The variances apply only to the proposed development as long as it remains;
2. That the owner submit to the Secretary-Treasurer a copy of the Site Plan Endorsement memo for the proposed new dwelling;
3. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan.
4. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site in accordance with the City's Streetscape Manual, including street trees, in accordance with the City's Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Director of Planning and Urban Design or their designate.
5. That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, 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;
6. That the proposed building elevations/addition be designed and constructed in conformity with the requirements of Markham's Bird Friendly Guidelines 2014, and that architectural plans be submitted to the City demonstrating compliance, to the satisfaction of the Director of Planning and Urban Design or their designate.

CONDITONS PREPARED BY:



Peter Wokral, Senior Heritage Conservation Planner