

SUBJECT: RECOMMENDATION REPORT
F.J. Homes Limited
Proposed Zoning By-law Amendment and Draft Plan of Subdivision 19TM-17007 to permit 14 single detached dwellings. Southwest corner of Roy Rainey Avenue and Country Ridge Drive (Ward 4).

Files ZA/SU 17 155326

PREPARED BY: Stephen Corr, MCIP, RPP, ext. 2624
Senior Planner, East District

REVIEWED BY: Sally Campbell, MCIP, RPP, ext. 2645
Manager, East District

RECOMMENDATION:

- 1) That the report titled "RECOMMENDATION REPORT, F.J Homes Limited, Proposed Zoning By-law Amendment and Draft Plan of Subdivision 19TM-17007 to permit 14 single detached dwellings. Southwest corner of Roy Rainey Avenue and Country Ridge Drive (Ward 4), Files ZA/SU 17 155326", be received;
- 2) That the Zoning By-law Amendment application submitted by F.J. Homes Limited, to amend Zoning By-law 177-96, as amended, be approved and that the draft by-law attached as Appendix 'A' be finalized and enacted without further notice;
- 3) That in accordance with the provisions of subsection 45(1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended, the owner shall, through this resolution, be permitted to apply to the Committee of Adjustment for a variance from the provisions of the zoning by-law (Appendix 'B') within two years of its approval by Council
- 4) That Draft Plan of Subdivision 19TM-17007 submitted by F.J. Homes Limited, be approved subject to the conditions outlined in Appendix 'B';
- 5) That the Director of Planning and Urban Design, or his designate be delegated authority to issue draft approval, subject to the conditions set out in Appendix 'B' and as may be amended by the Director of Planning and Urban Design;
- 6) That the draft plan approval for Plan of Subdivision 19TM-17007 will lapse after a period of three (3) years from the date of Council approval in the event that a subdivision agreement is not executed within that period;

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- 7) That Council assign servicing allocation for up to 14 single detached dwellings; and,
 - 8) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

This report recommends approval of applications submitted by F.J Homes Limited for a draft plan of subdivision (19TM-17007) and an implementing zoning by-law amendment for the subject lands located at the southwest corner of Country Ridge Drive and Roy Rainey Avenue in Wismer (Figures 1 – 3). Approval of the applications will permit a residential development comprised of 14 two-storey single detached dwellings. The draft plan also includes blocks to be conveyed to the City to widen the Country Ridge Drive boulevard for utilities and street tree plantings and, to expand a City-owned natural heritage buffer to accommodate a new trail along the south edge of the subject property (behind the proposed residential lots).

Staff are satisfied with the lot pattern, and are of the opinion that the Draft Plan of Subdivision and implementing Zoning By-law amendment are consistent with City policy, Regional and Provincial Policy and therefore recommend approval of the applications.

BACKGROUND:

The 7,400 m² (1.8 ac) subject lands are located at the southwest corner of Roy Rainey Avenue and Country Ridge Drive in the Wismer Commons community (Figures 1 to 3), which is north of 16th Avenue and east of McCowan Road. The site is currently undeveloped.

Subject lands were previously reserved as a potential place of worship site

The subject lands were created as a development block through the registration of Plan of Subdivision 65M-3490 in 2001. At the time, this block was reserved as a potential place of worship site, identified in the former Wismer Commons Secondary Plan, which designated the subject lands 'Institutional'. The Wismer Commons Secondary Plan required such sites to be reserved for a period of five years from the date of subdivision registration. This was further secured through a clause in the subdivision agreement. Additionally, the approved zoning to implement Plan of Subdivision 65M-3490 in 2001 zoned the subject lands Open Space Two (OS2) under By-law 177-96, as amended, to permit a place of worship, and other institutional uses. The five-year reservation period expired in 2006 which now allows the subject lots to be released for consideration of residential land uses.

Surrounding Uses

The subject lands are surrounded by single detached dwellings to the north and east, across Roy Rainey Avenue and Country Ridge Drive. Robinson Creek and the associated City-owned 10 m wide buffer abut the site to the southwest. Bruce Boyd Parkette is

located west of the subject lands, and Ross Brown Park is located southeast of the subject lands, across Roy Rainey Avenue.

PROPOSAL

The applications propose 14 freehold single detached dwellings with frontages ranging between 12.19 m (40 ft) and 22.59 m (74.1 ft). The proposed draft plan of subdivision is shown in Figure 4, and a conceptual siting plan is shown in Figure 5. Six of the proposed lots front and access onto Country Ridge Drive (Lots 1 to 6) and eight of the proposed lots front and access Roy Rainey Avenue (Lots 7 to 14). Each home will be two-storeys in height. The maximum height limit for the Residential Two (R2) zone category under By-law 177-96, as amended is 11 m (36.0 ft). Each dwelling will have a private garage for 2 vehicles, as well as a private driveway to accommodate another 2 vehicles (i.e. 4 spaces per dwelling).

Application Process and Next Steps:

- The applications were submitted on December 15, 2017 and deemed complete on February 5, 2018. (Note the original applications proposed 15 single detached lots and dwelling units, which has since been reconfigured to 14);
- Following the preliminary Report to DSC on May 14, 2018, the Statutory Public Meeting was held on June 11, 2018.
- Three deputations were made by residents at the Public Meeting citing concerns over traffic congestion; lot frontage, building height and building setback/compatibility; protection of the adjacent Robinson Creek, and concerns with amenities and maintenance of public parks and boulevards within the Wismer Commons community. Similar written concerns from residents were received following the Public Meeting. These comments are discussed further in the Options/Discussion subsection of this report.
- If the Draft Plan of Subdivision and Zoning By-law amendment applications are approved, the proponent will be required to enter into a subdivision agreement with the City and clear conditions of draft approval (Appendix 'B') prior to registration of the plan.
- In accordance with City's Site Plan Control Area By-law (By-law 2002-94) the proposed development is not subject to site plan approval. The architectural design of the homes will need to comply with the approved architectural control guidelines for the Wismer Commons community prior to building permit submission – discussed later in the report.

POLICY FRAMEWORK, OFFICIAL PLAN AND ZONING

Provincial Policy Statement, 2014 (PPS, 2014) provides overall direction

The PPS, 2014 provides direction on matters of Provincial interest including land use planning and development. The PPS, 2014 provides the direction for the efficient use of land and development patterns, which supports sustainability by promoting strong, livable, healthy and resilient communities; protecting the environment and public health and encouraging safety and economic growth.

Growth Plan for the Greater Golden Horseshoe, 2017 (Growth Plan, 2017) provides a framework for implementing the Province's vision

The Growth Plan, 2017 provides a framework for implementing the Province's vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2041. The premise of the Growth Plan, 2017 is building compact, vibrant and complete communities, developing a strong competitive economy, protecting natural resources and optimizing the use of existing and new infrastructure to support growth in a compact, efficient form.

Given the infill nature of the proposed development, staff are of the opinion the proposed draft plan of subdivision and zoning by-law amendment applications conform to the Provincial Growth Plan policies. While policies within both the noted Provincial Plans include direction to support a range of housing typologies, unit sizes and configurations, shared housing, secondary suites and rental housing; one of the key concerns raised through the Public Consultation process was ensuring the proposed development has consistent built form to surrounding existing housing. Staff are satisfied the proposed development meets the intent of the Provincial Policy Statement (2014) and Growth Plan for the Greater Golden Horseshoe (2017).

Region of York Official Plan

The subject lands are designated 'Urban Area' in the Region of York Official Plan, 2010 (ROP) which permits residential, commercial, industrial and institutional uses. The proposed lands uses conform to the Region of York Official Plan 2010.

2014 Official Plan as partially approved on November 24, 2017 and further updated on April 9, 2018 (the "2014 Official Plan")

The site is designated 'Residential Low Rise' in the 2014 Official Plan which provides for single detached dwellings, semi-detached dwellings, townhouses and small multiplex buildings containing 3-6 units. Residential development within established neighbourhoods are to comply with the Infill Development Criteria policies of the 2014 Official Plan, to ensure that new development is compatible with existing development. These policies include, but are not limited to the following:

- Having consistent lot frontages and lot areas with lots on both sides of the street;
- Ensuring an appropriate and consistent building scale and mass situated on the same street;
- Ensuring consistent building setbacks situated on the same side of the street;
- Having a complimentary relationship with existing dwellings;
- Ensuring streetscapes are not dominated by garages;
- Mitigating impacts on existing development with respect to grading, drainage, access, circulation, privacy and microclimatic conditions such as shadowing;
- Preserve significant views and vistas; and,
- Minimizing tree loss,

The proposal complies with these criteria, as set out later in the report.

Current and Proposed Zoning

The subject lands are zoned Open Space Two*94 (OS2*94) under by-law 177-96, as amended. The OS2 zone permits art galleries, day nurseries, libraries, museums, community centres, public parks, public schools and a place of worship.

To permit the proposed single detached dwellings, the proponent is requesting a zoning by-law amendment to rezone the subject lands to a Residential Two (R2) zone in by-law 177-96, as amended. Approval of the zoning by-law will implement the same zone standards applicable to the surrounding area, including building and driveway setbacks, maximum driveway and garage widths and maximum building height. The only exception is to permit reduced rear yards of 6 m (19.7 ft), whereas 7.5 m (24.6 ft) is required, for Lots 1 and 2 (Figures 4 and 5). This is a result of the irregular shaped lot lines along this section of the site abutting the City-owned 10 m buffer and additional lands to be conveyed to the City to enhance this buffer.

OPTIONS/ DISCUSSION:**Comments Made at the Statutory Public Meeting and Additional Correspondence**

At the June 11, 2018 Statutory Public Meeting three residents cited concerns over traffic congestion; lot frontage, building height and building setback compatibility; protection of the adjacent Robinson Creek; community amenities and maintenance of public parks and boulevards within the Wismer Commons community. A member of DSC recommended reducing the number of proposed lots resulting in lot frontages more compatible with the existing surrounding lot pattern. The concerns were also provided in writing in one submission prior to the public meeting and in four subsequent emails.

Compatibility – Building Types, Lot Frontage, Setbacks and Heights.

The surrounding area is characterized by single detached dwellings on lots with frontages ranging between 10.7 m (35 ft) to 6.7 m (55 ft). The proposed 14 single detached dwellings will have lot frontages ranging between 12.19 m (40 ft) and 22.59 m (74.1 ft). By rezoning the subject lands to an R2 zone under By-law 177-96, as amended, the same zone standards that apply to the existing neighbouring homes will apply to the proposed development. Consequently, the proposed homes will be compatible in built form and lot pattern with the surrounding neighbourhood.

With respect to building heights, the applicant initially proposed some 3-storeys dwellings. Notwithstanding that the 2014 Official Plan provides for buildings up to 3-storeys in the 'Residential Low Rise' designation, this was a concern to residents and some members of Committee. The applicant is now proposing 2-storey dwellings, shown in the conceptual elevations in Figure 6. The proposed development is compatible with the surrounding context and meets the 2014 Official Plan criteria for infill residential development.

Number of Lots

The proposed number of single detached units/lots has been reduced from 15 to 14. This was done in part to address Toronto Region Conservation Authority (TRCA) and Ministry of Natural Resources and Forestry (MNRF) comments and ensures that no

dwellings or rear yards are located within 30 m of the Robinson Creek meander belt. Consequently, MNRF permits and approvals are not required.

Staff have no concerns with the number of proposed lots on the draft plan of subdivision and consider the proposed lot pattern compatible with surrounding development and appropriate for the site.

Traffic Comments

A Traffic Brief was submitted in support of the development applications which concluded that “traffic generated by the proposed development is not expected to measurably affect the surrounding road system or nearby intersections.” The findings of the brief have been reviewed and accepted by the City’s Transportation Engineering section. Staff also note that the as-of-right zoning for the subject lands, which permits a place of worship and other institutional uses, would likely result in more traffic impact at certain times of the week, than the proposed residential development.

Concern was raised about the proximity of the proposed dwellings on Roy Rainey to an existing bridge south of the subject lands. Transportation Engineering staff do not identify this as a concern. Outstanding comments related to the Transportation Planning review are:

- Determining the appropriate interface and connection of the existing walkway in the park to the west, to an extension along the south edge of the subject site (required as part of any approval of the applications - See Pedestrian Connectivity subsection of this report below); and
- Ensuring the driveway proposed on Lot 12 (Figure 4 and 5) does not interfere with the existing crosswalk on Ray Rainey Avenue.

These items will be addressed through the technical design review following draft approval and are required as conditions of draft subdivision approval (Appendix ‘B’).

General Comments on the Wismer Commons Community

Other comments made, by a resident, at the Statutory Public Meeting related to the overall maintenance and appearance of the Wismer Commons community, including maintenance of privately owned front yards, public boulevards and parks, gateway fencing into the neighbourhood and other amenities in parks such as clock-towers. These comments are outside of the scope of the development application review. The By-law and Licensing Department and Parks Operations Group have been notified of these concerns.

Former Wismer Commons Secondary Plan & Place of Worship Reservation Policy

As noted, the subject lands were identified as a potential place of worship site in the Wismer Commons Secondary Plan, and reserved when the site was zoned and registered on a plan of subdivision in 2001. The place of worship reservation period for the site expired in 2006. With the 2014 Official Plan in effect, as it applies to the subject lands, the Wismer Commons Secondary Plan is repealed and its policies no longer apply. Consequently, the lands are designated ‘Residential Low Rise’ which permits the

proposed form of development. There are a number of place of worship sites within the Wismer Commons community and surrounding area, as described below. Consequently staff are not concerned with the subject lands being removed from the place of worship inventory. Places of Worship within the Wismer Commons community include:

- Wismer Baptist Church at 180 Mingay Avenue;
- St. Mary & St. Samuel Coptic Orthodox Church at 9377 McCowan Road; and
- The Bridge Community Church at 5466 16th Avenue.

Places of Worship within the vicinity of Wismer Commons:

- Markham Missionary Church at 5438 Major Mackenzie Drive; and
- Islamic Centre of Markham at 1330 Castlemore Avenue.

Pedestrian Connectivity – trail connection provided to the south of subject property

Country Ridge Road was created in 2001 with a 15 m wide right-of-way (ROW). This ROW accommodates the roadway, as well as a boulevard and public sidewalk on the north side of the street. The Engineering department initially requested an additional 3.5 m wide strip be conveyed to the City to expand the existing Country Ridge Road ROW to provide a 2.0 m wide boulevard and 1.5 m wide public sidewalk on the south side of the street (in front of the proposed dwellings).

The applicants can accommodate a 2.0 m ROW widening for a municipal boulevard. However the additional 1.5 m ROW widening for a new sidewalk could not be provided because:

- It would limit the development potential of the subject lands by reducing the lot depths of Lots 1 and 2 (Figure 4) to a point where buildings could not be sited with appropriate setbacks;
- The new sidewalk would terminate as a dead end at the west side of the subject lands, adjacent to the parkette;
- And a suggested option to connect the new sidewalk to the existing park trail to the west (See Figure 3) would be an issue because there different levels of service for snow removal on public sidewalks and for park pathways and trails, where snow is cleared as a priority on public sidewalks.

Instead of a public sidewalk along the south side of the street, the existing park trail will be extended along the south edge of the subject lands within the environmental buffer connecting to the existing sidewalk on Roy Rainey Avenue. This results in a pedestrian connection linking Roy Rainey Avenue via the proposed trail to the south of the subject lands and through the park to the west and ultimately connecting to Bur Oak Avenue further northwest. The proposed trail extension is shown conceptually on Figure 5, and will be located within the lands to be conveyed to the City and added to the existing buffer. The conveyed lands are shown as Blocks 15 and 16 on the proposed draft plan (Figure 4). As conditions of draft subdivision approval, the applicant will be responsible for building a trail and conveying these lands, including provision for additional landscaping to enhance the natural heritage buffer (Appendix 'B'). The detailed design will be finalized through the technical engineering review following draft plan of subdivision approval. The trail extension is supported by City staff and the TRCA. The

benefits of this option include improving pedestrian connectivity and enhancing the buffer edge with a naturalized trail along Robinson Creek, without significantly impacting the applicant's ability to develop the site, and does not conflict with differing service levels for snow removal.

Toronto Region Conservation Authority

In a letter dated February 20, 2019 the TRCA advised that the majority of their comments from the 1st two circulations of the Draft Plan of Subdivision had been satisfactorily addressed. The TRCA also advised that outstanding technical comments related to erosion and sediment control, water balance and obtaining necessary permits from the TRCA will be addressed at the detailed design stage following draft subdivision approval, and have recommended draft conditions which are included in Appendix 'B'.

Region of York has no objection

In a letter dated February 5, 2019 the Region of York indicated there is no objection to the proposed draft plan of subdivision, subject to the Region's conditions, included in Appendix 'B'.

Municipal Servicing is available

There is sufficient servicing allocation available from Council's current allocation reserve to accommodate the proposed development. However, the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner.

The proponent is working with the Engineering and Water Works department to finalize the servicing configuration for the subject lands. Final approval of the servicing configuration is an aspect of the technical submission to the Engineering Department following draft approval, including final acceptance of the Functional Servicing Report. The Engineering Department has provided draft conditions, which are incorporated into Appendix 'B', to ensure all outstanding technical matters are satisfied prior to registration of the plan of subdivision.

Wismer Commons Developers Group Obligations

The applicant is required to join the Wismer Commons Developers Group and will participate in the Wismer Commons Cost Sharing Agreement. While the availability of servicing allocation from Council's current allocation reserve has been confirmed, the Developers Group tracks servicing allocation amongst group members. The City will require clearance from the Trustee of the Wismer Commons Landowners Group confirming the availability of servicing allocation, as well as other group obligations, such as contributions towards parkland, school sites and other shared infrastructure. This is a condition of draft plan approval (Appendix 'B').

Parkland/Open Space Considerations

The applicant will be conveying Blocks 15 and 16 (Figure 4) to be added to the City owned natural heritage buffer abutting the site to the south. While these additional lands will be used for the construction of a trail, the conveyance will not be credited as

parkland dedication. The overall delivery of parkland for Wismer Commons is a developers group obligation provided in accordance with the Wismer Commons Master Parks Agreement. As noted, the applicant is required to become a member of the Developers Group. Accordingly, the applicant will be required to satisfy certain financial obligations through the group, including a cost-sharing requirement for the delivery of community parks. This is a condition of draft plan approval (Appendix 'B').

Architectural Control

The conceptual elevations (Figure 5) are generally acceptable to planning and urban design staff. These elevations may be subject to minor modifications to ensure compliance with the approved Wismer Commons Architectural Control Guidelines, which will ensure the elevations are designed in a manner that incorporates the requirements and criteria of the approved Wismer Commons Community Design Plan. This practice ensures that physical elements within the private realm contribute to the development of character and a sense of place for the community, and address components such as location of main entrances and porches, roof slopes, corner lot architecture and materials.

Sustainability Features

F.J. Homes Limited has indicated that sustainable design features will be incorporated into the proposed development, including:

Energy Performance:

- High efficiency HVAC system with HRV (Heat Recovery Ventilation) will be utilized in the new building. The furnaces will have an annual fuel efficiency of 94% or higher. The HRV will recover about 75% heat from the exhaust air.
- High efficiency lighting system (e.g. LED lights, timing / occupancy sensor lighting control) will be specified in the construction documents.

High Efficiency Water Fixtures:

- To reduce water use, high efficiency water fixtures, e.g. dual flushing water closets and low flow showerheads, will be utilized.

Low Impact Power:

- To reduce environmental impact of power used for vehicles and households, electrical car and renewable energy system are encouraged. Conduits from the electrical box to garage and roof are provided for the future installation of charging stations or roof top solar panels by homeowners.

A full list of the proposed features provided by F.J Homes Limited is attached as Appendix 'C' and will be required as part of the draft plan of subdivision conditions (Appendix 'B').

Section 37 Contributions including Public Art

As part of the zoning by-law amendment approval to intensify the subject lands with residential development the applicant will be required to provide a financial contribution public art as a Section 37 Community Benefit. This is included within the draft zoning

by-law, attached as Appendix 'A' and required to be secured through the subdivision agreement (Appendix 'B').

CONCLUSION

Based on the discussion above staff are of the opinion that the Draft Plan of Subdivision and implementing Zoning By-law amendments are consistent with City, Regional and provincial policy. Staff therefore recommend approval of the Zoning By-law Amendment (Appendix 'A') and Draft Plan of Subdivision subject to the conditions provided in Appendix 'B'.

FINANCIAL CONSIDERATIONS:

Not Applicable.

HUMAN RESOURCES CONSIDERATIONS

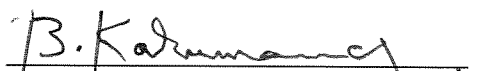
Not Applicable.


ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed applications have been reviewed in the context of the City's Strategic Priorities of Growth Management, Transportation and Municipal Services.

BUSINESS UNITS CONSULTED AND AFFECTED:

These applications have been circulated to various departments and external agencies and their comments have been addressed. Where necessary the requirements of the City and external agencies have been incorporated into draft plan conditions.


Biju Karumanchery, M.C.I.P., R.P.P.
Director of Planning and
Urban Design


Arvin Prasad, M.C.I.P., R.P.P.
Commissioner of Development
Services

ATTACHMENTS:

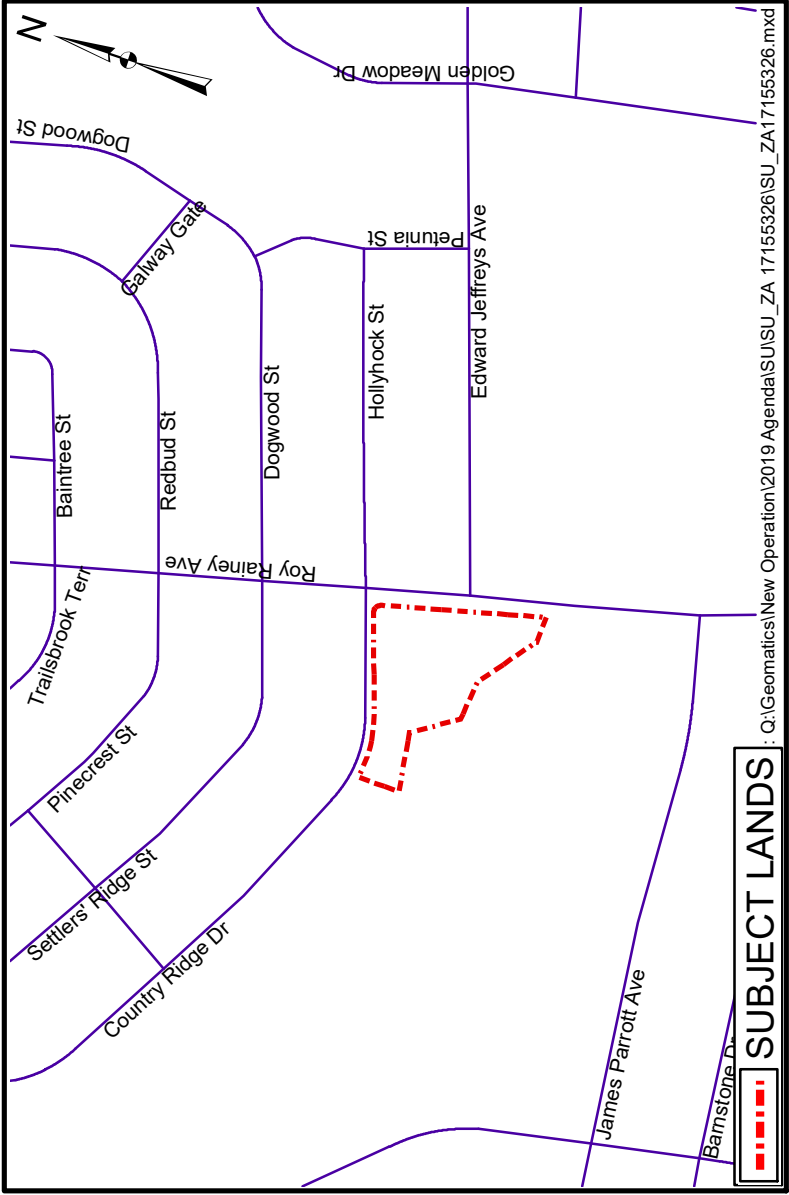
- Figure 1 – Location Map
- Figure 2 – Area Context/Zoning
- Figure 3 – Air Photo
- Figure 4 – Proposed Draft Plan of Subdivision
- Figure 5 – Conceptual Siting Plan
- Figure 6 – Conceptual Elevations
- Appendix 'A' – Zoning By-law Amendment
- Appendix 'B' – Draft Plan of Subdivision Conditions
- Appendix 'C' – Sustainable Features

OWNER/AGENT:

AGENT: **The Biglieri Group**
Melissa Holland, Planner
20 Leslie Street, Unit 121
Toronto, ON M4M 3L4
mholland@thebigliergroup.com

OWNER: **F.J. Homes Ltd.**
Erica Feng
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Ericafeng79@hotmail.com

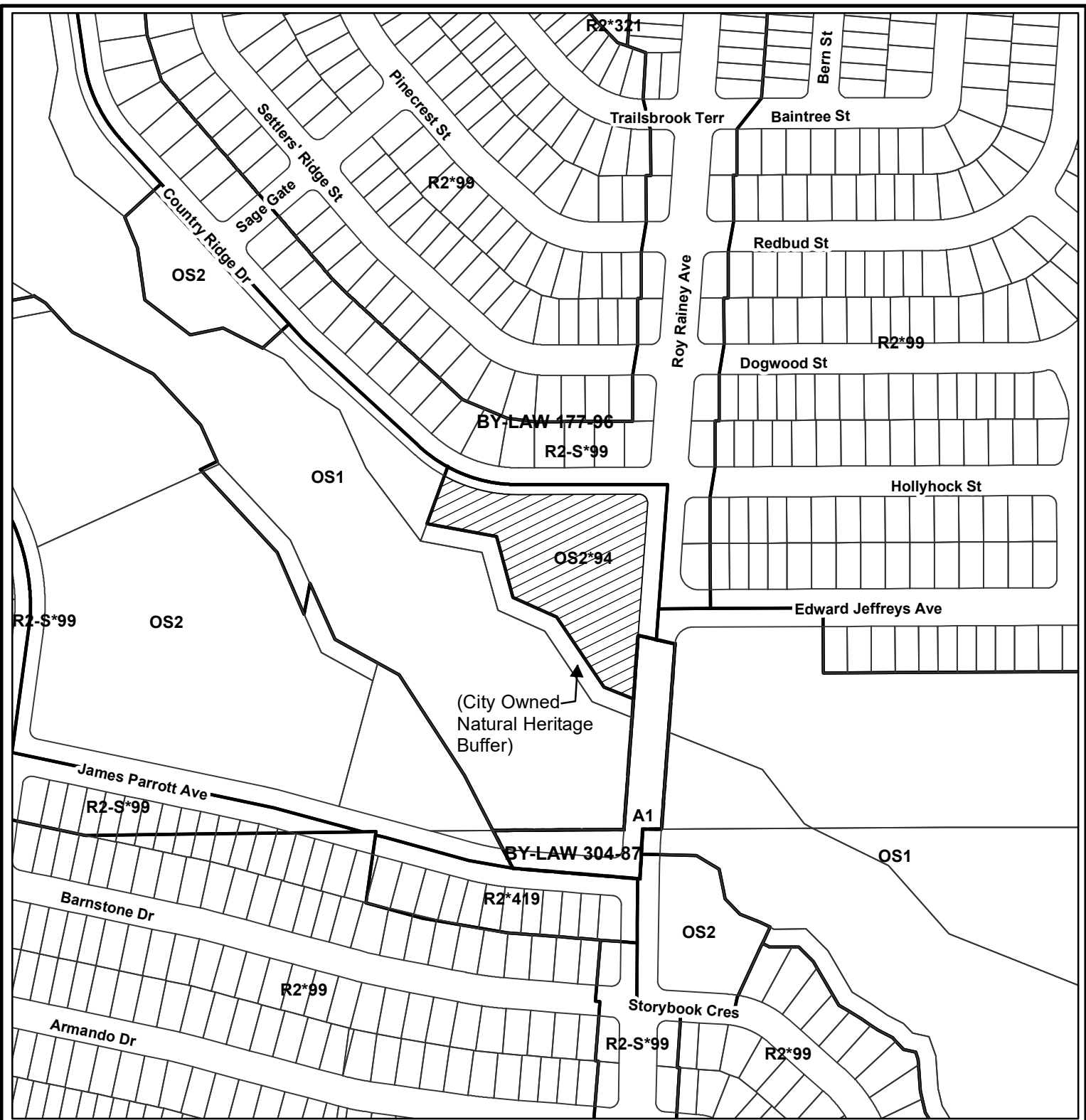
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SUBJECT LANDS



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AREA CONTEXT/ZONING

APPLICANT: F.J. HOMES LIMITED

FILE No: SU_ZA17155326 (SC)

 SUBJECT LANDS



DATE: 01/31/19



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AIR PHOTO 2018

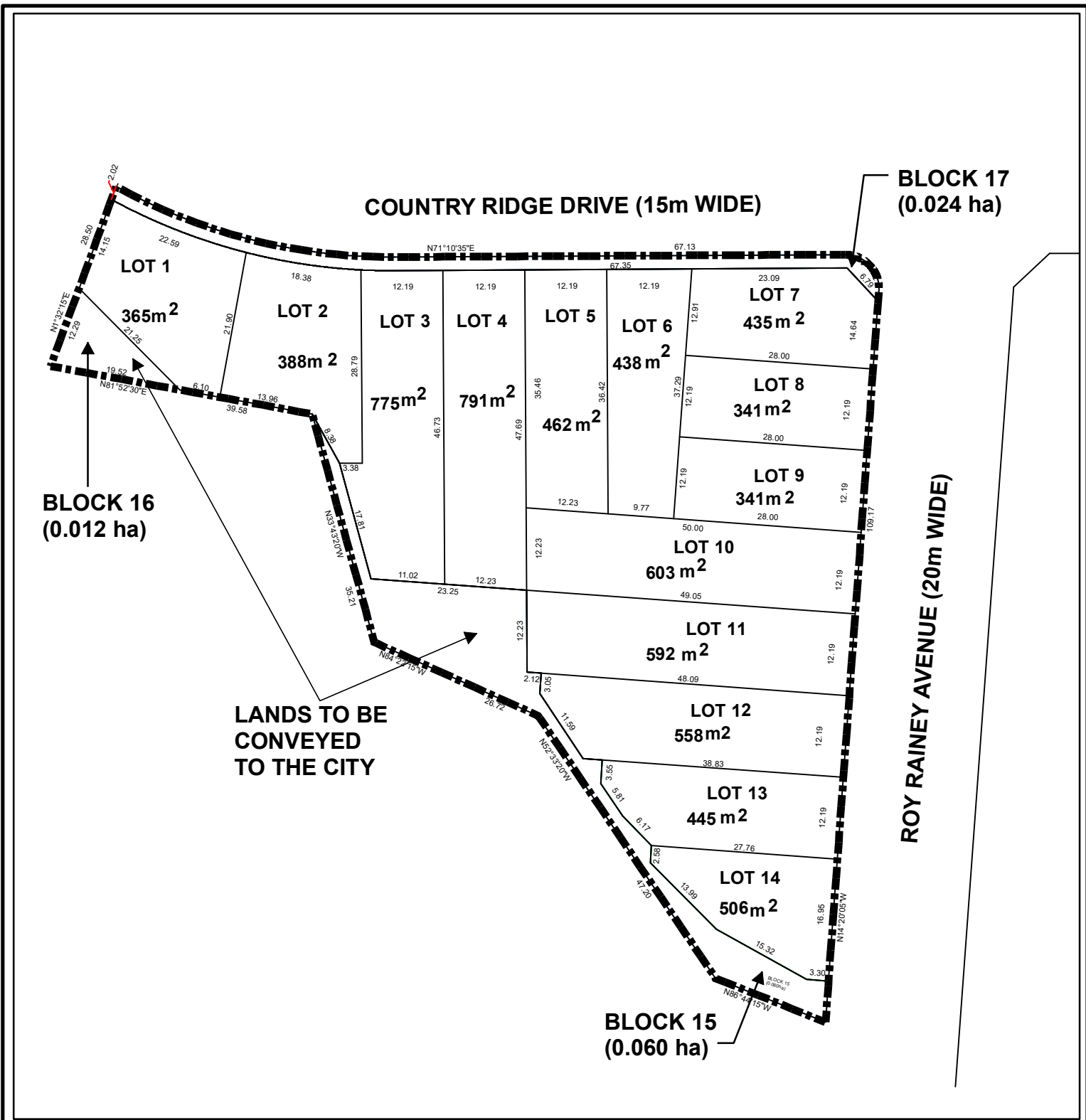
APPLICANT: F.J. HOMES LIMITED

FILE No: SU_ZA17155326 (SC)



 SUBJECT LANDS

DATE: 01/31/19



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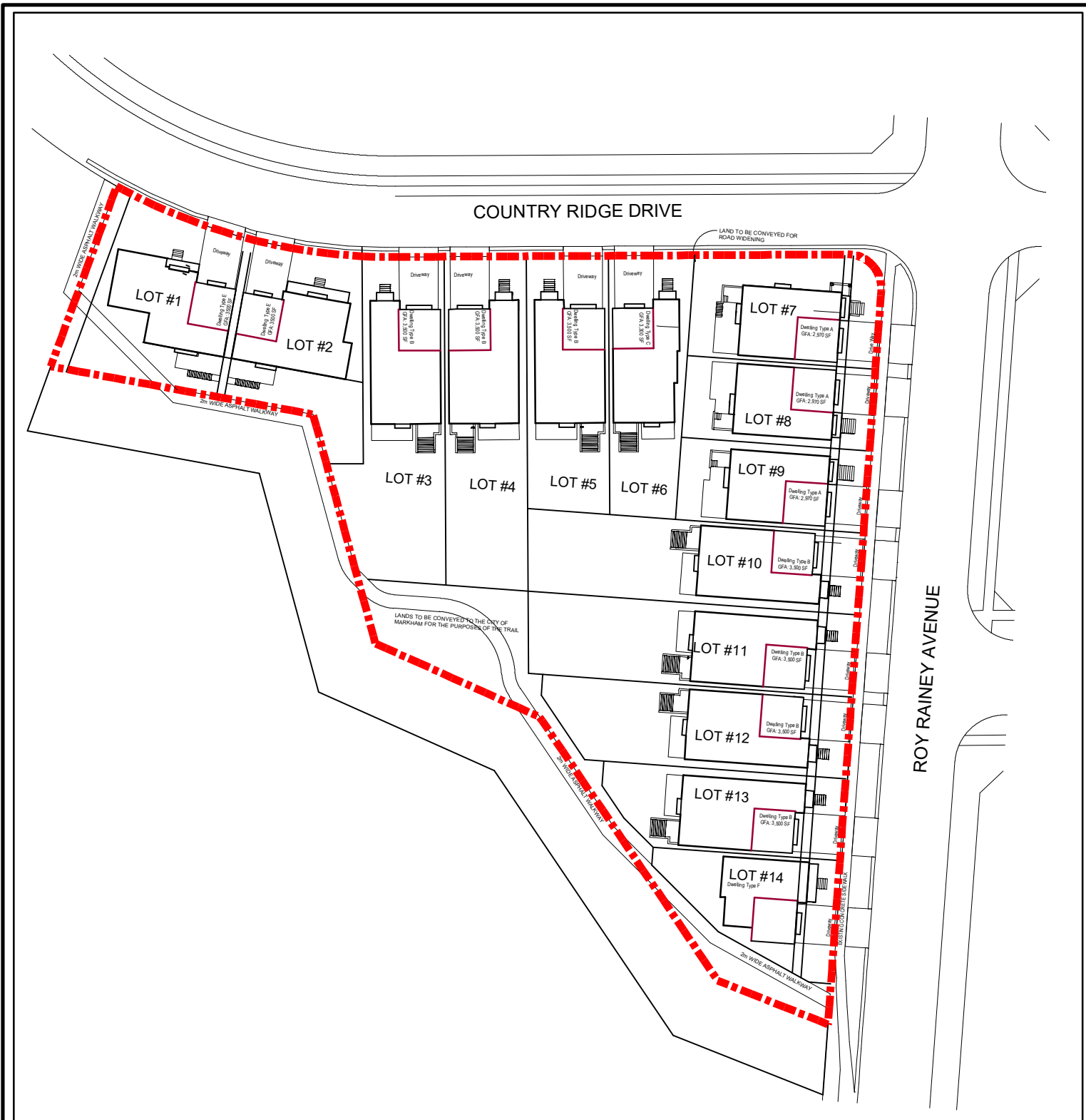
PROPOSED DRAFT PLAN OF SUBDIVISION

APPLICANT: F.J. HOMES LIMITED

FILE No: SU_ZA17155326 (SC)

 SUBJECT LANDS

DATE: 01/31/19



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CONCEPTUAL SITE PLAN

APPLICANT: F.J. HOMES LIMITED

FILE No: SU_ZA17155326 (SC)

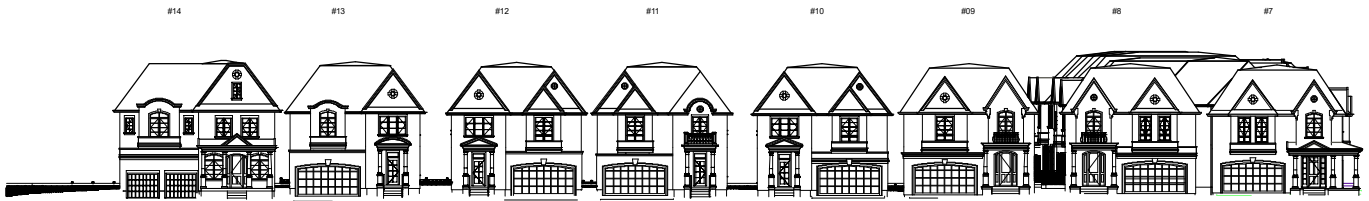
 SUBJECT LANDS

DATE: 01/31/19





COUNTRY RIDGE DRIVE ELEVATIONS



ROY RAINEY AVENUE ELEVATIONS

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CONCEPTUAL ELEVATIONS

APPLICANT: F.J. HOMES LIMITED

FILE No: SU_ZA17155326 (SC)

DATE: 01/31/19



BY-LAW 2019-_____

A By-law to amend By-law 177-96, as amended

The Council of the Corporation of the City of Markham hereby enacts as follows:

- That By-law 177-96, as amended, is hereby further amended by zoning the lands outlined on Schedule 'A' attached hereto as follows:

**Residential Two (R2) Zone and
Residential Two*ZYX (R2*624) Zone
Open Space One (OS1) Zone**

- By adding the following subsection to Section 7- EXCEPTIONS

Exception 7.624	F.J. Homes Limited	Parent Zone R2
File ZA 17 152211	West side of Roy Rainey Avenue, south side of Country Ridge Drive	Amending By-law 2019-
Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to the land denoted by the symbol *624 on the schedule to this By-law.		
7.624.1 Special Zone Standards		
The following special zone standards shall apply:		
a)	Minimum required rear yard – 6.0 m	

- SECTION 37 CONTRIBUTION

- 4.1 A contribution by the Owner to the City for the purposes of public art, in the amount of \$32,200.00 in 2019 dollars, to be indexed to the Ontario rate of inflation as per the consumer price index (CPI), in accordance with Section 37 of the Planning Act, as amended, shall be required. Payments shall be collected in accordance with the terms of an agreement to secure for the Section 37 contribution. Nothing in this section shall prevent the issuance of a building permit as set out in Section 8 of the Building Code Act or its successors.

Read a first, second and third time and passed on _____,
2019

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW 2019-_____

A By-law to amend By-law 177-96, as amended

F.J. Homes Limited

**West side of Roy Rainey Avenue and south side of Country Ridge Drive.
File No. ZA 18 155326**

Lands Affected

The proposed by-law amendment applies to a parcel of land with an approximate area of 0.74 hectares (1.8 acres) located on the west side of Roy Rainey Avenue and south side of Country Ridge Drive, within the Wismer Commons community.

Existing Zoning

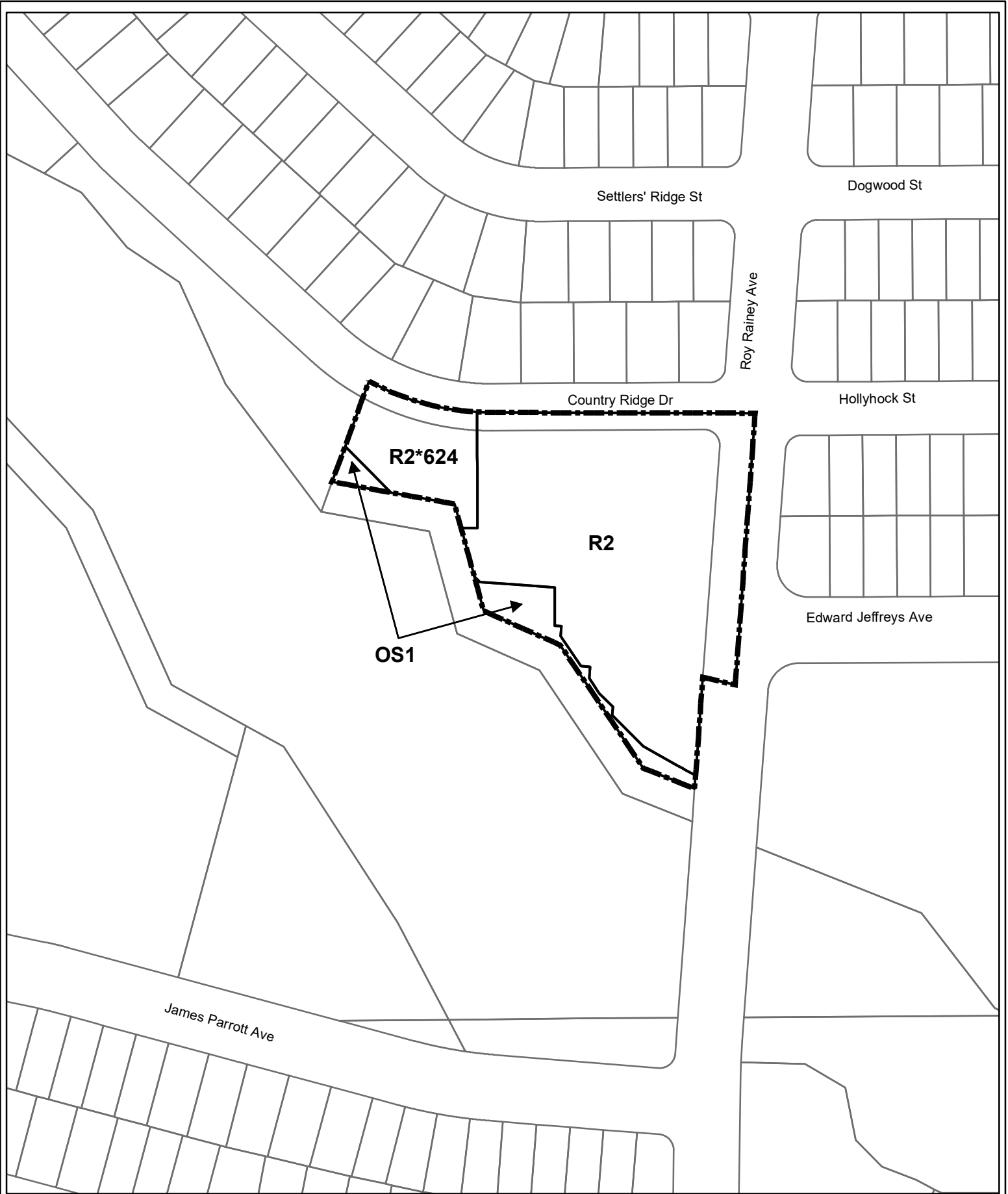
The subject lands are zoned Open Space Two*94 (OS2*94) under By-law 177-96, as amended.

Purpose and Effect

The purpose and effect of this By-law is to rezone the lands from the "Open Space Two*94 (OS2*94)" zone to a "Residential Two (R2)" and "Residential Two*624 (R2*624)" zone under By-law 177-96, as amended, to permit the development of 14 single detached dwellings. It will also zone portions of the site to an Open Space One (OS1) zone under By-law 177-96, as amended, for lands intended to be conveyed to the City and added to an adjacent natural heritage buffer.

Notice Regarding Further Planning Applications on this Property

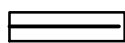
In accordance with Section 45(1.3) and 45(1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended on July 1, 2016 through the enactment of Bill 73, no person shall apply for a minor variance from the provisions of the by-law in respect of land, building or structure before the second anniversary of the day on which the by-law was amended, unless Council has declared by resolution that such an application is permitted.




SCHEDULE " A " TO BY-LAW AMENDING BY-LAW 177-96 DATED



 BOUNDARY OF AREA COVERED BY THIS SCHEDULE

 BOUNDARY OF ZONE DESIGNATION(S)

 Residential Two

 Open Space One

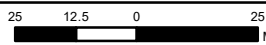
 Exception Section Number

THIS IS NOT A PLAN OF SURVEY. Zoning information presented in this Schedule is a representation sourced from Geographic Information Systems. In the event of a discrepancy between the zoning information contained on this Schedule and the text of zoning by-law, the information contained in the text of the zoning by-law of the municipality shall be deemed accurate.

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DEVELOPMENT SERVICES COMMISSION



Drawn By: CPW Checked By: SC

DATE: 15/02/2018

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



**THE CONDITIONS OF THE CITY OF MARKHAM TO BE SATISFIED PRIOR TO
RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TM-17007
(F.J. Homes Limited)**

1. General

- 1.1 Approval shall relate to a draft plan of subdivision prepared by The Biglieri Group Limited, identified as Project Number 17454, Drawing No. DP-01, dated December 8, 2017 and Revised on November 1, 2018.
- 1.2 This draft approval shall apply for a maximum period of three (3) years from date of approval by the Council of the City of Markham, and shall accordingly lapse on March XX, 2022 unless extended by the City upon application by the Owner.
- 1.3 The Owner shall enter into a subdivision agreement with the City agreeing to satisfy all conditions of the City and Agencies, financial and otherwise, prior to final approval.
- 1.4 The Owner acknowledges and understands that prior to final approval of this draft plan of subdivision, amendments to Zoning By-law 177-96, as amended, shall have come into effect in accordance with the provisions of the Planning Act.
- 1.5 The Owner shall agree in the Subdivision Agreement to design all municipal infrastructure in accordance with the City's and/or Region's standards, guidelines, and specifications.
- 1.6 Prior to the release for registration of this draft Plan of Subdivision, the Owner shall prepare and submit to the satisfaction of the City of Markham, all technical reports, studies, and drawings, including but not limited to, traffic study, functional traffic design, stormwater management report, functional servicing report, design brief, detailed design drawings, noise study, streetlighting design and photometric analysis, etc., to support the draft Plan of Subdivision. The Owner agrees to revise the draft plan of subdivision as necessary to incorporate the design and recommendations of the accepted technical reports, studies, and drawings.
- 1.7 The Owner shall implement the designs and recommendations of the accepted technical reports/studies submitted in support of the draft plan of subdivision including but not limited to, traffic study, functional traffic design study, stormwater management report, functional servicing report, design brief, detailed design drawings, noise study, streetlighting design and photometric analysis, to the satisfaction of the City, and at no cost to the City. The Owner agrees to revise the draft plan of subdivision as necessary to

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incorporate the recommendations, to implement or integrate any recommendations from the above technical reports/studies.

- 1.8 The Owner shall design and construct all required relocations of, and modifications to existing infrastructure, including but not limited to, sanitary and storm sewers, watermains, light standards, utilities, stormwater management facilities, traffic signage and roads to the satisfaction of, and at no cost to, the City.
- 1.9 The Owner shall restore all disturbed areas external to the plan of subdivision to its original condition or better, to the satisfaction of the City.
- 1.10 The Owner shall agree in the subdivision agreement to pay to the City, all required fees, in accordance with the City's Fee By-Law 211-83, as amended by Council from time to time.
- 1.11 The Owner shall agree in the subdivision agreement or pre-servicing agreement, whichever comes first, to submit financial security for the draft plan of subdivision as required by the City prior to the construction of municipal infrastructure required to service the development.
- 1.12 The Owner covenants and agrees to enter into a construction agreement and/or encroachment agreement or any other agreement deemed necessary to permit construction of services, roads, stormwater management facilities or any other services that are required external to the plan of subdivision and that are required to service the proposed development, to the satisfaction of the Director of Engineering and the City Solicitor.
- 1.13 The Owner shall covenant and agree in the subdivision agreement to provide the Building Standards Department all mitigation recommendations from the Geotechnical Consultant to waterproof basements which are below the ground water table, on a lot specific basis for each building permit application, to the satisfaction of the Chief Building Official. The Owner shall further covenant and agree that the acceptance of these measures will be subject to approval from the Chief Building Official.

2. Roads/Walkways

- 2.1. The Owner acknowledges that a trail/walkway is required within Blocks 15 and 16 in the Owner's plan of subdivision (the "Owner's Lands") and, within City lands described as Block 195, Plan 65M-3487 and Block 3, Plan 65M-3490 (the "City Lands"). The Owner shall agree in the subdivision agreement to construct the above trail/walkway in the Owner's Lands and City Lands at the Owner's cost to the satisfaction of the City.

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3. Tree and Woodlot Preservation

- 3.1 The Owner shall submit for approval a tree inventory and tree preservation plan to the satisfaction of the Director of Planning and Urban Design in accordance with the City of Markham Streetscape Manual dated 2009, as amended from time to time.
- 3.2 The Owner shall submit a site grading plan showing the trees to be preserved based on the approved Tree Preservation Plan prior to the issuance of a Top Soil Stripping Permit to the satisfaction of the Director of Planning and Urban Design.
- 3.3 The Owner shall obtain written approval from the Director of Planning and Urban Design prior to the removal of any trees or destruction or injury to any part of a tree within the area of the draft plan.
- 3.4 The Owner shall submit for approval, as part of the tree inventory and tree preservation plan, in accordance with the City of Markham Streetscape Manual a tree compensation schedule detailing replacement and enhancement planting or the replacement value based on the following:
 - a) Trees between 20cm and 40cm diameter at breast height (DBH) shall be replaced at a ratio of 2:1
 - b) All trees over 40cm DBH shall have an individual valuation submitted to the City by an ISA certified Arborist in accordance with the Council of Tree and Landscape Appraisers (CTLA) Guide for Plant Appraisal (2000)
 - c) Where a site does not allow for the 2:1 replacement, the City will negotiate a credit for tree planting on alternate sites
 - d) The requirement for the replacement or equivalent economic value following unauthorized tree removal or damage shall be determined by the City.

4.0 Community Design

- 4.1 The Owner shall implement and incorporate all requirements of the approved Wismer Commons Open Space Master Plan and Community Design Plan into all landscape plans, architectural control guidelines, engineering plans and any other required design documents.
- 4.2 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
- 4.3 The Owner shall retain a design consultant to implement the Architectural Control Guidelines.
- 4.4 Plans submitted for model home permits for any building within the plan of subdivision shall bear an approval stamp identifying the architectural company retained for architectural control and the signature of the control architect. The approval stamp shall

certify that the floor plans, building elevations and site plans are designed in accordance with the approved architectural control guidelines.

- 4.5 The Owner shall ensure that the design architect for any buildings within the plan of subdivision shall not also assume the role of control architect for the plan of subdivision.

5.0 Parks and Open Space

- 5.1 The Owner shall provide a specialized depth of topsoil in the entire municipal boulevard to appropriately plant boulevard trees to the satisfaction of the Director of Planning and Urban Design.

- 5.2 The Owner shall provide a Trustee Release Letter stating that they have paid their contribution towards parkland dedication to the Developers Group for the Wismer Commons Community.

6.0 Landscaping Works

- 6.1 Prior to execution of the subdivision agreement, the Owner shall submit landscape plans based on the approved Wismer Commons Open Space Master Plan and Community Design Plan into all landscape works, to the satisfaction of the Director of Planning and Urban Design

- a) Street tree planting in accordance with the City of Markham Streetscape Manual dated June 2009;
- b) Rear lot and side yard fencing on private property along the trail;
- b) 1.8m high wood screen corner lot fencing;
- c) Streetscape plan including street trees or any other landscaping as determined by the Community Design Plan and the Environmental Master Drainage Plan.

- 6.2 The Owner shall construct all landscaping in accordance with the approved plans at no cost to the City.

- 6.3 The Owner shall not permit their builders to charge home purchasers for the items listed in Condition 6.1.

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

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

- STREET TREES (TREES PLANTED IN THE CITY BOULEVARD or IN ADJACENT PUBLIC LANDS OR PRIVATE LOTS TO MEET 4.1a)
- CORNER LOT FENCING

- REAR LOT LINE FENCING AT LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
- TREE PLANTING IN REAR YARDS ADJOINING THE LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
- FENCING OF SCHOOL, PARK, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS
- BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES
- SUBDIVISION ENTRY FEATURES AND DECORATIVE FENCING AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE CITY.

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

7.0 Financial – Urban Design

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

8. Municipal Services

8.1 The Owner shall agree in the subdivision agreement to not apply for any building permits until the City is satisfied that adequate municipal water supply, sanitary sewers, and storm drainage facilities are available to service the proposed development.

8.2 The Owner shall agree in the subdivision agreement to revise and/or update the functional servicing and stormwater management reports, if directed by the City in the event that the Director of Engineering determines that field conditions are not suitable for implementation of the servicing and stormwater strategy recommended in the functional servicing and stormwater management reports.

9. Lands to be Conveyed/City Easements

9.1 The Owner shall grant required conveyances to the appropriate authority for road widening, public utilities or trail/walkway purposes, upon registration of the plan of subdivision. The Owner shall also provide for any works external to the draft plan of subdivision necessary to connect watermains, storm and sanitary sewers to the existing sewers and watermains abutting to the site and/or trail/walkway facilities satisfactory to, and dedicated to, the City.

9.2 The Owner shall convey Blocks 17, 16 and 15 to the City, for road widening, public utilities or trail/walkway purposes, free of all costs and encumbrances, to the satisfaction of the City and the TRCA, upon registration of the plan of subdivision.

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10. Utilities

- 10.1 The Owner shall agree in the subdivision agreement that hydro-electric, telephone, gas and television cable services, and any other form of telecommunication services shall be constructed at no cost to the City as underground facilities within the public road allowances or within other appropriate easements, as approved on the Composite Utility Plan, to the satisfaction of the City and authorized agencies.
- 10.2 The Owner shall agree in the subdivision agreement to enter into any agreement(s) required by any applicable utility companies, including Powerstream, Enbridge, telecommunications companies, etc.
- 10.3 The Owner covenants and agrees that it will permit any telephone or telecommunication service provider to locate its plant in a common trench within the proposed subdivision prior to registration provided the telephone or telecommunications services provider has executed a Municipal Access Agreement with the City. The Owner shall ensure that any such service provider will be permitted to install its plant so as to permit connection to individual dwelling units within the subdivision as and when each dwelling unit is constructed.

11. Canada Post

- 11.1 The Owner shall agree in the subdivision agreement to facilitate the construction of Canada Post facilities at locations and in manners agreeable to the City in consultation with Canada Post, and that where such facilities are to be located within public rights-of-way they shall be approved on the Composite Utility Plan and be in accordance with the Community Design Plan.
- 11.2 The Owner shall agree in the subdivision agreement to include on all offers of purchase and sale a statement that advises prospective purchasers that mail delivery will be from a designated Community Mailbox. The Owners will further be responsible for notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sale.
- 11.3 The Owner shall covenant and agree in the subdivision agreement to provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading are completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to new residents as soon as homes are occupied.
- 11.4. The Owner acknowledges that standard community mailbox installations are to be done by Canada Post at locations approved by the municipality and shown on the Composite Utility Plan. The Owner agrees that should it propose an enhanced community mailbox installation, any costs over and above the standard installation must be borne by the Owner, and be subject to approval by the City in consultation with Canada Post.

12. Environmental Clearance

- 12.1 The Owner shall agree in the subdivision agreement to retain a "Qualified Person" to prepare all necessary Environmental Site Assessments (ESA) and file Record(s) of Site Condition with the Provincial Environmental Site Registry for all lands to be conveyed to the City. The "Qualified Person" shall be defined as the person who meets the qualifications prescribed by the Environmental Protection Act and O. Reg. 153/04, as amended. The lands to be conveyed to the City shall be defined as any land or easement to be conveyed to the City, in accordance with the City's Environmental Policy and Procedures for Conveyance of Land to the City Pursuant to the Planning Act.
- 12.2 Prior to the earlier of any construction, including site alteration, the execution of a pre-servicing agreement or subdivision agreement, the Owner agrees to submit Environmental Site Assessment (ESA) report(s) prepared by a Qualified Person, in accordance with the Environmental Protection Act and its regulations and all applicable standards, for all lands to be conveyed to the City for peer review and concurrence.
- 12.3 Prior to the earlier of any construction including site alteration, the execution of a pre-servicing agreement or subdivision agreement, the Owner agrees to submit environmental clearance(s) and Reliance Letter(s) from a Qualified Person to the City for all lands or interests in lands to be conveyed to the City to the satisfaction of the City. The Environmental Clearance and Reliance Letter will be completed in accordance with the City's standard and will be signed by the Qualified Person and a person authorized to bind the Owner's company. The City will not accept any modifications to the standard Environmental Clearance and Reliance Letter, except as and where indicated in the template.
- 12.5 The Owner agrees that if, during construction, contaminated soils or materials or groundwater are discovered, the Owner shall inform the City 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, to the satisfaction of the City and the Ministry of the Environment, Conservation and Parks.
- 12.6 The Owner shall agree in the subdivision agreement to assume full responsibility for the environmental condition of the lands comprising the draft plan of subdivision. The Owner shall further agree in the subdivision agreement to indemnify and save harmless the City, its directors, officers, Mayor, councilors, employees and agents from any and all actions, causes of action, suite, claims, demands, losses, expenses and damages whatsoever that may arise either directly or indirectly from the approval and assumption by the City of the municipal infrastructure, the construction and use of the municipal infrastructure or anything done or neglected to be done in connection with the use or any environmental condition on or under lands comprising the draft Plan of Subdivision, including any work undertaken by or on behalf of the City in respect of the lands comprising the draft Plan of Subdivision and the execution of this Agreement.

13. Development Charges

13.1 The Owner covenants and agrees to provide written notice of all development charges related to the subdivision development, including payments made and any amounts owing, to all first purchasers of lands within the plan of subdivision at the time the lands are transferred to the first purchasers.

14. Heritage

14.1 Prior to final approval of the draft plan of subdivision or any phase thereof, the Owners shall carry out a cultural heritage resource assessment for the lands within the draft plan to ensure the assessment and identification of appropriate treatment of built heritage and archaeological resources; and to mitigate any identified adverse impacts to significant heritage resources, to the satisfaction of the City (Commissioner of Development Services) and the Ministry of Tourism Culture and Sport. The Owner shall submit a letter issued by the Ministry of Tourism Culture and Sport that the Heritage Resource Assessment has been entered into the Ontario Public Register of Archaeology Reports prior to registration of the draft plan and prior to any demolition, grading, filling or any form of soil disturbances on lands within the draft plan.

14.2 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 Tourism, Culture and Sport.

15. Other City Requirements

15.1 The Owner shall include the following clauses in all offers of purchase and sale for units with a single-car garage:

“PURCHASERS/TENANTS ARE ADVISED THAT THE CITY’S PARKING BY-LAW REQUIRES A MINIMUM OF TWO PARKING SPACES, ONE IN THE DRIVEWAY AND ONE IN THE GARAGE. OUTSIDE A PRIVATE GARAGE, PARKING IS ONLY PERMITTED ON A DRIVEWAY.

PURCHASERS/TENANTS ARE ADVISED THAT THE CITY’S ZONING BY-LAW RESTRICTS DRIVEWAY WIDTHS, WHICH MAY NOT ALLOW TWO CARS TO PARK SIDE BY SIDE.

PURCHASERS/TENANTS ARE ADVISED THAT OVERNIGHT STREET PARKING WILL NOT BE PERMITTED UNLESS AN OVERNIGHT STREET PARKING SYSTEM IS IMPLEMENTED BY THE CITY.”

15.2 The Owner shall covenant and agree in the subdivision agreement that no building permits will be issued for part blocks until said blocks have been combined with abutting

lands to create building lots in conformity with the zoning by-law and all applicable fees have been paid. The Owner acknowledges and agrees that contiguous part lots will be registered as one block in the final plan, and that future lots will be created through part lot control.

- 15.3 The Owner shall provide and post display plans in all sales offices which clearly indicate the location of the following facilities in relation to the lot being purchased, prior to any Agreements of Purchase and Sale being executed by the Owner, a builder, or their real estate agents:

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

All display plans shall be submitted the City for review and approval by City staff, prior to the opening of the sales office.

- 15.4 The Owner covenants and agrees to implement sustainable design features within the single detached dwellings, including, but not limited to:

Improvement of Energy Performance:

- High efficiency HVAC system with HRV (Heat Recovery Ventilation) will be utilized in the new building. The furnaces will have an annual fuel efficiency of 94% or higher. The HRV will recover about 75% heat from the exhaust air.
- High efficiency lighting system (e.g. LED lights, timing / occupancy sensor lighting control) will be specified in the construction documents.

High Efficiency Water Fixtures:

- To reduce water use, high efficiency water fixtures, e.g. dual flushing water closets and low flow shower heads, will be utilized.

Low Impact Power:

- To reduce environmental impact of power used for vehicles and household, electrical car and renewable energy system are encouraged. Conduits from the electrical box to garage and roof are required for the future installation of charging stations or roof top solar panels by home owners.

- 15.5 That the Owner covenants and agrees to enter into a Section 37 Agreement to secure the provision of Public Art by the City for the lands zoned Residential Two (R2) and Residential Two*624 (R2*624), as required by implementing zoning by-law 2019-___.

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- 15.6 The Owner shall covenant and agree that fire hydrants on streets are to be spaced at intervals not exceeding 120 metres for single detached dwellings. The Owner acknowledges an additional fire hydrant is required off Roy Rainey Avenue.
- 15.7 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 or his designee. The Owner shall provide a letter of credit in an amount to be determined by the Fire Chief or his designee at the subdivision agreement stage to ensure compliance with this condition.
- 15.8 The Owner acknowledges and agrees that the adequacy and reliability of water supplies for firefighting purposes are subject to the review and approval of the Fire Chief or his designee.
- 15.9 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 or Building Services has been advised by the Fire Chief that there is an adequate water supply for firefighting operations and that two remote accesses for firefighting equipment is available.
- 15.10 The Owner covenants and agrees to purchase from the City two recycling containers, one green bin and one kitchen collector per residence so that each purchaser may participate in the City's waste diversion program. Furthermore, the Owner shall ensure that the recycling containers, green bins, kitchen collectors and educational materials are deposited in each home on or before the date of closing.
- 15.11 The Owner covenants and agrees to contact the City at least four weeks prior to unit occupancy to arrange an appointment time in which the recycling containers, green bins, kitchen collectors and educational materials are to be collected by the owner.
- 15.12 The Owner covenants and agrees to pay to the City the cost for recycling containers, green bins and kitchen collectors and to provide said recycling containers, green bins and kitchen collectors to purchasers at the same cost as paid to the City.
- 15.13 The Owner covenants and agrees that during the construction phase of the development, unobstructed roadway access to a width no less than 6 metres will be provided for the safe passage of municipal waste and recycling collection vehicles on the designated collection day. Furthermore, if required, the Owner shall provide vehicle turning space that meets the City's engineering design standards. The Owner agrees that at times when the above defined access cannot be provided, the Owner shall be responsible for moving all residential waste, recyclables and organics from the occupied units to an agreed upon centralized location at the Owner's expense, for collection by the City.

15.14 The Owner acknowledges that all waste and recyclable materials will be collected municipally.

16. Toronto and Region Conservation Authority (TRCA)

16.1 That prior to any development, pre-servicing or site alteration, or registration of this plan or any phase thereof, the applicant shall submit, provide and/or attain the approval from the TRCA for:

- a. a detailed engineering report stamped by a professional engineer that in addition to describing the storm drainage system for the proposed development of the subject lands, includes:
 - i. The functional servicing report and the stormwater management report should include all location and description of all outlets and other facilities, grading, site alterations or development which may require a permit pursuant to Ontario Regulation 166/06, the Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourse Regulation;
 - ii. Confirmation that all of TRCA's stormwater management criteria and the criteria requirements for water balance have been met or exceeded;
 - iii. Water balance measures with supporting calculations;
 - iv. That confirmation of the infiltration facility and the seasonally high water table is separated a minimum of 1 metre before the finalization of the infiltration facility location;
 - v. Detail drawings, locations and plans for proposed water balance and LID measures on the appropriate drawings;
 - vi. Detailed grading plans and site servicing plans;
- b. A detailed and comprehensive Erosion and Sediment Control Plan and Report, which complies with the TRCA's Erosion and Sediment Control Guidelines for Urban Construction (available at www.sustainabletechnologies.ca);

16.2 That the applicant attain all Ontario Regulation 166/06 permits from the TRCA for all works proposed on the subject property for which permits would be required, and those related to any associated infrastructure or stormwater management works required to support this development that may be located off the subject property;

16.3 That the owner agrees in the subdivision agreement, in wording acceptable to the TRCA:

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- a. to carry out, or cause to be carried out, to the satisfaction of the TRCA, the recommendations of the technical reports and analyses to be approved by TRCA, including water balance and infiltration measures identified in the engineering report;
- b. to agree to, and implement, the requirements of the TRCA's conditions in wording acceptable to the TRCA;
- c. to design and implement on-site erosion and sediment controls in accordance with current TRCA standards;
- d. to maintain all stormwater management and erosion and sedimentation control structures operating in good repair during the construction period, in a manner satisfactory to the TRCA;
- e. to obtain all necessary TRCA permits pursuant to Ontario Regulation 166/06 (as amended) from the TRCA;
- f. that all buffer blocks associated with the future trail has been gratuitously conveyed into public ownership;
- g. to provide and install the LID measures identified in the engineering report for the purchaser prior to occupancy, including but not limited to increased topsoil depth to the satisfaction of the City and TRCA;
- h. to provide for planting, restoration and enhancement within or adjacent to all natural areas and buffer in accordance with planting and restoration plans to be approved by the TRCA. And, that monitoring and replanting of these areas be completed for a minimum warrantee period in accordance with City of Markham standards, with sufficient funds being secured through a letter of credit in favor of the City of Markham or other appropriate measure;
- i. to erect a permanent fence to the satisfaction of the TRCA on all lots and blocks abutting lands to be conveyed to the public authority, prior to occupancy of any homes within lots 1 to 4 and 11 to 14 inclusive.
- j. that a warning clause be included in all agreements of purchase and sale, and information is to be highlighted on all community information maps and promotional sales materials for lots with infiltration measures which identifies the following:

“The infiltration galleries located on the subject property form an integral part of the stormwater management infrastructure for the community. It is the owner's responsibility to maintain this system and to ensure that proper drainage is maintained.”

- k. That a warning clause be included in all agreements of purchase and sale, and information is to be highlighted on all community information maps and promotional sales materials for all private lots or blocks abutting the proposed rear walk-way which identifies the following:

“The lands abutting the rear property line is a municipally maintained walk-way adjacent to environmental protected lands. The buffer block is considered to be part of the publically owned environmental protection area and will be maintained by the City. The installation of private gates to access the lands and any encroachment such as private picnic, barbeque or garden areas, storage of materials and/or the dumping of refuse or ploughed snow is prohibited.

- 16.4 That the draft plan be red-line revised (if necessary), to meet the requirements of TRCA’s conditions, or to meet current established standards in place as of the date of a request for registration of the Plan or any phase thereof.
17. Region of York

Conditions to be Included in the Subdivision Agreement

- 17.1 The Owner shall save harmless York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.

Conditions to be Satisfied Prior to Final Approval

- 17.2 The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the City of Markham and York Region.
- 17.3 York Region shall confirm that adequate water supply and sewage 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.
- 17.4 The Owner shall provide an electronic set of the final engineering drawings showing the watermains and sewers for the proposed development to the Community Planning and Development Services division and the Infrastructure Asset Management Branch for record.
- 17.5 The Owner shall provide a copy of the Subdivision Agreement to the Corporate Services Department, outlining all requirements of the Corporate Services Department.
- 17.6 The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable in accordance with Regional Development Charges By-law in effect at the time that Regional development charges, or any part thereof, are payable.

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17.7 The Regional Corporate Services Department shall advise that Conditions 1 to 6 inclusive, have been satisfied.

18.0 Developers Group Agreement and Clearance

18.1 Prior to final approval of the draft plan, the Owner shall enter into a Developers Group Agreement to ensure the provision of community and all common facilities such as school sites, municipal services, parks and public roads, etc, in the Wismer Commons community are completed to the satisfaction of the City (Commissioner of Development Services and City Solicitor). A certificate confirming the completion of such agreement(s) shall be provided to the City by the Developers Group Trustee to the satisfaction of the City Solicitor.

18.2 The Owner shall covenant and agree in the subdivision agreement that the plan of subdivision shall not be released for registration by the City until the Owner delivers a release to the City from the Trustee of the Developers Group to the effect that all conditions of the Group Agreement have been met to the satisfaction of the Trustee.

19.0 Ministry of Natural Resources

19.1 The Owner covenants and agrees to comply with the requirements of the Endangered Species Act, 2007, S.O. 2007, c. 6. (the "ESA"), and the Species at Risk Act, S.C. 2002, c. 29. (the "SARA"), with respect to any species identified in accordance with the ESA and the SARA. The Owner acknowledges and agrees that, notwithstanding this Agreement and any approvals made or given by the City in respect of the Subdivision, the onus is on the Owner to comply with the provisions of the ESA and the SARA. The Owner covenants and agrees to indemnify and save harmless the City, its directors, officers, Mayor, councillors, employees and agents from any and all actions, causes of action, suits, claims, demands, losses, penalties, fines, expenses and damages whatsoever that may arise either directly or indirectly from the approval and registration of the Subdivision and the Assumption of Subdivision, the construction and use of the Works or anything done or neglected to be done in connection with the ESA and the SARA.

22. External Clearances

22.1 Prior to final approval of the draft plan of subdivision, clearance letters, containing a brief statement detailing how conditions have been met, will be required from authorized agencies as follows:

- a) Canada Post shall advise that Conditions 11.1 to 11.45 have been satisfied.
- b) The Toronto and Region Conservation Authority shall advise that Conditions 16.1 to 16.4 inclusive, have been satisfied.
- c) The Regional Municipality of York Planning Department shall advise that Conditions 17.1 to 17.7 inclusive, have been satisfied.

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- d) The Trustee of the Cornell Developers Group provide clearance that all obligations, financial or otherwise have been satisfied in accordance with Conditions 18.1 and 18.2;
- e) That the Owner submits a letter from the Ministry of Tourism Culture and Sport that the Heritage Resource Assessment has been entered into the Ontario Public Register of Archaeology Reports in accordance with Condition 14.1

ISSUED: April XX, 2019

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

DRAFT



SUSTAINABLE DEVELOPMENT BRIEFING

To reduce environmental impact of the development, Sustainable development principles will be incorporated into the design and construction, including:

1. Sustainable Site Management

The project site is located on the Robinson Creek. A stormwater management plan will be conducted, that was included in the Functional Servicing Report that is submitted with the Zoning Bylaw Amendment (ZBA) application, to control both quality and quantity of rainwater runoff. After the development, the proposed overland flow route remains the same as the existing overland flow route for the roadways.

2. Improvement of Energy Performance

High efficiency HVAC system with HRV (Heat Recovery Ventilation) will be utilized in the new building. The furnaces will have an annual fuel efficiency of 94% or higher. The HRV will recover about 75% heat from the exhaust air.

High efficiency lighting system (e.g. LED lights, timing / occupancy sensor lighting control) will be specified in the construction documents.

3. High Efficiency Water Fixtures

To reduce water use, high efficiency water fixtures, e.g. dual flushing water closets and low flow shower heads, will be utilized.

4. Low Impact Power

To reduce environmental impact of power used for vehicles and household, electrical car and renewable energy system are encouraged. Conduits from the electrical box to garage and roof are required for the future installation of charging stations or roof top solar panels by home owners.