ISSUE DATE:

April 22, 2013

Ontario

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

RECEIVED
APR 25 2013
CITY OF MARKHAM
CLERKS DEPT.

PL121255

Copy: Geoff Day
Legal
Lucy.

Frangian Holdings Limited has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's neglect to enact a proposed amendment to the Secondary Plan for the City of Markham to redesignate land at 7089 Yonge Street and 11 & 15 Grandview Avenue as the 'Community Amenity I – Yonge/Steeles' designation does not provide for the site densities proposed for a 17 storey residential point tower over a 4 storey retail/office "mixed use" podium
(Approval Authority File No.OP 10-131003)
OMB File No.: PL121255

Frangian Holdings Limited has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's neglect to enact a proposed amendment to Zoning By-law 2237 of the City of Markham to rezone lands respecting 7089 Yonge Street and 11 & 15 Grandview Avenue from Community Commercial (CC) for the western portion and Residential Four (R4) for the eastern portion to Community Commercial with a site specific exception (CC*XXX) to permit for the proposed redevelopment and to implement the proposed Official Plan Amendment
OMB File No.: PL121256

APPEARANCES:

Parties	**Counsel*/Agent**
Frangian Holdings Limited	S. Zakem*
City of Markham	A. Wilson-Peebles*
1691126 Ontario Inc.	B. Horosko* and C. Facciolo*
2272897 Ontario Inc.	F. Riazi

AMENDING DECISION BY R. ROSSI

[1] The Board's Decision and Order issued April 12, 2013, and amended by the Board's Decision issued April 19, 2013, is hereby amended by replacing Attachment 2 to the Decision and Order with Attachment 2 attached to this Amending Decision.

[2] In all other respects, the Board's Decision and Order remains the same.

"R. ROSSI"

R. ROSSI
MEMBER

Attachment 2

BY-LAW XXXX-XX

A By-law to amend Zoning By-law 2237, as amended, to rezone 7089 Yonge Street and 11 and 15 Grandview Avenue.

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

1.0 That By-law 2237, as amended, is hereby further amended as it applies to the lands outlined on Schedule 'A' attached hereto as follows:

1.1 By rezoning the lands:

From the Community Commercial [CC] and Fourth Density Single Family Residential [R4] Zones to the Community Amenity Area 1 (Hold) [(H)CA1] Zone and Open Space [O1] Zone

2.0 Notwithstanding any other provisions of By-law 2237, as amended, to the contrary, the provisions in this Section shall apply to only those lands denoted on Schedule 'A' attached hereto. All other provisions of this By-law, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section:

2.1 Use Definitions

The following definitions apply to the lands outlined on Schedule 'A' attached hereto. For the purpose of this By-law, where other terms have not been specifically defined within By-law 2237, as amended, the definitions of By-law 28-97, as amended, shall apply.

a. *"Drive-Through Service Facility"* means a building or *structure* or part thereof where goods and/or services are offered to the public within a parked or stationary vehicle by way of a service window or kiosk, where goods, money or materials are exchanged. Kiosks within a parking garage or associated with a surface parking area are not considered to be drive-through service uses.

b. *"Outdoor Storage"* means an area of land used in conjunction with a business located within a building or *structure* on the same *lot*, for the storage of goods and materials.

c. *"Outdoor Display and Sales Area"* means outdoor open space area where produce or merchandise is displayed *and/or* sold and/or where services are provided in conjunction with a business located within a *building* or *structure* on the same *lot*.

d. *"Live-Work Unit"* means a single unit designed to include both a non-residential and a residential component that is occupied by the same resident, sharing the same principal entrance from a common corridor of a building. The only permitted uses within the non-residential component of the Live-Work unit shall be *private art galleries, business offices, medical offices, personal service shops, private schools,* and *repair shops*, provided that the non-residential component may be used/occupied for residential purposes in conjunction with or to the exclusion of permitted non-residential uses and provided further that the residential component may be used/occupied for any of the permitted non-residential uses aforesaid in conjunction with or to the exclusion of residential uses.

2.2 The following provisions shall apply in the Community Amenity Area [CA1] Zone:

2.2.1 **Only Uses Permitted**

(i) Residential:
- *Apartment Dwelling;*
- *Live – Work Units;*

(ii) Non-Residential:
- *Private art galleries;*
- *Banquet halls;*
- *Business offices;*
- *Clubs, private;*
- *Commercial fitness centres;*
- *Community centres;*
- *Day nurseries;*
- *Financial institutions;*
- *Libraries*
- *Medical offices;*
- *Museums;*
- *Personal service shops;*
- *Places of amusement;*
- *Places of worship;*
- *Recreational establishments;*
- *Repair shops;*
- *Restaurants;*
- *Restaurants, take-out;*
- *Retail stores;*
- *Schools, commercial;*
- *Schools, private;*
- *Schools, public;*
- *Supermarkets.*

2.2.2 **Zone Standards**
The following specific zone standards apply:

a) **Floor Space Index**
The maximum *Floor Space Index (FSI)* for all of the buildings on the lands delineated on Schedule'A' to this By-law shall not exceed 3.5. Notwithstanding the foregoing, the total *FSI* for all permitted residential uses combined shall not exceed 2.95. For the purposes of this By-law, only the following floor areas are exempted from the FSI calculation:
- Car parking areas above and below grade;
- Rooftop mechanical penthouses;
- Storage lockers located below grade;
- Garbage/recycling areas; storage lockers; loading areas; utility, mechanical; and electrical rooms located below grade.

Any portion of a *Live-Work unit* used for non-residential uses shall not be counted as residential *FSI*.

b) **Maximum Height**
The maximum *height* for *buildings* within an area bounded by the Grandview Avenue *lot line*, the *front lot line*, a line parallel to the *front lot line* located a distance of 37.5 metres from the *front lot line* measured along the Grandview Avenue *lot line*, and a line parallel to the Grandview Avenue *lot line* located a distance of 44.5 metres from the Grandview Avenue frontage measured along the *front lot line* shall be 262.5 metres geodetic height above sea

level. The maximum height for buildings located outside of the area defined above shall be 230.5 metres geodetic height above sea level. Height shall be measured to:

i) The highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;
ii) The deckline of a mansard roof;
iii) The mean level between eaves and ridge of a gable, hip or gambrel roof or other type of pitched roof;
iv) In case of a structure with no roof, the highest point of said structure.

Notwithstanding the above, any ornamental roof construction features including towers, steeples or cupolas, shall not be included in the calculation of height. Mechanical features, including their screening, and structures containing the equipment necessary to control an elevator, are permitted to project a maximum of 5.0 metres above the highest point of the roof surface, regardless of the height of the building.

c) **Minimum Height**
The minimum *height* for *buildings* located within 20 metres of the *front lot line* shall be 205 metres geodetic height above sea level.

d) **Front lot line**
The Yonge Street frontage shall be deemed to be the *front lot line*.

e) **Minimum lot frontage**
The minimum *lot frontage* shall be 55 metres.

f) **Minimum lot depth**
The minimum *lot depth* shall be 100 metres.

g) **Minimum front yard**
The minimum *front yard* shall be 4.3 metres. For greater clarity, the front yard shall be measured from the front lot line as it exists at the time of passing of this By-law.

h) **Minimum flankage side yard (Grandview Avenue)**
The minimum *flankage side yard* setback shall be 4.5 metres.

i) **Minimum interior side yard**
The minimum *interior side yard* shall be 0 metres.

j) **Maximum floor area**
The maximum floor area of any portion of a building located above 230.5 metres geodetic height above sea level shall be 880 square metres per floor. For the purposes of this provision, the floor area is deemed to include all of the horizontal space between the exterior faces of the exterior walls of the building at each floor level, whether it is broken or not by elevator shafts, stairwells or similar breaks in the floor.

k) **Minimum separation distances**
The minimum separation distance between portions of buildings with a height above 230.5 metres geodetic elevation above sea level shall be 25 metres.

l) **Minimum number of loading spaces**
The minimum number of loading spaces: 2 spaces.

m) **Minimum dimensions of loading spaces**
Loading spaces shall be a minimum 3.6 metres wide and 12 metres long.

n) **Maximum permitted projections**
Notwithstanding the foregoing, encroachments into the permitted yard setbacks shall be as follows:

Structure	Maximum Permitted Projection
Eaves, cornices, ornamental or architectural elements, light fixtures, balustrades, mullions, window sills, and bay windows	Maximum projection of 0.3 metres into the required yard setback
Canopies and awnings	Maximum projection of 2.4 metres into the required yard setback

2.2.3 **Special Parking Provisions**

A minimum number of *parking spaces* are required for all of the uses permitted as set out below:

Use	Minimum Parking Spaces Required
Apartment dwelling	1.10 *parking spaces* per *dwelling unit*
Live – Work Unit	2 *parking spaces* per *Live-Work unit*
All permitted non-residential uses	1 *parking space* for every 30 square metres of *net floor area*

2.2.4 **Special Site Provisions**
The following additional provisions shall apply:

a) *Apartment dwelling* shall only be permitted above the fourth floor of a *building*.

b) *Live-Work units* shall only be permitted on the third and fourth floors of a *building*.

c) Only non-residential uses shall be permitted on the first and second floors of a *building*.

d) A minimum of 13 of the Live-Work units shall contain a non-residential component.

e) *Outdoor storage* and *Outdoor display and sales* are not permitted.

f) The establishment of a *drive-through service facility* associated with any use is not permitted.

g) Nothing in this By-law shall be interpreted to prevent the construction of an underground *parking garage* for the purposes of *motor vehicle* or bicycle parking and *storage lockers* on any portion of the lands identified in Schedule A to this By-law.

h) For zoning purposes, the lands shown in Schedule 'A' to this by-law shall be considered to be one lot.

3.0 HOLD PROVISIONS

3.1 **Location of Hold (H) Provision**
The Hold (H) Provision is shown on Schedule A attached to this by-law.

3.2 **Uses permitted prior to the lifting of a Hold (H) Provision**
In addition to the use and buildings that existed on the effective date of the passing of this By-law, driveways, underground parking garages and the first storey above the underground parking garages are permitted prior to the removal of the Hold (H) provision.

3.3 **Conditions for removing the Hold (H) provision**
The Hold (H) Provision shall not be lifted until the following conditions have been met to the satisfaction of the City of Markham:

- Completion of a site-specific Transportation Impact and Parking Study and a Transportation Demand Management Study to the satisfaction of the City of Markham Director of Engineering, in consultation with the Region of York;
- That Regional servicing capacity has been allocated to the residential component of the proposed development;
- Execution of a Section 37 Agreement between the City and the Owner and payment of a Section 37 financial contribution and/or provision of in kind facilities, all to the satisfaction of the City;
- Execution of a site plan agreement between the Owner and the City providing for, among other matters:
  i. construction of the proposed development;
  ii. dedication of land for potential road widening along Yonge Street to the satisfaction of the Region of York;
  iii. requirements related to Toronto Transit Commission's technical review of the application and requirements for TTC Interferences Warning Clauses;
  iv. implementation, if required, of traffic infiltration and mitigation measures within the Yonge Steeles Corridor and surrounding established residential neighbourhoods;
  v. implementation of Traffic Demand Management (TDM) initiatives; and,
  vi. financial contributions, if required, to off-site infrastructure including a proportional share of the Dudley Avenue Sewer.

3.4 **Effect of lifting the Hold (H) Provision**
Once the Hold (H) Provision is lifted, all of the uses and zoning standards provided for in this By-law shall be permitted.

4.0 The owner shall be required to enter into a Section 37 Agreement to secure provision of a financial contribution to the City for community facilities and services and/or provision of in-kind facilities, in exchange for the density and height permissions set out in this By-law.

5.0 All other provisions of By-law 2237, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
** DAY OF ***, 20**.

KIMBERLEY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

MARKHAM

EXPLANATORY NOTE
BY-LAW 2012- XXX
A By-law to amend By-law 2237, as amended

Frangian Holdings Ltd.
7089 Yonge Street and 11 and 15 Grandview Avenue

LANDS AFFECTED
This By-law applies to lands located on the south east corner of Yonge Street and Grandview Avenue in the Thornhill Community, Markham.

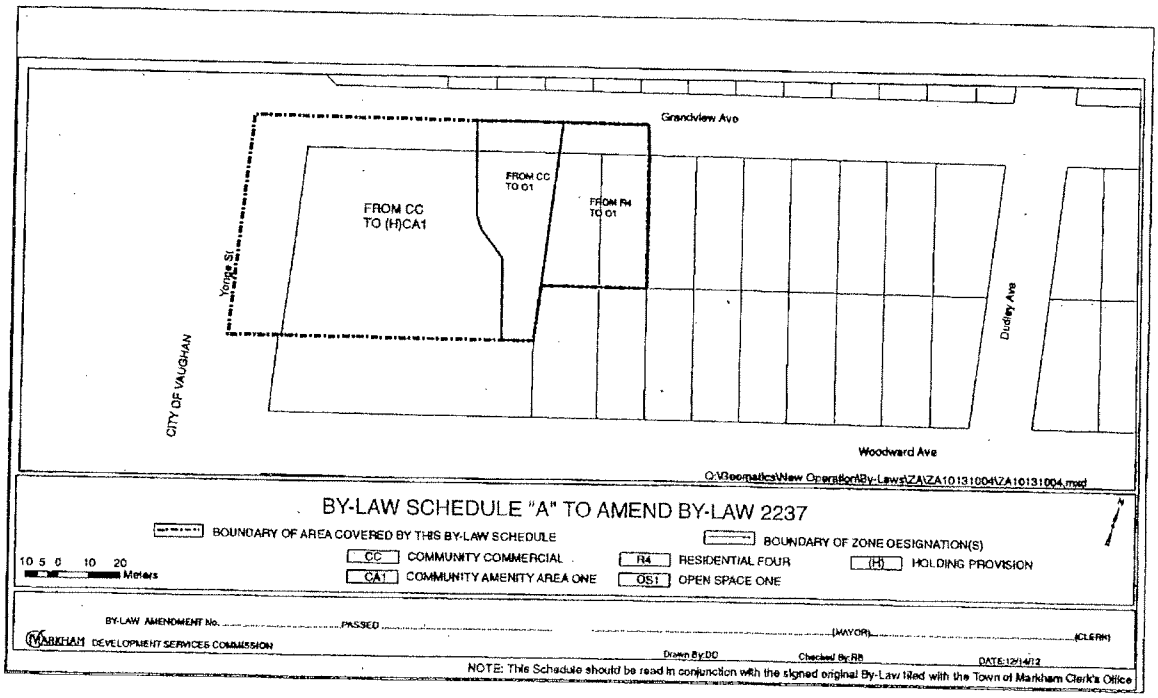
EXISTING ZONING
The lands subject to this By-law are presently zoned Community Commercial [CC] and Fourth Density Single Family Residential [R4] by By-law 2237, as amended.

PURPOSE AND EFFECT
The purpose and effect of this By-law is to rezone the subject site to the Community Amenity Area One [CA1] Zone to permit a mixed use high density residential and retail/commercial development with a maximum height of 262.5 metres above sea level (approximately 21 storeys) and Open Space One [OS1] to permit a City-owned strata park on the eastern portion of the site. The By-law sets out site-specific permitted uses, maximum density for residential and non-residential uses, and maximum height, setbacks, floor area and parking provisions.

The zoning by-law incorporates a Hold (H) Provision to ensure that certain conditions are met before development proceeds. The specific conditions for removal of the Hold (H) Provision are set out in the By-law and relate to the following matters:

- Completion of a site-specific Transportation Impact and Parking Study and a Transportation Demand Management Study to the satisfaction of the City of Markham Director of Engineering, in consultation with the Region of York;
- That regional servicing capacity has been allocated to the residential component of the proposed development;
- Execution of a Section 37 Agreement between the City and the Owner and payment of a Section 37 financial contribution and/or provision of in kind facilities, all to the satisfaction of the City; Execution of a site plan agreement between the Owner and the City providing for, among other matters:
  - i. construction of the proposed development;
  - ii. dedication of land for potential road widening along Yonge Street to the satisfaction of the Region of York;
  - iii. requirements related to Toronto Transit Commission's technical review of the application and requirements for TTC Interferences Warning Clauses;
  - iv. implementation, if required, of traffic infiltration and mitigation measures within the Yonge Steeles Corridor and surrounding established residential neighbourhoods;
  - v. implementation of Traffic Demand Management (TDM) initiatives; and,
  - vi. financial contributions, if required, to off-site infrastructure including a proportional share of the Dudley Avenue Sewer.

Uses existing on the date of passing of this By-law, driveways, underground parking garages and the first storey above the underground parking garages are permitted to be constructed prior to the removal of the Hold (H) Provision. The effect of lifting the Hold (H) Provision shall be to permit the uses and zoning standards provided for in this By-law.


Grandview Ave
FROM CC
TO (H)CA1
FROM CC
TO O1
FROM R4
TO O1
Yonge St
CITY OF VAUGHAN
Dudley Ave
Woodward Ave
O:\Geomatics\New Operation\By-Laws\ZA\ZA10131004\ZA10131004.mxd
BY-LAW SCHEDULE "A" TO AMEND BY-LAW 2237
BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE
BOUNDARY OF ZONE DESIGNATION(S)
10 5 0 10 20
Meters
CC COMMUNITY COMMERCIAL
CA1 COMMUNITY AMENITY AREA ONE
R4 RESIDENTIAL FOUR
OS1 OPEN SPACE ONE
(H) HOLDING PROVISION
BY-LAW AMENDMENT No. PASSED (MAYOR) (CLERK)
MARKHAM DEVELOPMENT SERVICES COMMISSION
Drawn By:DD
Checked By:RB
DATE:12/14/12
NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the Town of Markham Clerk's Office

ISSUE DATE:

April 19, 2013

Copy: Geoff Day
Legal
Lucy

PL121255

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Ontario Municipal Board
Commission des affaires municipales de l'Ontario

Frangian Holdings Limited has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's neglect to enact a proposed amendment to the Secondary Plan for the City of Markham to redesignate land at 7089 Yonge Street and 11 & 15 Grandview Avenue as the 'Community Amenity I – Yonge/Steeles' designation does not provide for the site densities proposed for a 17 storey residential point tower over a 4 storey retail/office "mixed use" podium
(Approval Authority File No.OP 10-131003)
OMB File No. PL121255

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OMB File No. PL121256

APPEARANCES:

Parties	Counsel*/Agent
Frangian Holdings Limited	S. Zakem*
City of Markham	A. Wilson-Peebles*
1691126 Ontario Inc.	B. Horosko* and C. Facciolo*
2272897 Ontario Inc.	F. Riazi

AMENDING DECISION BY R. ROSSI

[1] The Board's Decision and Order issued April 12, 2013 is hereby amended by replacing A. Yerxa, the City of Markham's counsel in the Appearances section, with A. Wilson-Peebles.

[2] In all other respects, the Board's Decision and Order remains the same.

"R. ROSSI"

R. ROSSI
MEMBER

ISSUE DATE:

April 12, 2013

Ontario

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

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APR 15 2013
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PL121255

Frangian Holdings Limited has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's neglect to enact a proposed amendment to the Secondary Plan for the City of Markham to redesignate land at 7089 Yonge Street and 11 & 15 Grandview Avenue as the 'Community Amenity I – Yonge/Steeles' designation does not provide for the site densities proposed for a 17 storey residential point tower over a 4 storey retail/office "mixed use" podium
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OMB File No. PL121256

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Parties	**Counsel*/Agent**
Frangian Holdings Limited	S. Zakem*
City of Markham	A. Yerxa*
1691126 Ontario Inc.	B. Horosko* and C. Facciolo*
2272897 Ontario Inc.	F. Riazi

DECISION FROM A PRE-HEARING CONFERENCE DELIVERED BY R. ROSSI ON APRIL 5, 2013 AND ORDER OF THE BOARD

[1] Frangian Holdings Limited, the Applicant/Appellant ("Applicant") has appealed to the Board from the City of Markham's failure to make a decision regarding the Applicant's proposal to develop a 17-storey residential point tower atop a four-storey retail/office mixed-use podium (21 storeys in total). The parties advised the Board in advance that the Applicant and the City have reached an agreement on a proposed official plan amendment and a proposed zoning by-law amendment for the subject lands.

[2] Farhad Riazi is the adjacent landowner to the south (7079 Yonge Street). The Board invited Mr. Riazi to make his statement before any evidence on the settlement was entered. He expressed concern with the proposal to convert the hearing into a settlement hearing and he wished to retain the July dates for a full hearing. He also expressed concern that the settlement in its current form as facilitated through the two amendments has the capacity to thwart the possible future development of his adjacent lands to its maximum benefit.

[3] The Board was not persuaded by Mr. Riazi's statement of concern regarding the settlement or the conversion of today's hearing into a settlement process. The facts before the Board substantiate incontrovertibly that Mr. Riazi has been involved in this process from the beginning. He has been a party to these proceedings from the outset and he has maintained ongoing contact and communication with the Applicant and the City and he has benefited from direct meetings with the City's planning staff. By his own admission, he only retained a lawyer a matter of weeks ago – and that lawyer was unable to attend today's hearing. He spoke of a planner and an architect who are supposed to be designing and developing a form of development on his lands but these people also did not appear at the hearing.

[4] Mr. Riazi did not communicate with the Board before the hearing and he did not make a formal motion to adjourn this matter. Further, the Board head that the Applicant had circulated its materials on March 21, 2013 indicating that a settlement with the City

had been reached and circulating copies of the official plan and zoning by-law amendments. Detailed plans of the proposed development were also circulated. A deadline of April 2, 2013 was also given to parties to identify by that date whether there were any concerns. Steven Zakem for the Applicant advised the Board that none were received.

[5] Moreover, the Board's order of February 13, 2013, arising from the first and only pre-hearing conference regarding the Applicant's case, states clearly that a settlement reached by the parties would be considered at today's hearing and any interested participants in attendance would be invited to speak to the development. The Board has been very clear in its order as to how the process would unfold and the concerned party was provided with a copy of the order in advance of today's hearing.

[6] The Board also heard evidence that the City had directed the Applicant to provide a development concept proposal that included its land parcel and that of Mr. Riazi. This was duly accepted by the City and formed the basis for its acceptance of a settlement with the Applicant. The Applicant then took additional steps within the design stages to ensure that the underground garage component of the new building will incorporate knock-out walls that have the capacity to facilitate any future expansion of that underground garage to accommodate similar development on Mr. Riazi's property should he develop his lands one day in the future (as it stands, there is an existing Kia automobile dealership on the Riazi site with a three-year lease in place). The Applicant has also made provisions for an access ramp to the future underground garage that has the potential to service both properties in the future.

[7] The Board determines that the Applicant has acted with diligence and followed the City's direction regarding the concept proposal. There is also ample tribunal jurisprudence that stands for the proposition that people and entities have the right to develop their lands independently from the plans (particularly those not yet realized) of adjacent persons or entities. Orderly planning does not mean that all must develop simultaneously and in a similar fashion. While Mr. Riazi has yet to finalize a

development scheme, his argument that any development on the Applicant's lands could impact his development as yet unrealized is an argument to which the Board can assign very little weight. Thus, in the absence of a formal motion; without planning grounds to merit the Board's non-acceptance of the settlement; without any other persuasive reasons to adjourn this matter; and with proof of the Applicant's plans that accommodate anticipatory future development of the 7079 Yonge Street property, the Board dismissed Mr. Riazi's request to hold this matter over to July. The Board hereby releases the July hearing dates and prepared to hear details of the settlement.

[8] Next, the Board turned to Barry Horosko and Caterina Facciolo, who appeared at the hearing on behalf of 1691126 Ontario Inc. (developing a very large project farther north) to establish their client's concurrence with the terms for servicing capacity as enunciated in the proposed planning instruments (most comprehensively in the zoning by-law amendment). Some time was spent on the holding provisions contained in the amendment with comprehensive evidence furnished by the Applicant's planner, Eldon Theodore in this regard. The holding provision contained in the zoning by-law amendment speaks to a 'sewer financial contribution requirement' and the planning instrument is very detailed as to obligations and conditions for the eventual removal of the symbol.

[9] Two interested participants spoke generally about development along Yonge Street. Laura Smith articulated concerns with development without comprehensive, advance traffic studies and infrastructure solutions to accommodate burgeoning growth along this major street. Ms. Smith was encouraged somewhat by news of the City's Transportation Study, which, while facing some previous delays, had been approved as recently as January 2013. Further, the Board notes that the Applicant had also completed a comprehensive traffic study for the area such that the City was satisfied with its findings and no other commenting agency expressed concerns.

[10] Like Ms. Smith, Marion Matthias spoke of the need for expansion of the Yonge subway line to accommodate future development along this major transit corridor. She

also provided her perception of the historical development of the region and the communities and she asked the province, through the Board, to remember that planning decisions impact communities and people.

[11] Planner Eldon Theodore was then qualified to provide his professional land use planning evidence and expert opinion in this case. The property is located at the southeast corner of Yonge Street and Grandview Avenue in the City of Markham. The site is approximately 0.60 hectares in size and has frontage on both streets. The subject lands comprise three properties – the larger parcel at 7089 Yonge Street (with a commercial strip mall atop it) and 11 Grandview Avenue and 15 Grandview Avenue, each with a residential dwelling. The proposal calls for a mix of retail and office uses as well as live-work units within the four-storey podium and residential suites in the 17-strorey tower atop the podium. A detailed proposal is found in Exhibit 2, Tab 11. A park will be situated on the easterly portion of the site and be dedicated to the City. There will be 346 underground parking spaces and internal site access as well as access off of Grandview Avenue.

[12] Mr. Theodore provided the Board with his policy excerpts and relevant planning documents in Exhibits 2 and 3, which support his unchallenged expert opinion that the proposed development and the proposed amendments are in conformity with the *Growth Plan*; they are consistent with the Provincial Policy Statement; and they conform to the Region of York Official Plan. He opined that the official plan amendment reflects and adheres to the City of Markham Official Plan and the Thornhill Secondary Plan. The amendment will designate the site 'COMMERCIAL (Community Amenity Area)'.

[13] As for the zoning by-law amendment, Mr. Theodore opined that it achieves the performance standards contemplated in the City's Zoning By-law No. 2237. Most notable in the proposed by-law amendment is the addition of a new designation by rezoning the lands from the Community Commercial [CC] and Fourth Density Single Family Residential [R4] Zones to the Community Amenity Area 1 (Hold) [(H) CA1] Zone and Open Space [O1] Zone, which sets out the permitted uses and zoning standards

and the comprehensive Hold Provisions (the latter portion reflecting the points raised by Mr. Horosko on his client's behalf and which, through its inclusion in the amendment, satisfies the client) such that 1691126 Ontario Inc. is supportive of the settlement.

[14] Mr. Theodore also told the Board that the proposed development implements the recommendations and objectives of the Yonge Steeles Corridor Study that the City prepared. He added that the increased Floor Space Index (3.5 times the area of the lot) and the residential figure of 2.95 (though slightly higher than what is seen in the area) for this development are regulated purposefully through the performance standards. Lastly, he opined that the proposed development is in the public interest and represents good planning.

[15] Having considered all of the evidence and recognizing that a settlement has been reached in this case, and there being no good reasons not to hear details of this matter as called for at the February pre-hearing conference, the Board allows the appeal and approves the official plan amendment Attachment 1 as well as approves the zoning by-law amendment Attachment 2.

"R. Rossi"

R. ROSSI
MEMBER

ATTACHMENT 1

OFFICIAL PLAN

of the

CITY OF MARKHAM PLANNING AREA

AMENDMENT NO. *XXX*

To amend the Official Plan (Revised 1987) as amended.

(Frangian Holdings Ltd. 7089 Yonge Street and 11 and 15 Grandview Avenue)

April 2013

OFFICIAL PLAN

of the

CITY OF MARKHAM PLANNING AREA

AMENDMENT NO. *XXX*

To amend the Official Plan (Revised 1987) as amended.

This Official Plan Amendment was adopted by the Corporation of the Town of Markham, By-law No. _____ - ___ in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the _____ day of _____ ,2013.

_____
Mayor

_____
City Clerk

THE CORPORATION OF THE CITY OF MARKHAM

BY-LAW NO. _____

Being a by-law to adopt Amendment No. XXX to the City of Markham Official Plan (Revised 1987) as amended.

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM, IN ACCORDANCE WITH THE PROVISIONS OF THE PLANNING ACT, R.S.O., 1990 HEREBY ENACTS AS FOLLOWS:

1. THAT Amendment No.XXX to the City of Markham Official Plan (Revised 1987) attached hereto, is hereby adopted.

2. THAT this by-law will come into force and take effect on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS _____ DAY OF _____, 2013

_____ _____

CITY CLERK MAYOR

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PART II - THE AMENDMENT

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(This is not an operative part of
Official Plan Amendment No. XXX)

PART I - INTRODUCTION

1.0 GENERAL

1.1 PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.

PART II - THE AMENDMENT, including Figure No. 3.2, attached thereto, constitute Amendment No. XXX to the Official Plan (Revised 1987), as amended. Part II is the operative part of this Official Plan Amendment.

2.0 LOCATION

The Amendment applies to lands at the south east quadrant of Yonge Street and Grandview Avenue, and municipally known as 7089 Yonge Street and 11 and 15 Grandview Avenue. The subject lands are approximately 0.6 hectares in size and are shown in Figure No. 3.2 to this Amendment.

3.0 PURPOSE

The purpose of this Official Plan Amendment is to amend certain provisions of the Official Plan (Revised 1987) to permit a mixed use development comprised of high density residential, and non-residential uses including office, retail and service on the subject lands.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

The basis for this Amendment to the City of Markham Official Plan is to implement the intensification and transit-supportive policies of the Provincial Policy Statement, the Greater Golden Horseshoe Growth Plan, and the Region of York Official Plan, including those pertaining to Regional Corridors and Key Development Areas. The proposed development also implements the recommendations and objectives of the Yonge Steeles Corridor Study (YSCS) prepared by the City of Markham.

The proposed development implements the policies of the PPS, Provincial and Regional plans and the YSCS as follows:

- by providing for increased densities to support existing and planned rapid transit along the Yonge Street Corridor in a mixed use format consisting of high density residential, retail, office and service commercial uses;
- by proposing a maximum building height for a proposed point tower that is within the angular plane maximum height guideline set out in the YSCS, (measured from the east side of the Dudley Avenue right of way, and rising toward Yonge

Street at a slope determined by the following formula: maximum height = ½ horizontal distance from the east side of the Dudley Avenue right of way);

- by providing for a mid-rise podium structure with at-grade commercial uses along the Yonge Street frontage and providing a public park to provide a transition to the existing residential properties to the east and public amenity;
- by locating a significant majority of parking in an underground structure, with limited surface parking that is screened from view from public streets.

The lands subject to this Amendment are currently underutilized and include a two-storey commercial plaza fronting Yonge Street and two single-detached dwellings to the east fronting Grandview Avenue. The lower intensity, automobile-oriented nature of these uses fails to implement the transit-supportive policies of the approved policy framework and do not capitalize on the location of the site in proximity to the breadth of transit services operating and planned for Yonge Street, as well as services currently existing along Steeles Avenue and connecting to the Toronto Transit Commission's Finch Subway Station.

The proposal will introduce high density residential, office, retail, and service uses along the Yonge Street frontage at the south east corner of the Yonge Street and Grandview Avenue intersection.

PART II - THE AMENDMENT

(This is an operative part of
Official Plan Amendment No. *XXX*)

PART II - THE AMENDMENT

1.0 THE AMENDMENT

1.1 Section 1.1.2 of Part II of the Official Plan (Revised 1987) as amended, is hereby amended by the addition of the number *XXX* to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.

1.2 Section 4.3.3.2 is hereby amended by adding a new subsection b), as follows, and Figure No. 3.2 attached hereto:

"b) 7089 Yonge Street and 11 and 15 Grandview Avenue
(Official Plan Amendment No. XXX)
Notwithstanding any other provisions of this Plan to the contrary, certain lands designated COMMERCIAL (Community Amenity Area), municipally known as 7089 Yonge Street and 11 and 15 Grandview Avenue, and shown on Figure No. 3.2, will be subject to the following policies:

I) **Vision**

1. The properties known as 7089 Yonge Street and 11 and 15 Grandview Avenue are intended to accommodate vibrant, transit supportive and pedestrian friendly development within the Yonge Steeles Corridor which will include high density residential, office, retail and service uses in one or more buildings.

2. Densities that achieve the relevant Regional and Provincial intensification targets.

3. Building height, form, placement and architectural design will reinforce the attributes of the site as a key location within the Yonge Steeles Corridor Key Development Area.

4. The majority of vehicular parking will be provided below grade and accessed from private driveways internal to the site. Only limited surface parking will be provided, which will be located in the interior of the site, away from public road frontagesto reinforce the urban character of the site.

5. Sustainable and environmentally responsible building design, as contemplated by the principles of LEED Silver and FLAP, will be encouraged.

6. Grade-related, pedestrian-oriented retail and service uses will be located along the Yonge Street frontage;

7. Building heights will transition down from the Yonge Street frontage towards the established residential neighbourhood east of the site. In this regard, buildings will be governed by maximum height angular plane measured from the east side of the Dudley Avenue right of way, and rising toward Yonge Street at a slope determined by the following formula: maximum height = ½ horizontal distance.

ii) **General Land Use Structure**

1. The general land use structure for the site will consist of a broad mix of uses including high density residential, retail, service, and office uses.

2. High density residential, office and retail and service uses will be generally located along Yonge Street.

3. Retail and service uses will be generally located within the lower storeys of buildings along Yonge Street.

4. A public park will be located along the Grandview Avenue frontage of the site, east of the high-density development fronting Yonge Street.

5. Access to surface and underground parking will be provided through a publicly-accessible private lane accessing Grandview Avenue. Direct vehicular access from Yonge Street will not be permitted.

iii) **Land Use**

1. The lands identified as "COMMERCIAL (Community Amenity Area) on Figure No. 3.2 may be zoned to permit only the following uses:

   i) Residential:
      - Apartment Dwellings;
      - Live/Work Units;

   ii) Non-Residential:
      - Art galleries;
      - Banquet halls;
      - Business offices;
      - Clubs, private;
      - Commercial fitness centres;
      - Community centres;
      - Day nurseries;
      - Financial institutions;

- Home Occupations;
- Libraries;
- Medical offices;
- Museums;
- Personal service shops;
- Places of amusement;
- Places of worship;
- Public parks;
- Recreational establishments;
- Repair shops;
- Restaurants
- Restaurants, take-out;
- Retail stores;
- Schools, commercial;
- Schools, private;
- Schools, public; and
- Supermarkets.

2. Underground parking garage structures will be permitted anywhere on the lands identified on Figure No. 3.2.

3. A maximum total Floor Space Index (FSI) of 3.5 will be permitted on the site for all uses, of which a maximum FSI of 2.95 will apply to residential uses.

4 Built form generally will be comprised of mid-rise podium buildings up to a height of 35 metres above established grade along the Yonge Street frontage.

5. High-rise residential towers above mid-rise podiums will be permitted in accordance with the following:

   a) Building height will be governed by the angular plane formula set out in subsection 4.3.3.2 b) I) 7.;
   b) The maximum floor area for any portion of a building located more than 35 metres above established grade along the Yonge Street frontage will be 880 square metres;
   c) The minimum horizontal separation distance between any portions of buildings located more than 35 metres above established grade along the Yonge Street frontage will be 25 metres.

6. Apartment dwellings shall not be permitted on the first four floors of buildings fronting Yonge Street.

iv) Urban Design Principles

In order to achieve the vision for the Yonge Steeles Corridor as a vibrant, transit supportive and pedestrian friendly regional corridor, the following general urban design principles will be adhered to:

General

1. Providing for building heights that will reinforce the locational attributes of the site within the Yonge Steeles Corridor;

2. Providing for densities that will allow for a critical mass of activity on the site, and within the Yonge Streeles Corridor, that will support a vibrant street life, mix of uses and higher-order transit;

3. Providing for a transition of building heights and massing from the Yonge Street frontage, the location for the highest building heights and mass, to the established residential neighbourhood located east of Dudley Avenue;

4. Allowing for creative flexibility to realize a diversity of architectural expressions including sustainable elements on the site;

5. Creating a dynamic pedestrian experience at street level;

7. Encouraging a well integrated urban form incorporating a mix of building forms.

v) **Loading, Servicing and Parking Policies**

1. Loading and servicing areas will be located within the interior of the site, away from public road frontages, and will be screened from public street view.

2. The majority of parking will be provided in an underground parking structure accessed from the Private Street System. A limited amount of surface parking may be provided within the interior of the site, away from public road frontages, and will be screened from public street view.

vii) **Hold provisions**

In addition to any other applicable provisions of Section 7.3 c) iii), a zoning-by-law amendment to remove the Hold (H) symbols from the zoning designations on 7089 Yonge Street and 11 and 15 Grandview Avenue will not be passed until the following conditions have been met to the satisfaction of the City of Markham:

- That regional servicing capacity has been allocated to the residential component of the proposed development;
- Execution of a Section 37 Agreement between the City and the Owner and payment of a Section 37 financial contribution and/or provision of in kind facilities, all to the satisfaction of the City;
- Execution of a site plan agreement between the Owner and the City providing for, among other matters:

- construction of the proposed development;
- dedication of land for potential road widening along Yonge Street to the satisfaction of the Region of York;
- requirements related to Toronto Transit Commission's technical review of the application and requirements for TTC Interferences Warning Clauses;
- implementation, if required, of traffic infiltration and mitigation measures within the Yonge Steeles Corridor and surrounding established residential neighbourhoods;
- implementation of Traffic Demand Management (TDM) initiatives; and,
- financial contributions, if required, to off-site infrastructure including a proportional share of the Dudley Avenue Sewer.

4. Effect of Lifting the Hold (H) Provisions:

   The effect of lifting the Hold (H) Provision will be in accordance with the implementing zoning by-law."

2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of Section 4.3.3.2 b) will supercede the provisions of the deferred Community Amenity Area Steeles/Yonge area policies of the Thornhill Secondary Plan (PD 3-1) as they relate to these lands.

The provisions of Section 4.3.3.2 b) will be incorporated into the Thornhill Secondary Plan at such time as a statutory Secondary Plan Amendment incorporating the subject lands is prepared.

The provisions of the Official Plan, as amended, regarding the Implementation and Interpretation of the Plan will apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment will be implemented by an amendment to the Zoning By-law and Site Plan Approval in conformity with the provisions of this Amendment.

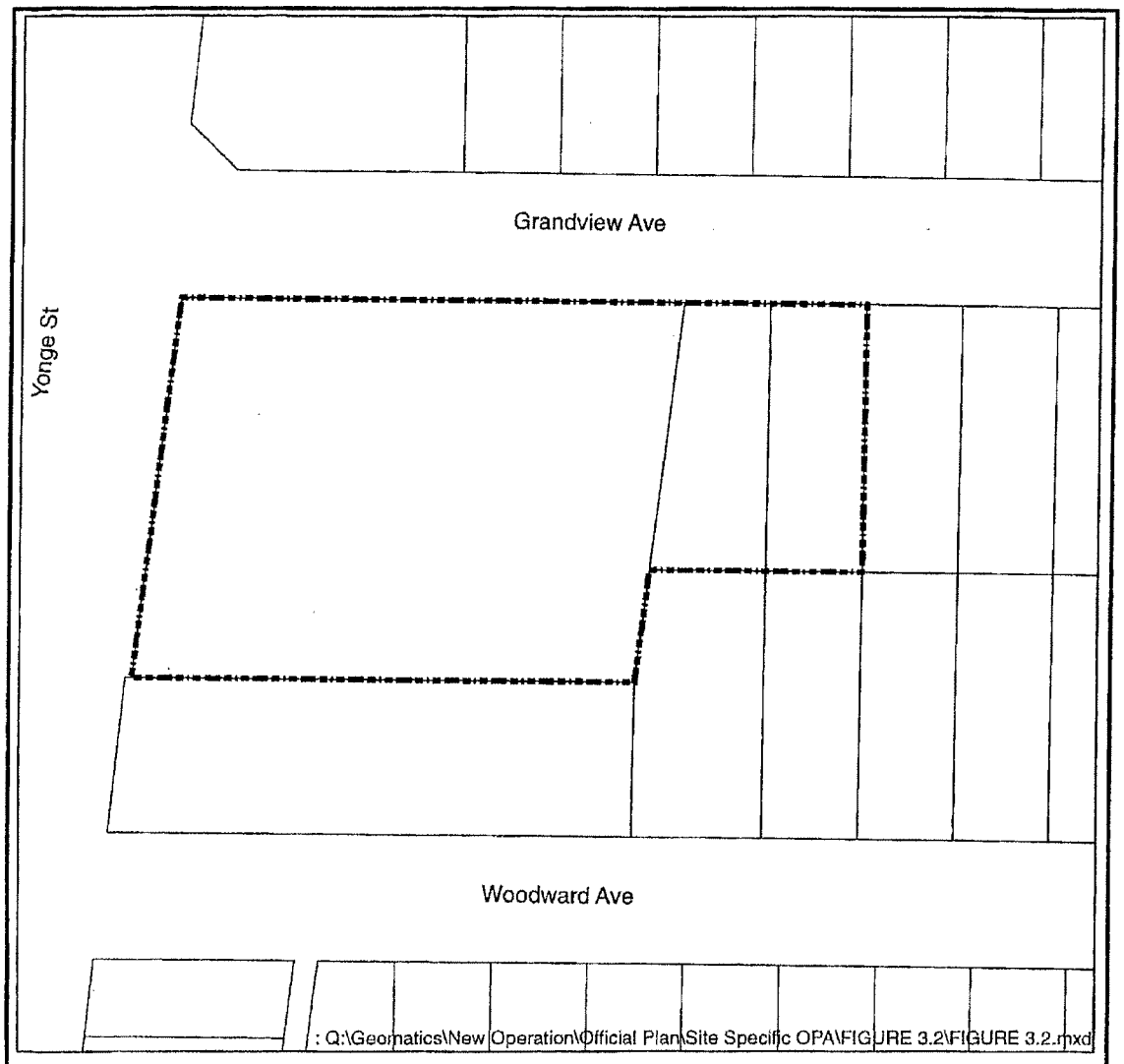


FIGURE No. 3.2

SPECIFIC SITE AND AREA POLICIES
CITY OF MARKHAM OFFICIAL PLAN (Revised 1987) AS AMENDED

N

BOUNDARY OF AREA SUBJECT TO POLICIES IN SECTION 4.3.3.2b)
LAND USE DESIGNATION: COMMERCIAL (COMMUNITY AMENITY AREA)

OFFICIAL PLAN AMENDMENT No. xxx

PLANNING DISTRICT No. 3

ATTACHMENT 2

MARKHAM

BY-LAW XXXX-XX

A By-law to amend Zoning By-law 2237, as amended, to rezone 7089 Yonge Street and 11 and 15 Grandview Avenue.

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

1.0 That By-law 2237, as amended, is hereby further amended as it applies to the lands outlined on Schedule 'A' attached hereto as follows:

1.1 By rezoning the lands:

From the Community Commercial [CC] and Fourth Density Single Family Residential [R4] Zones to the Community Amenity Area 1 (Hold) [(H)CA1] Zone and Open Space [O1] Zone

2.0 Notwithstanding any other provisions of By-law 2237, as amended, to the contrary, the provisions in this Section shall apply to only those lands denoted on Schedule 'A' attached hereto. All other provisions of this By-law, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section:

2.1 Use Definitions

The following definitions apply to the lands outlined on Schedule 'A' attached hereto. For the purpose of this By-law, where other terms have not been specifically defined within By-law 2237, as amended, the definitions of By-law 28-97, as amended, shall apply.

a. *"Drive-Through Service Facility"* means a building or *structure* or part thereof where goods and/or services are offered to the public within a parked or stationary vehicle by way of a service window or kiosk, where goods, money or materials are exchanged. Kiosks within a parking garage or associated with a surface parking area are not considered to be drive-through service uses.

b. *"Outdoor Storage"* means an area of land used in conjunction with a business located within a building or *structure* on the same *lot*, for the storage of goods and materials.

c. *"Outdoor Display and Sales Area"* means outdoor open space area where produce or merchandise is displayed *and/or* sold and/or where services are provided in conjunction with a business located within a *building* or *structure* on the same *lot*.

d. *"Live-Work Unit"* means a single unit designed to include both a non-residential and a residential component that is occupied by the same resident, sharing the same principal entrance from a common corridor of a building. The only permitted uses within the non-residential component of the Live-Work unit shall be *private art galleries, business offices, medical offices, personal service shops, private schools, and repair shops*, provided

2.2 The following provisions shall apply in the Community Amenity Area [CA1] Zone:

2.2.1 Only Uses Permitted

(i) Residential:
- *Apartment Dwelling;*
- *Live – Work Units;*

(ii) Non-Residential:
- *Private art galleries;*
- *Banquet halls;*
- *Business offices;*
- *Clubs, private;*
- *Commercial fitness centres;*
- *Community centres;*
- *Day nurseries;*
- *Financial institutions;*
- *Libraries*
- *Medical offices;*
- *Museums;*
- *Personal service shops;*
- *Places of amusement;*
- *Places of worship;*
- *Recreational establishments;*
- *Repair shops;*
- *Restaurants;*
- *Restaurants, take-out;*
- *Retail stores;*
- *Schools, commercial;*
- *Schools, private;*
- *Schools, public;*
- *Supermarkets.*

2.2.2 **Zone Standards**
The following specific zone standards apply:

a) **Floor Space Index**
The maximum *Floor Space Index (FSI)* for all of the buildings on the lands delineated on Schedule'A' to this By-law shall not exceed 3.5. Notwithstanding the foregoing, the total *FSI* for all permitted residential uses combined shall not exceed 2.95. For the purposes of this By-law, only the following floor areas are exempted from the FSI calculation:
- Car parking areas above and below grade;
- Rooftop mechanical penthouses;
- Storage lockers located below grade;
- Garbage/recycling areas; storage lockers; loading areas; utility, mechanical, and electrical rooms located below grade.

Any portion of a *Live-Work unit* used for non-residential uses shall not be counted as residential *FSI*.

b) **Maximum Height**
The maximum *height* for *buildings* within an area bounded by the Grandview Avenue lot line, the front lot line, a line parallel to the

level. The maximum height for buildings located outside of the area defined above shall be 230.5 metres geodetic height above sea level. Height shall be measured to:

i) The highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;
ii) The deckline of a mansard roof;
iii) The mean level between eaves and ridge of a gable, hip or gambrel roof or other type of pitched roof;
iv) In case of a structure with no roof, the highest point of said structure.

Notwithstanding the above, any ornamental roof construction features including towers, steeples or cupolas, shall not be included in the calculation of height. Mechanical features, including their screening, and structures containing the equipment necessary to control an elevator, are permitted to project a maximum of 5.0 metres above the highest point of the roof surface, regardless of the height of the building.

c) **Minimum Height**
The minimum *height* for *buildings* located within 20 metres of the *front lot line* shall be 205 metres geodetic height above sea level.

d) **Front lot line**
The Yonge Street frontage shall be deemed to be the *front lot line*.

e) **Minimum lot frontage**
The minimum *lot frontage* shall be 55 metres.

f) **Minimum lot depth**
The minimum *lot depth* shall be 100 metres.

g) **Minimum front yard**
The minimum *front yard* shall be 4.3 metres. For greater clarity, the front yard shall be measured from the front lot line as it exists at the time of passing of this By-law.

h) **Minimum flankage side yard (Grandview Avenue)**
The minimum *flankage side yard* setback shall be 4.5 metres.

i) **Minimum interior side yard**
The minimum *interior side yard* shall be 0 metres.

j) **Maximum floor area**
The maximum floor area of any portion of a building located above 230.5 metres geodetic height above sea level shall be 880 square metres per floor. For the purposes of this provision, the floor area is deemed to include all of the horizontal space between the exterior faces of the exterior walls of the building at each floor level, whether it is broken or not by elevator shafts, stairwells or similar breaks in the floor.

k) **Minimum separation distances**
The minimum separation distance between portions of buildings with a height above 230.5 metres geodetic elevation above sea level shall be 25 metres.

l) **Minimum number of loading spaces**
The minimum number of loading spaces: 2 spaces.

ii) Maximum permitted projections
Notwithstanding the foregoing, encroachments into the permitted yard setbacks shall be as follows:

Structure	Maximum Permitted Projection
Eaves, cornices, ornamental or architectural elements, light fixtures, balustrades, mullions, window sills, and bay windows	Maximum projection of 0.3 metres into the required yard setback
Canopies and awnings	Maximum projection of 2.4 metres into the required yard setback

2.2.3 **Special Parking Provisions**

A minimum number of *parking spaces* are required for all of the uses permitted as set out below:

Use	Minimum Parking Spaces Required
Apartment dwelling	1.10 *parking spaces* per *dwelling unit*
Live – Work Unit	2 *parking spaces* per *Live-Work unit*
All permitted non-residential uses	1 *parking space* for every 30 square metres of *net floor area*

2.2.4 **Special Site Provisions**
The following additional provisions shall apply:

a) *Apartment dwelling* shall only be permitted above the fourth floor of a *building*.

b) *Live-Work units* shall only be permitted on the third and fourth floors of a *building*.

c) Only non-residential uses shall be permitted on the first and second floors of a *building*.

d) A minimum of 13 of the Live-Work units shall contain a non-residential component.

e) *Outdoor storage* and *Outdoor display and sales* are not permitted.

f) The establishment of a *drive-through service facility* associated with any use is not permitted.

g) Nothing in this By-law shall be interpreted to prevent the construction of an underground *parking garage* for the purposes of *motor vehicle* or bicycle parking and *storage lockers* on any portion of the lands identified in Schedule A to this By-law.

h) For zoning purposes, the lands shown in Schedule 'A' to this by-

3.0 HOLD PROVISIONS

3.1 **Location of Hold (H) Provision**
The Hold (H) Provision is shown on Schedule A attached to this by-law.

3.2 **Uses permitted prior to the lifting of a Hold (H) Provision**
In addition to the use and buildings that existed on the effective date of the passing of this By-law, driveways, underground parking garages and the first storey above the underground parking garages are permitted prior to the removal of the Hold (H) provision.

3.3 **Conditions for removing the Hold (H) provision**
The Hold (H) Provision shall not be lifted until the following conditions have been met to the satisfaction of the City of Markham:

- Completion of a site-specific Transportation Impact and Parking Study and a Transportation Demand Management Study to the satisfaction of the City of Markham Director of Engineering, in consultation with the Region of York;
- That Regional servicing capacity has been allocated to the residential component of the proposed development;
- Execution of a Section 37 Agreement between the City and the Owner and payment of a Section 37 financial contribution and/or provision of in kind facilities, all to the satisfaction of the City;
- Execution of a site plan agreement between the Owner and the City providing for, among other matters:
  - i. construction of the proposed development;
  - ii. dedication of land for potential road widening along Yonge Street to the satisfaction of the Region of York;
  - iii. requirements related to Toronto Transit Commission's technical review of the application and requirements for TTC Interferences Warning Clauses;
  - iv. implementation, if required, of traffic infiltration and mitigation measures within the Yonge Steeles Corridor and surrounding established residential neighbourhoods;
  - v. implementation of Traffic Demand Management (TDM) initiatives; and,
  - vi. financial contributions, if required, to off-site infrastructure including a proportional share of the Dudley Avenue Sewer.

3.4 **Effect of lifting the Hold (H) Provision**
Once the Hold (H) Provision is lifted, all of the uses and zoning standards provided for in this By-law shall be permitted.

4.0 The owner shall be required to enter into a Section 37 Agreement to secure provision of a financial contribution to the City for community facilities and services and/or provision of in-kind facilities, in exchange for the density and height permissions set out in this By-law.

5.0 All other provisions of By-law 2237, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
** DAY OF ***, 20**.

MARKHAM

EXPLANATORY NOTE
BY-LAW 2012- XXX
A By-law to amend By-law 2237, as amended

Frangian Holdings Ltd.
7089 Yonge Street and 11 and 15 Grandview Avenue

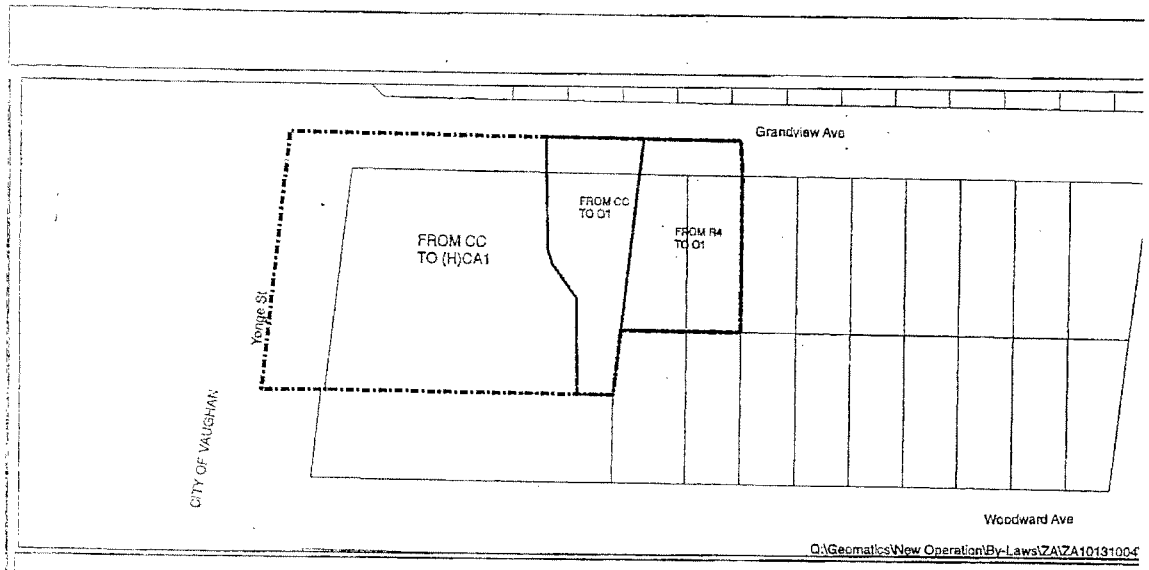
LANDS AFFECTED
This By-law applies to lands located on the south east corner of Yonge Street and Grandview Avenue in the Thornhill Community, Markham.

EXISTING ZONING
The lands subject to this By-law are presently zoned Community Commercial [CC] and Fourth Density Single Family Residential [R4] by By-law 2237, as amended.

PURPOSE AND EFFECT
The purpose and effect of this By-law is to rezone the subject site to the Community Amenity Area One [CA1] Zone to permit a mixed use high density residential and retail/commercial development with a maximum height of 262.5 metres above sea level (approximately 21 storeys) and Open Space One [OS1] to permit a City-owned strata park on the eastern portion of the site. The By-law sets out site-specific permitted uses, maximum density for residential and non-residential uses, and maximum height, setbacks, floor area and parking provisions.

The zoning by-law incorporates a Hold (H) Provision to ensure that certain conditions are met before development proceeds. The specific conditions for removal of the Hold (H) Provision are set out in the By-law and relate to the following matters:

- Completion of a site-specific Transportation Impact and Parking Study and a Transportation Demand Management Study to the satisfaction of the City of Markham Director of Engineering, in consultation with the Region of York;
- That regional servicing capacity has been allocated to the residential component of the proposed development;
- Execution of a Section 37 Agreement between the City and the Owner and payment of a Section 37 financial contribution and/or provision of in kind facilities, all to the satisfaction of the City; Execution of a site plan agreement between the Owner and the City providing for, among other matters:
  - i. construction of the proposed development;
  - ii. dedication of land for potential road widening along Yonge Street to the satisfaction of the Region of York;
  - iii. requirements related to Toronto Transit Commission's technical review of the application and requirements for TTC Interferences Warning Clauses;
  - iv. implementation, if required, of traffic infiltration and mitigation measures within the Yonge Steeles Corridor and surrounding established residential neighbourhoods;
  - v. implementation of Traffic Demand Management (TDM) initiatives; and,
  - vi. financial contributions, if required, to off-site infrastructure including a proportional share of the Dudley Avenue Sewer.



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BY-LAW SCHEDULE "A" TO AMEND BY-LAW 2237

BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE

BOUNDARY OF ZONE DESIGNATION(S)

10 5 0 10 20 Meters

CC	COMMUNITY COMMERCIAL	R4	RESIDENTIAL FOUR	(H)	HOLDING PRO
CA1	COMMUNITY AMENITY AREA ONE	OS1	OPEN SPACE ONE		

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

MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By:DD Checked By:RB DA

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the Tow