



Report to: Development Services Committee

Meeting Date: June 25, 2018

SUBJECT: RECOMMENDATION REPORT
KLM Planning Partners Inc. on behalf of Cornell Rouge Development Corporation, Applications for a Zoning By-law Amendment and Draft Plan of Subdivision (19TM-17003) on Block 77, Plan 65M-4257 for 13 single-detached dwellings and 19 townhouses on the west side of Donald Cousens Parkway and north of Highway 7 in Cornell (Ward 5).

FILE: ZA/SU 17 153836

PREPARED BY: Sean Lapenna, Planner II, ext. 2230
REVIEWED BY: Sally Campbell, MCIP. RPP. ext. 2645
Development Manager, East District

RECOMMENDATION:

- 1) THAT the report titled "RECOMMENDATION REPORT, KLM Planning Partners Inc. on behalf of Cornell Rouge Development Corporation, Applications for a Zoning By-law Amendment and Draft Plan of Subdivision (19TM-17003) on Block 77, Plan 65M-4257 for 13 single-detached dwellings and 19 townhouses on the west side of Donald Cousens Parkway and north of Highway 7 in Cornell (Ward 5)" be received;
- 2) THAT the Zoning By-law Amendment application submitted by KLM Planning Partners Inc. on behalf of Cornell Rouge Development Corporation to amend Zoning By-law 177-96, as amended to permit 13 single-detached dwellings and 19 townhouses be approved and that the draft zoning by-law amendment attached as Appendix 'B' be finalized and enacted without further notice;
- 3) THAT the Draft Plan of Subdivision 19TM-17003 be approved subject to the conditions outlined in Appendix 'C';
- 4) THAT the Director of Planning and Urban Design or his designate, be delegated authority to issue draft plan approval, subject to the conditions set out in Appendix 'C', as may be amended by the Director of Planning and Urban Design or his designate;
- 5) THAT the draft plan approval for Plan of Subdivision 19TM-17003 will lapse after a period of three (3) years from the date of issuance in the event that a subdivision agreement is not executed within that period;
- 6) THAT servicing allocation for up to 32 units be assigned to Draft Plan of Subdivision 19TM-17003; and
- 7) THAT staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report recommends approval of zoning by-law amendment and subdivision applications submitted by KLM Planning to permit 13 single-detached dwellings and three townhouse blocks consisting of 19 townhouse units on the subject property accessed by a new public laneway.

Process to date and Next Steps:

- The applications were submitted on August 1, 2017 and deemed complete on August 22, 2017;
- Following the preliminary report to DSC on December 5, 2017 the Statutory Public Meeting was held on February 6, 2018;
- If the draft plan of subdivision is approved, the proponent will be required to enter into a subdivision agreement with the City and clear the conditions of Draft Approval (Appendix 'C') prior to registration of the plan;
- If approved, the zoning by-law amendment will be forwarded to Council for enactment;
- A Townhouse Siting Application for the lane-based townhouses will be required to be approved by the Urban Design section prior to the issuance of building permits. Compliance with the Cornell architectural control guidelines, as amended will be required for all units on site.

BACKGROUND:

The 9,107 m² (2.25 ac) subject lands are located on the west side of Donald Cousens Parkway, on the south side of Riverlands Avenue and north of Highway 7 in the Cornell Community (Figures 1, 2 and 3).

Surrounding land uses include:

- Existing single-detached dwellings and townhouses to the north, south and west;
- Anticipated employment land uses to the east across Donald Cousens Parkway.

The subject property is currently vacant and was created as a development block (Block 77, Plan 65M-4257) with the registration of Plan of Subdivision 19TM-08002 on April 20, 2011. Block 77 was reserved as a potential place of worship site in accordance with the Cornell Secondary Plan. The required five year site reservation period for a Place of Worship, which was included as a condition in the original subdivision agreement between the City and Cornell Rouge Development Corporation (CRDC), expired on April 20, 2016. CRDC marketed the site for a potential place of worship since April 2010, but no viable offers of purchase were forthcoming.

PROPOSAL:

The applications for a Zoning By-law Amendment and Draft Plan of Subdivision propose a residential development comprised of 13 single-detached lots and three townhouse blocks consisting of 19 townhouse units on the subject property.

The single-detached dwellings will front Riverlands Avenue and Golden Fern Street, while the townhouses will front Donald Cousens Parkway. Vehicle access to each of the dwellings will be provided via a rear lane, consistent with the lane-based pattern of development required through the Cornell Secondary Plan.

The single-detached lots have frontages between 9.0 m (29.53 ft) and 12.2 m (40 ft) and depths between 25.0 m (82 ft) and 40.8 m (134 ft). The townhouse units have frontages of 4.5 m (14.8 ft) and depths ranging between 27.4 m (90 ft) and 33.7 m (111 ft). The proposed Draft Plan is shown in Figure 4 and conceptual elevations are shown in Figure 5.

Public Consultation

No written comments have been received from members of the public. The following issues were raised at the Statutory Public Meeting held on February 6, 2018 by members of the Committee and the one member of public who spoke. These are addressed in the report.

- Size of the garages for each dwelling type;
- Adequacy and areas for snow storage along the public laneway;
- Proposed renderings of the townhouses and single-detached dwellings;
- Proximity to public parks;
- Why the site will not be used as a place of worship (POW).

OFFICIAL PLAN AND ZONING:

Official Plan

The property is designated 'Residential Low Rise' in the 2014 City of Markham Official Plan (as partially approved on November 24, 2017 and further updated on April 9, 2018 (the "2014 Official Plan")), which provides for a variety of low rise housing types, including single-detached dwellings and townhouses. Site Specific Policy 9.7.7 identifies the subject lands as a potential place of worship site "to be secured through the development approval process".

Cornell Secondary Plan (OPA 168)

The subject lands are designated 'Residential Neighbourhood' in the Cornell Secondary Plan, which provides for a range of housing types, including single-detached dwellings and townhouses. Schedule 'AA' of the Cornell Secondary Plan – *Detailed Land Use Map* shows a place of worship symbolically on the subject lands which reserves the site as a potential location for a place of worship.

Place of Worship Site Reservation Policy

As per Section 6.7.5 of the Cornell Secondary Plan, sites for places of worship shall be set aside in accordance with the City's Site Reservation Policy for Place of Worship sites as revised from time to time. Such sites will be required to be set aside by subdivision or other agreements to ensure they are made available for acquisition and use for a place of worship for a period of at least five years from the date of registration of the plan of subdivision. Accordingly, there were provisions in the subdivision agreement to reserve

the site as a potential place of worship site. The site reservation period for this site expired on April 20, 2016.

Current and Proposed Zoning

The subject lands are zoned Community Amenity One*420 (CA1*420) under By-law 177-96, as amended. The current zoning only permits one place of worship.

The zoning by-law amendment (Appendix 'B') proposes to rezone Block 77, Plan 65M-4257 to a Residential Two (R2) zone category under By-law 177-96, as amended, including site specific development standards. This zoning by-law amendment will permit the proposed townhouses and single-detached dwellings to facilitate the proposed development.

OPTIONS/ DISCUSSION:

The Draft Plan of Subdivision is appropriate

Planning staff are satisfied with the proposed lotting pattern which is consistent and compatible with the existing development to the north, south and west of the subject property. The proposed 10.0 m wide public laneway aligns with the existing Stroller Lane to the south (Figure 4) and the unnamed laneway between Golden Fern Street and Riverlands Avenue. The proposed laneway will provide for vehicular circulation in a safe and efficient manner consistent with the lane-based nature of the existing Cornell Community and is acceptable to the City's Community and Fire Services department. All units will have a minimum of 2 parking spaces with on street visitor parking provided on abutting roads (i.e. parking lay-by along Riverlands Avenue). The existing sidewalks bordering the site along Riverlands Avenue, Golden Fern Street, Peace Walk Road and Donald Cousens Parkway provide a good pedestrian circulation network and connections to and from the future homes.

Operational Considerations have been addressed

Through the review of the proposed Draft Plan of Subdivision, minor modifications were made to the design of the laneway in order to satisfy requirements of the Operations, Fire and Waste Management Departments. All departments are satisfied with the laneway configuration as outlined on Figure 4 and have no further concerns with vehicular access for snow clearing, emergency services and waste collection.

Matters related to snow storage areas and the provision of adequate on-street visitor parking have also been addressed to the satisfaction of City staff.

The Zoning By-law Amendment is appropriate

Amending the Zoning By-law to permit residential development in the form of single-detached dwellings and townhouses is appropriate and conforms with the applicable official plan and secondary plan policies. The proposed zone category is consistent with the existing zoning that implemented the developments to the north, south and west (Residential Two under By-law 177-96). In the opinion of staff, the development standards included in the draft zoning by-law amendment (Appendix 'B') are appropriate to achieve an acceptable development and built form.

Parkland Dedication requirements

No land will be conveyed to the City for park purposes on the subject lands. However, the applicant is required to be a member in good standing of the Cornell Landowners Group and through the group's Cost Sharing Agreement the applicant will pay an equitable financial share for the delivery of community infrastructure, including parkland in accordance with the Cornell Master Parks Agreement. This is provided as a condition of draft approval (Appendix 'C'). The proposed development is located within close proximity to existing and future parks, as shown on Figure 6. Specifically, existing (and future) park locations within a 450 m radius of the subject property are shown and staff are satisfied with the amount of park space located in close proximity to the subject development to meet the needs of future residents.

Region of York

In a letter dated February 26, 2018, the Region of York informed that they had completed their review and had no objection. In the same letter, the Region also provided conditions of draft subdivision approval, which have been incorporated into Appendix 'C'.

Architectural Control

The proponent has provided conceptual elevations (Figure 5), which planning and urban design staff consider to be acceptable. These elevations will be reviewed and finalized prior to building permit submission to ensure compliance with the Cornell architectural control guidelines. Compliance with the architectural control guidelines will also ensure that those 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.

Snow Storage and Removal

The proposed development will be accessed via a rear public lane and the City will be responsible for snow clearing on the lane. The draft plan has been revised to address comments made by Committee at the public meeting and now identifies locations for snow storage along the rear lane. The single-detached dwellings generally have limited aprons or setbacks between the garage door and the lane limiting the area where snow can accumulate on driveways. There is sufficient space at the side of each driveway for homeowners to pile driveway snow.

For the townhouses, each unit has a single-car driveway, which the homeowner will be responsible for clearing. There are landscaped areas between driveways, which can be used for snow storage when each driveway is shoveled.

Planning staff consider the proposed snow storage locations to be acceptable and are of the opinion that snow removal service levels for Cornell can be achieved for this development.

Garage sizes for each dwelling type

The Parking Standards By-law 28-97, as amended (the "Parking By-law"), specifies the minimum required number of parking spaces, as well as minimum parking space

dimensions. Two parking spaces are required for each single-detached and townhouse dwelling unit. As outlined on Figure 7 (Development Concept) 12 out of the 13 single-detached dwelling units will have double car garages. For each townhouse dwelling unit, one single car garage will be provided with driveway space in front of each garage to accommodate an additional vehicle, for a total of two parking spaces per townhouse unit.

Upon addressing this further with the applicant, it has been confirmed that the size of each garage provided will either meet or exceed the provisions of the Parking Standards By-law and staff have no concerns as it relates to the garage sizes for this development.

Secondary Suites

The Region of York's Official Plan requires local municipalities to adopt official plan policies and zoning by-law provisions that facilitate Secondary Suites. Section 4.1.2.6 of Markham's 2014 Official Plan states that it is the policy of Council to support the diversification of housing tenure by providing for the establishment of Secondary Suites within existing and new permitted dwellings.

The Planning Act, as amended by The Strong Communities through Affordable Housing Act (Bill 140), requires municipalities to pass zoning by-laws permitting Secondary Suites in detached, semi-detached and row houses [townhouses], as well as in ancillary structures. The effect of these legislative changes is to identify affordable housing as a matter of provincial interest with Secondary Suites playing a key role in the provision of affordable housing. Consequently, the draft zoning by-law amendment attached to this report proposes accessory dwelling units as a permitted use.

CONCLUSION:

The proposed Draft Plan of Subdivision and implementing Zoning By-law amendment are consistent with City policy. Staff therefore recommend approval of the Zoning By-law Amendment provided in Appendix 'B' and Draft Plan of Subdivision subject to the conditions provided in Appendix 'C'.

FINANCIAL CONSIDERATIONS:

None

HUMAN RESOURCES CONSIDERATIONS:

Not applicable

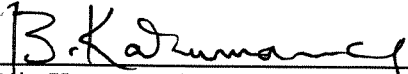
ALIGNMENT WITH STRATEGIC PRIORITIES:


The proposal has been reviewed in the context of Growth Management, Transportation and Municipal Services.

BUSINESS UNITS CONSULTED AND AFFECTED:

These applications have been circulated to various City departments and external agencies and no objections to the proposal have been raised. Conditions of draft plan approval have been incorporated (Appendix 'C').

RECOMMENDED BY:


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

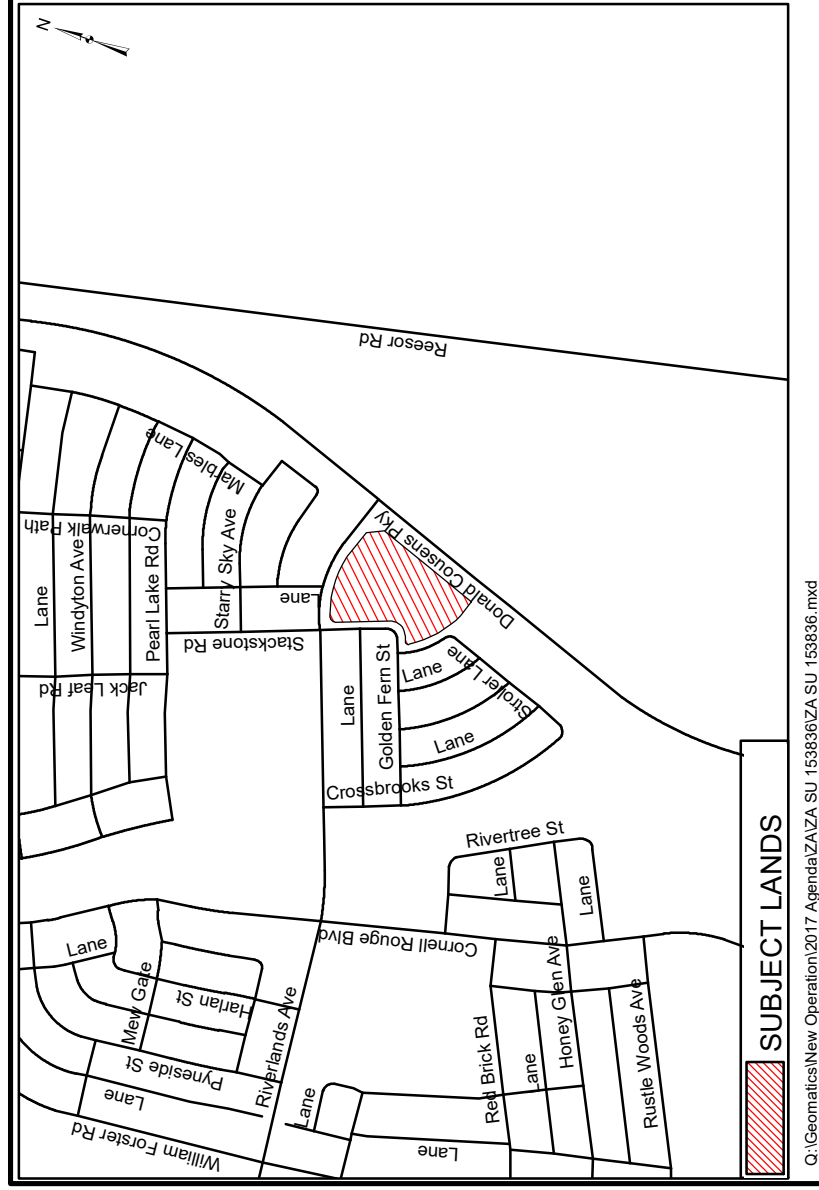

Arvin Prasad, M.C.I.P., R.P.P.
Commissioner, Development Services

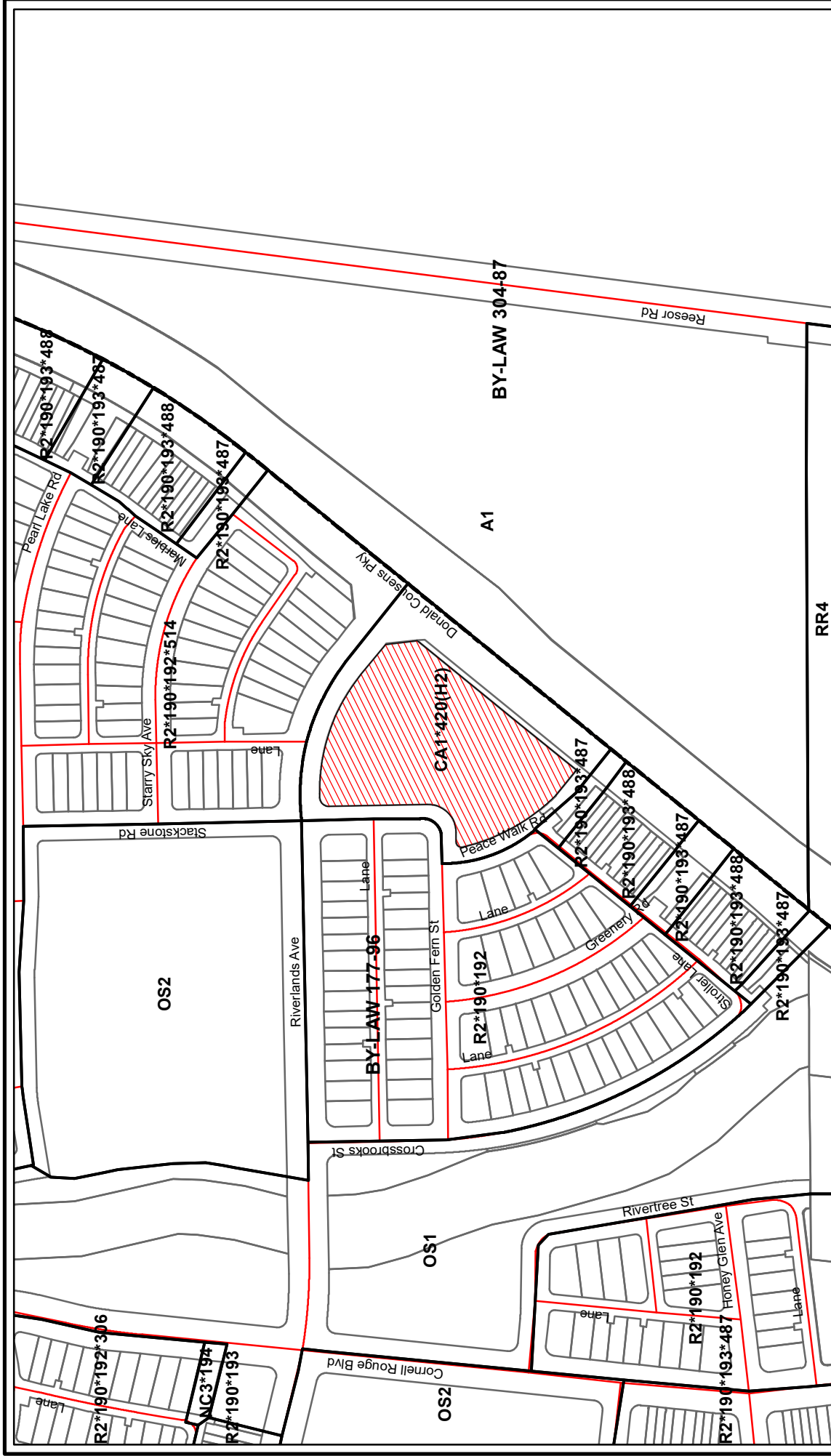
ATTACHMENTS:

- Figure 1: Location Map
- Figure 2: Area Context/Zoning
- Figure 3: Air Photo
- Figure 4: Draft Plan of Subdivision
- Figure 5: Conceptual Elevations
- Figure 6: Parks Plan
- Figure 7: Development Concept

Owner:
Cornell Rouge Development Corporation
369 Rimrock Road
Toronto, Ontario M3J 3G2

Applicant:
Mr. Billy Tung (applicant)
KLM Planning Partners Inc.
64 Jardin Drive, Unit 1B
Concord, ON L4K 3P3





AREA CONTEXT / ZONING

APPLICANT: KLM PLANNING PARTNERS (Billy Tung)

FILE No. ZA_SU 17 153836 (SL)

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DEVELOPMENT SERVICES COMMISSION

Drawn By: LW

Checked By: SL

Date: 24/10/2017

FIGURE No. 2


 SUBJECT LANDS



AIR PHOTO

APPLICANT: KLM PLANNING PARTNERS (Billy Tung)

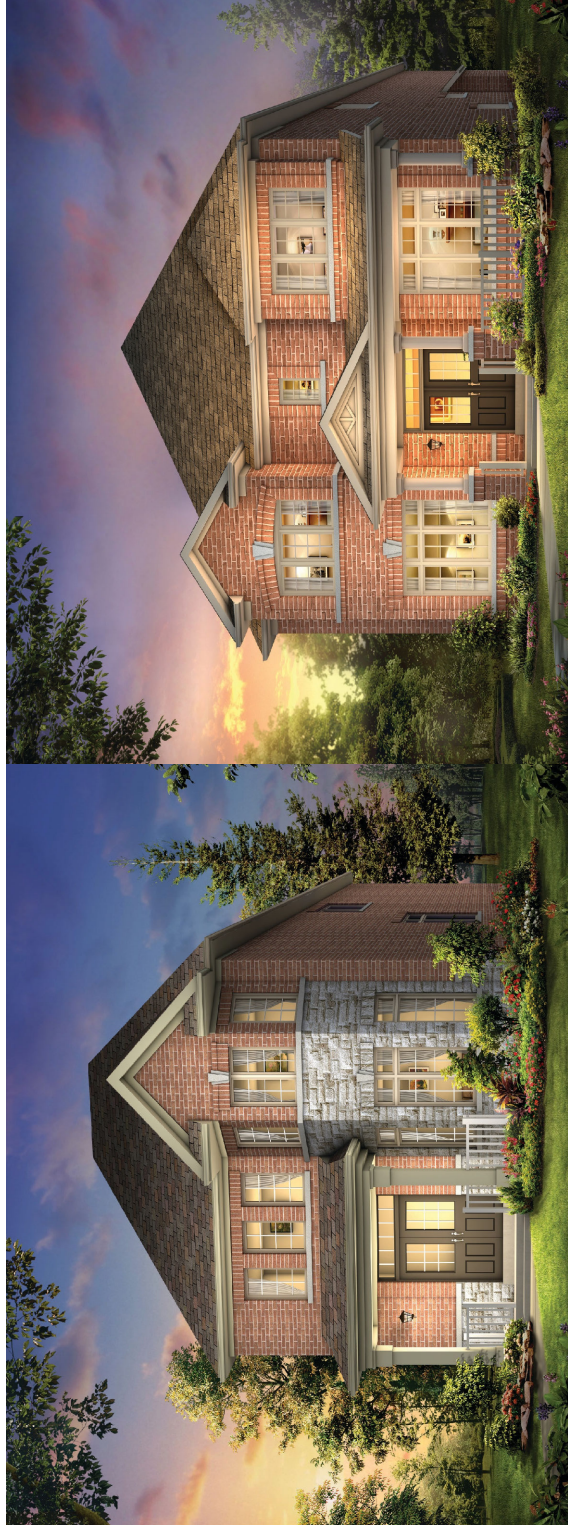
FILE No. ZA_SU 17 153836 (SL)

 SUBJECT LANDS



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Date: 21/11/2017



ELEVATIONS

APPLICANT: KLM PLANNING PARTNERS (Billy Tung)

FILE No. ZA_SU 17 153836 (SL)

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PARKS PLAN

APPLICANT: KLM PLANNING PARTNERS (Billy Tung)

FILE No. ZA_SU 17 153836 (SL)

	SUBJECT LANDS		SCHOOL
	5 MINUTE WALK (450m)		WOODLOT
	PARK		CHANNEL

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Date: 28/05/2018

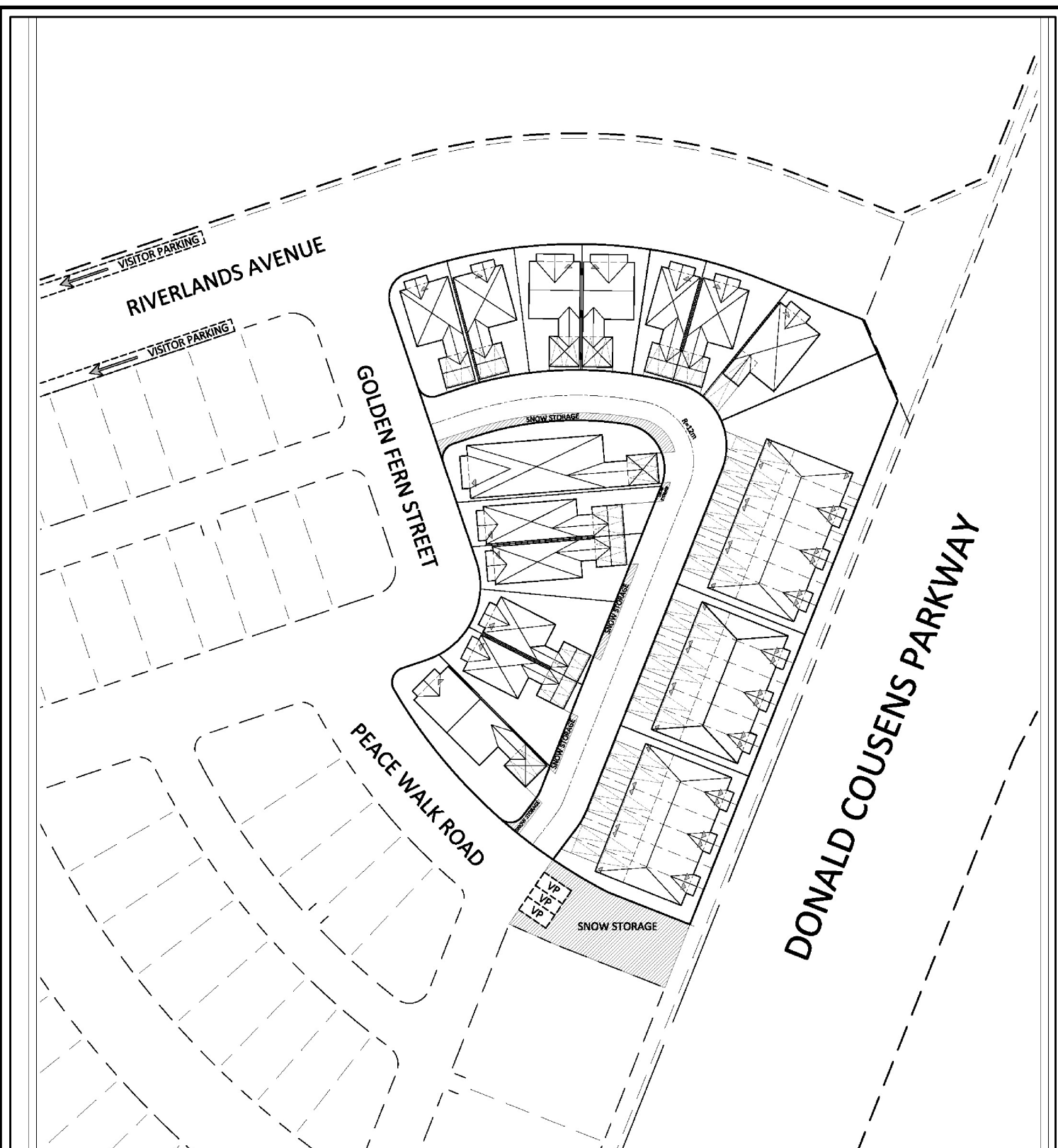


DEVELOPMENT SERVICES COMMISSION

Drawn By: LW

Checked By: SL

FIGURE No. 6



DEVELOPMENT CONCEPT

APPLICANT: KLM PLANNING PARTNERS (Billy Tung)

FILE No. ZA_SU 17 153836 (SL)

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Date: 17/05/2018



DEVELOPMENT SERVICES COMMISSION

Drawn By: LW

Checked By: SL

FIGURE No. 7

**BY-LAW 2018****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:

1. That By-law 177-96, as amended, is hereby further amended as it applies to the lands outlined on Schedule 'A' as follows:

- 1.1 By rezoning the lands outlined on Schedule 'A' attached hereto

from:

Community Amenity One (CA1*420 (H2)) Zone

to:

**Residential Two (R2*600) and,
Residential Two (R2*601) Zone**

- 1.2 By adding the following subsections to Section 7 – EXCEPTIONS:

Exception 7.600	Cornell Rouge Development Corporation Block 77 on Registered Plan 65M-4257	Parent Zone R2
File ZA 17 153836		Amending By- law 2018-
Notwithstanding any other provisions of this By-law, the provisions of this section shall apply to those lands denoted by the symbol *600 on 'Schedule A' to this By-law. All other provisions of this By-law, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
7.600.1 Additional Permitted Uses		
The following additional uses are permitted:		
a) One (1) <i>accessory dwelling unit</i> is permitted on a <i>lot</i>		
7.600.2 Special Zone Standards		
The following special zone standards shall apply:		
a) <i>Accessory dwelling unit</i> is permitted subject to the following:		
i) it is accessory to a <i>single detached or semi detached dwelling unit</i> on the same <i>lot</i> ;		
ii) it is located above a <i>private garage</i> in either the <i>main building</i> or an <i>accessory building</i> on the same <i>lot</i> , except that stairways providing access to the <i>accessory dwelling unit</i> may extend down to <i>grade</i> ; and,		
ii) the required <i>parking space</i> is independently accessible, and not provided in a shared garage or in tandem.		
b) <i>Minimum required rear yard</i> - 0.6 m;		
c) an <i>outdoor amenity space</i> shall be provided and shall be subject to the following regulations:		
i) The <i>outdoor amenity space</i> shall have a minimum area of 30 square metres and a minimum dimension of 7.0 metres on one side.		
ii) <i>Balconies</i> and roofed <i>porches</i> shall not encroach into the required <i>outdoor amenity space</i> .		
<i>Decks</i> and associated stairs may encroach into the required <i>outdoor amenity space</i> .		

d)	The following specific <i>zone</i> standards apply to <i>carports</i> and <i>private garages</i> and to habitable <i>floor area</i> that may be located above a <i>private garage</i> : i) Minimum <i>interior side yard</i> - 0.3 m;
e)	Notwithstanding 6.6.1, Eaves and roof overhangs may encroach into any required setback area or <i>yard</i> up to the <i>lot</i> line;
f)	Notwithstanding section 6.6.2.1 d) stairs used to provide access from a porch to the ground are not permitted to be located closer than 0.3 metres from the <i>front lot line</i> or <i>exterior side lot line</i> .
g)	The provisions of Table B2 (Part 1) shall apply to all lots.

Exception 7.601	Cornell Rouge Development Corporation	Parent Zone R2
File ZA 17 153836	Block 77 on Registered Plan 65M-4257	Amending By- law 2018-
Notwithstanding any other provisions of this By-law, the provisions of this section shall apply to those lands denoted by the symbol *601 on 'Schedule A' to this By-law. All other provisions of this By-law, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
7.601.1 Only Permitted Uses		
The following are the only permitted uses:		
a)	<i>Townhouse Dwellings</i>	
b)	<i>Home Occupations</i>	
c)	<i>Home Childcare</i>	
7.601.2 Special Zone Standards		
The following special zone standards shall apply:		
a)	Minimum <i>lot frontage</i> - <ul style="list-style-type: none">• 4.5m per unit on an <i>interior lot</i>;• 5.7m per end unit on an <i>interior lot</i>; and• 6.9m per end unit on a <i>corner lot</i>;	
b)	Minimum required <i>front yard</i> on a <i>lot</i> accessed by a <i>lane</i> shall be 2.5 metres;	
c)	Minimum required <i>rear yard</i> on a <i>lot</i> accessed by a <i>lane</i> shall be 1.2 metres;	
d)	<i>Outdoor Amenity Space</i> shall be provided and shall be subject to the following provisions: <ul style="list-style-type: none">i) The <i>Outdoor Amenity Space</i> shall be located above a <i>private garage</i> or <i>driveway</i>; andii) The <i>Outdoor Amenity Space</i> shall have a minimum area of 6 square metres;	
e)	Maximum <i>building height</i> shall be 12 metres;	
f)	Notwithstanding section 6.6.2.1 d) stairs used to provide access from a porch to the ground are not permitted to be located closer than 0.3 metres from the <i>front lot line</i> or <i>exterior side lot line</i> .	
g)	Any part of a <i>building</i> , <i>Outdoor Amenity Space</i> , <i>private garage</i> or <i>driveway</i> adjacent to a hydro transformer notch may encroach into the <i>required interior side yard</i> to the <i>interior side lot line</i> .	
h)	The provisions of Table B2 (Part 1) shall apply to all lots.	

2. SECTION 37 CONTRIBUTION

- 2.1 A contribution by the Owner to the City for the purposes of community benefits and public art, 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 and first, second and third time and passed on _____, 2018.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

Amanda File No. ZA 17 153836



EXPLANATORY NOTE
BY-LAW 2018 - ____

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

Cornell Rouge Development Corporation
Block 77, Plan 65M-4257
ZA 17 153836

Lands Affected

The proposed by-law amendment applies to one parcel of land with an approximate area of 9,107 m² (2.25 ac), located on the west side of Donald Cousens Parkway and on the south side of Riverlands Avenue in the Community of Cornell.

Existing Zoning

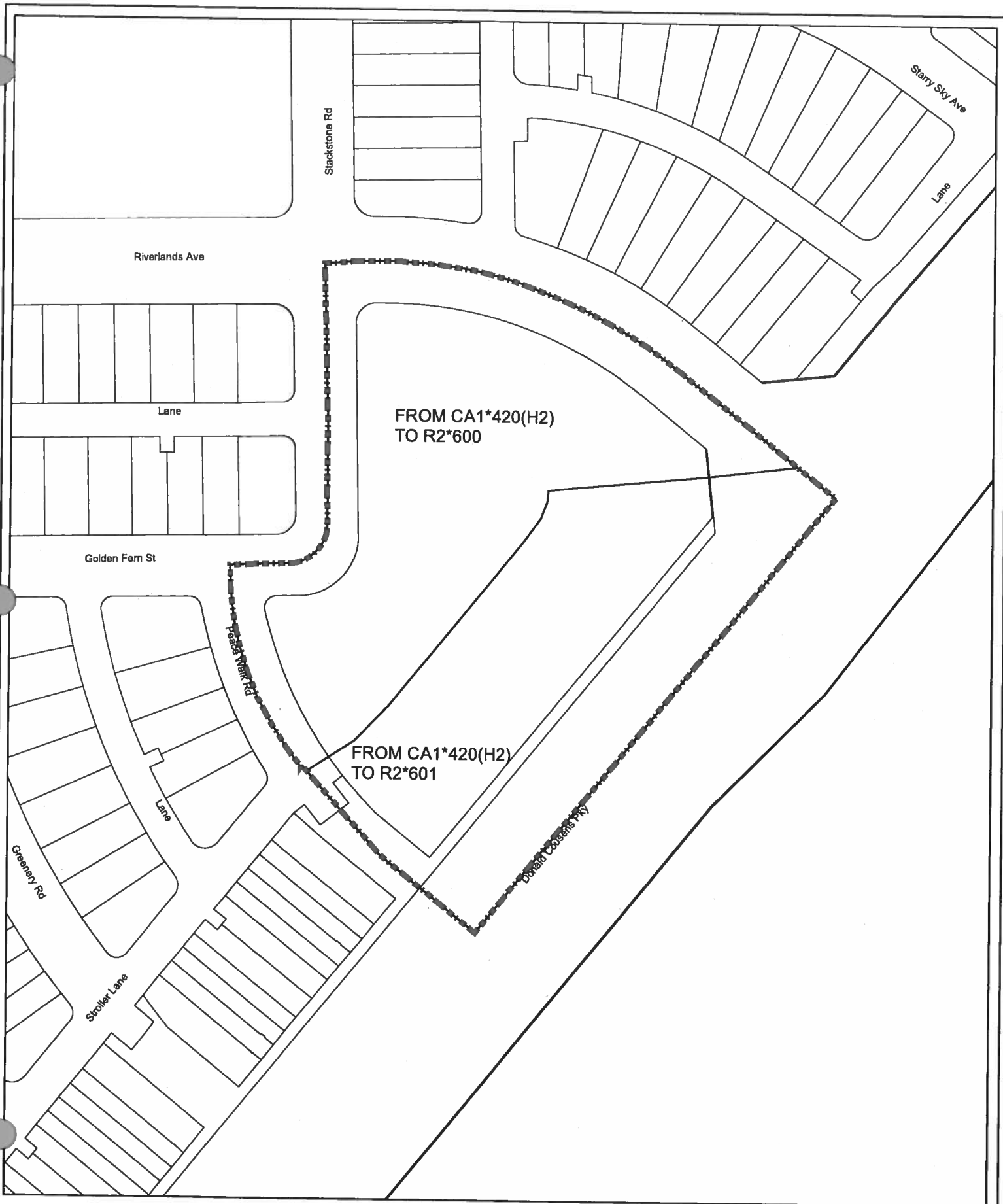
The subject lands are zoned Community Amenity One*420 (CA1 *420) under City of Markham By-law 177-96, as amended.

Purpose and Effect

The purpose and effect of this By-law is to rezone the subject lands to Residential Two (R2) under By-law 177-96, as amended, with site specific development standards to permit the use of the lands for Single-Detached Dwellings and Townhouse Dwelling Units.

Note Regarding Further Planning Applications on this Property

The *Planning Act* provides that no person shall apply for a minor variance from the provisions of this by-law 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.



BY-LAW SCHEDULE "A" TO BY-LAW





**THE CONDITIONS OF THE CITY OF MARKHAM TO BE SATISFIED PRIOR TO
RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 65M-4257
(Cornell Rouge Development Corporation)**

1. General
 - 1.1 Approval shall relate to a draft plan of subdivision prepared by KLM Planning Partners Inc., identified as Project Number P-2826, Drawing Number 18:2 dated February 14, 2018, incorporating the following redline revisions:
 - Show ROW rounding radius / triangle for all roadways intersections;
 - Include the existing R-Plan number reference for buffer Block 76.
 - 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 June 26, 2021 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 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.
 - 1.6 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the City, to implement or integrate any recommendations from studies required as a condition of draft approval, including, but not limited to, Municipal Class Environment Assessment, Traffic Impact Study, Internal Functional Traffic Design Study Stormwater Management Study (Environmental Master Drainage Plan), Functional Servicing Report, Noise Impact Study, confirmation of alignment of roads with the locations shown in the draft approved plans, as well as any comments and conditions received from municipal departments and external agencies after draft approval is granted.

2. Roads

- 2.1 The road allowances within the draft plan shall be named to the satisfaction of the City and York Region.
- 2.2 The road allowances within the draft plan shall be dedicated as public highway, free of all costs and encumbrances.
- 2.3 The Owner shall covenant and agree in the subdivision agreement that the public highways shall be designed and constructed in accordance with established municipal standards to the satisfaction of the City (Commissioner of Development Services).
- 2.4 The Owner shall covenant and agree in the subdivision agreement to provide temporary turning circles where required at their cost and remove them and restore the streets to their normal condition at their cost when required by the City, to the satisfaction of the City (Commissioner of Development Services). The design of the temporary turning circles, and any implications on surrounding land use, shall be addressed in the subdivision agreement to the satisfaction of the City.
- 2.5 Prior to the final approval of the draft plan, the Owner shall show the ROW rounding radius and/or daylight triangles of all road intersections, as redlined on the draft plan, to the satisfaction of the City (Commissioner of Development Services).
- 2.6 The Owner shall covenant and agree in the subdivision agreement that construction access will be through Golden Fern St., via Riverlands Avenue.
- 2.7 The Owner shall covenant and agree in the subdivision agreement to apply for a Road Occupancy Permit or Permit to Enter, if any works or access to works is proposed on City's owned lands.

3. Noise Impact Study

- 3.1 Prior to final approval of the draft plan, the Owner shall submit a Noise Impact Study and a reliance letter, prepared by a qualified noise consultant, with recommended mitigation measures for noise generated by road traffic and by any other identified noise sources, to the satisfaction of the City, in consultation with York Region. The Owner further agrees to make any revisions to the draft plan that may be required to achieve the recommendations of the Noise Impact Study.
- 3.2 The Owner shall covenant and agree in the subdivision agreement to implement noise control measures and warning clauses as recommended by the approved Noise Impact Study, to the satisfaction of the City (Commissioner of Development Services), in consultation with York Region.

4. Tree and Woodlot Preservation

- 4.1 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.
- 4.2 The Owner shall submit a site grading plan showing the trees to be preserved based on the approved Tree Preservation Plan prior to the issuance of a Top Soil Stripping Permit to the satisfaction of the Director of Planning and Urban Design.
- 4.3 The Owner shall obtain written approval from the Director of Planning and Urban Design prior to the removal of any trees or destruction or injury to any part of a tree within the area of the draft plan.
- 4.4 The Owner shall submit for approval, as part of the tree inventory and tree preservation plan, in accordance with the City of Markham Streetscape Manual a tree compensation schedule detailing replacement and enhancement planting or the replacement value based on the following:
 - a) Trees between 20cm and 40cm diameter at breast height (DBH) shall be replaced at a ratio of 2:1
 - b) All trees over 40cm DBH shall have an individual valuation submitted to the City by an ISA certified Arborist in accordance with the Council of Tree and Landscape Appraisers (CTLA) Guide for Plant Appraisal (2000)
 - c) Where a site does not allow for the 2:1 replacement, the City will negotiate a credit for tree planting on alternate sites in the form of cash-in-lieu payment.
 - d) The requirement for the replacement or equivalent economic value following unauthorized tree removal or damage shall be determined by the City.
- 4.5 The Owner covenants and agrees to apply the tree preservation methods identified in the approved Tree Preservation Plan in order to preserve existing trees on the lot, to the satisfaction of the Director of Planning and Urban Design.

5.0 Community Design

- 5.1 The Owner shall implement and incorporate all requirements of the approved Cornell Community Design Plans Prepared for the Cornell Landowners Group by The Planning Partnership, dated May 2011 and approved June 16, 2011 into all landscape plans, architectural control guidelines, engineering plans and any other required design documents.
- 5.2 The Owner shall comply with the Cornell Community Architectural Control Guidelines, prepared by Watchorn Architect Inc. dated July 2003, as amended, to the satisfaction of the Director of Planning & Urban Design.
- 5.3 The Owner shall prepare and submit for approval an amendment to the Cornell Architectural Control Guidelines to include design requirements for lane based townhouses with integral garages including a priority lot plan prior to execution of the subdivision agreement.

- 5.4 Plans submitted for model home permits for any building within the plan of subdivision shall bear an approval stamp identifying the architectural company retained for architectural control and the signature of the control architect. The approval stamp shall certify that the floor plans, building elevations and site plans are designed in accordance with the approved architectural control guidelines.
- 5.5 The Owner shall ensure that the design architect for any buildings within the plan of subdivision shall not also assume the role of control architect for the plan of subdivision.
- 5.6 The Owner shall retain a design consultant acceptable to the Director of Planning and Urban Design to implement the Architectural Control Guidelines, as amended.
- 5.7 The Owner shall submit townhouse siting applications for all lane-based townhouses in accordance with the City's Site Plan Control By-Law 262-94, as amended to the satisfaction of the Director of Planning and Urban Design.
- 6.0 Parks and Open Space
- 6.1 The Owner shall provide a specialized depth of topsoil in the entire municipal boulevard including a continuous planting trench to appropriately plant boulevard trees and provide a soil report demonstrating compliance with the City's Streetscape Manual to the satisfaction of the Director of Planning and Urban Design.
- 6.2 The Owner covenants and agrees to provide a soil report for approval in accordance with the City's Streetscape Manual to the satisfaction of the Director of Planning and Urban Design prior to the installation of any soil for any of the planting trenches.
- 6.3 The Owner shall post approved copies of any Open Space Plans, Conceptual Park Development Master Plans and Conceptual Facility Fit Plans in all sales offices for dwelling units within the draft plan of subdivision.
- 6.4 The Owner and City covenants and agrees that parkland dedication within the Cornell Community is required as outlined in the Cornell Master Parks Agreement.
- 6.5 Upon registration of the subdivision agreement, the Owner shall provide an updated report indicating the total parkland dedication for the Cornell Community in accordance with the Cornell Master Parks Agreements given as of the date of registration.
- 7.0 Landscaping Works
- 7.1 Prior to execution of the subdivision agreement, the Owner shall submit landscape plans prepared by a qualified person based on the Public Realm Guidelines, Architectural Control Guidelines, 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, as amended from time to time.
- b) 1.8m high wood screen corner lot fencing, if required.
- c) Streetscape plans for all public streets.
- d) Any other landscaping as determined by the Community Design Plan and the Environmental Master Drainage Plan.
- e) Noise attenuation fencing in accordance with the approved noise study.
- f) Any other landscaping or fencing as determined by the Community Design Plan, Public Realm Guidelines, Architectural Control Guidelines and Environmental Master Drainage Plan.

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

7.3 The Owner shall not permit their builders to charge home purchasers for the items listed in Condition 7.1.

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

“PURCHASERS ARE ADVISED THAT AS A CONDITION OF APPROVAL OF THE SUBDIVISION WITHIN WHICH THIS LOT IS LOCATED, THE CITY OF MARKHAM HAS 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 7.1a)
- 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)
- NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY
- FENCING OF WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS
- BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES
- SUBDIVISION ENTRY FEATURES AND DECORATIVE FENCING AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE CITY.

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

8.0 Financial – Urban Design

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

8.2 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 real estate agent:

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 to the City for review and approval by City staff, prior to the opening of the sales office.

9. Stormwater Management

9.1 The City acknowledges that the Owner has submitted a Functional Servicing and SWM Report prepared by WSP dated January 12, 2018.

Prior to final approval of the draft plan, the Owner shall submit a final stormwater management study, prepared by a qualified engineer, detailing the provision of water quality and quantity management facilities, hydraulic gradelines, overland flow routes, and erosion and siltation controls for the draft plan for approval by the City and the Toronto and Region Conservation Authority. The Owner acknowledges and agrees that they will be required to construct the proposed stormwater management facilities and overland routes, provide any easements or lands for stormwater and overland flow purposes, and to revise the draft plan accordingly, as may ultimately be required.

9.2 The Owner shall covenant and agree in the subdivision agreement to obtain approval of Site Alteration Plans in accordance with the City's Standards prior to proceeding with any on-site works and more particularly topsoil stripping.

10. Municipal Services

10.1 Prior to final approval of the draft plan, the Owner shall prepare, to the satisfaction of the City (Commissioner of Development Services), a Functional Servicing Report to determine the infrastructure required for all municipal services internal to the subdivision and potential upgrades to municipal infrastructure downstream of the subdivision resulted

from this development. Any requirements resulting from this Report shall be incorporated into the draft plan and provided for in the subdivision agreement. The owner shall covenant and agree in the subdivision agreement to pay for all external municipal infrastructure upgrades.

- 10.2 The Owner shall covenant and agree in the subdivision agreement that they shall be required to construct, or pay for the construction of, roads, bicycle lanes, curbs, gutters, sidewalks (in accordance with the applicable Council policy and City's Design Criteria and Standards), underground and above ground services, street lights, street signs, utilities, stormwater management facilities, etc., to the satisfaction of the City (Commissioner of Development Services).
- 10.3 Prior to final approval of the draft plan, detailed engineering drawings shall be provided in accordance with the City's Design Criteria and Standards, by the Owner which will include, but not be limited to grading control plans, plan and profile drawings of all underground and aboveground services, general plans, drainage plans, composite utility plans, streetlighting design drawings, stormwater management detail plans, etc. to the satisfaction of the City (Commissioner of Development Services).
- 10.4 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Services has been advised by the Fire Chief that there is an adequate water supply for firefighting operations and acceptable access for firefighting equipment is available.
- 10.5 The Owner covenants and agrees to ensure that sanitary and storm sewer flows for all lots are conveyed by gravity and that there will be no pumping.
- 10.6 Prior to final approval and registration of plans, the Owner covenants and agrees to give a sufficient easement to the City, above and beyond the 3.0m buffer Block 76, 65M-4257, at no cost to the City, for the proper construction and future maintenance of sanitary and storm sewers, watermain, utilities, and all other underground and aboveground infrastructure to service Blocks 14, 15, and 16. The layout of all the underground and aboveground infrastructure shall be in accordance to City standards and design criteria and to the satisfaction of the Director of Engineering, including but not limited to the following:
 - a) The Owner covenants and agrees to provide a minimum distance of 2.5m between a sewer and watermain (barrel to barrel) and a minimum distance of 1.0m between sewer to sewer, in a common trench (barrel to barrel).
 - b) The Owner covenants and agrees to place the gas main entirely on private property. No City easements will be granted for the installation of the gas main within the buffer Block 76, 65M-4257.

- c) The Owner covenants and agrees that all influence lines from the common trench box of the sewers will not encroach into the private gas main easement between the Owner and Enbridge.
- d) The Owner covenants and agrees that no street trees will be planted over the sewer common trench box within the buffer Block 76, 65M-4257, in order to facilitate future maintenance works.

11. Transportation Impact Study/Internal Functional Traffic Design Study

- 11.1 Prior to final approval of the draft plan, the Owner covenants and agrees to address all outstanding comments related to the Transportation Impact Assessment Study to the satisfaction of the City and York Region. The Owner further covenants and agrees to revise the draft plan if required to incorporate the recommendations of these studies to the satisfaction of the Director of Engineering.

12. Easements

- 12.1 The Owner shall grant required easements to the appropriate authority for public utilities, sewers, watermain, drainage purposes or turning circles, upon registration of the plan of subdivision and prepare the required R-Plans, to the satisfaction of the Director of Engineering. Any off-site easements and works necessary to connect watermains, storm and sanitary sewers to outfall trunks and stormwater management facilities shall be satisfactory to, and dedicated to, the City.

13. Utilities

- 13.1 The Owner shall covenant and 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 (Commissioner of Development Services) and authorized agencies.
- 13.2 The Owner shall covenant and agree in the subdivision agreement to enter into any agreement or agreements required by any applicable utility companies, including Alectra Utilities, Enbridge, telecommunications companies, etc.
- 13.3 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.

- 13.4 The Owner shall covenant and agree to be responsible for service and meter installation and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, Silva cells, and/or soil trenches) and/or asphalt paving.
- 13.5 The Owner shall covenant and agree to be responsible for all costs if a gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phase construction.
- 13.6 In the event that easement(s) are required to service this development, the applicant shall covenant and agree to provide the easement(s) to Enbridge Gas Distribution at no cost.
- 13.7 The Owner shall covenant and agree to confirm whether or not existing piping facilities need to be relocated or abandoned prior to the commencement of any site construction activities.
- 13.8 The Owner shall covenant and agree to grade all road allowances to as close to final elevation as possible, provide necessary field survey information and all approved municipal road cross sections, identifying all utility locations prior to the installation of the gas piping.
14. Canada Post
- 14.1 The Owner/developer agrees to include on all offers of purchase and sale, a statement that advises the prospective purchaser that mail delivery will be from a designated Community Mailbox.
- 14.2 The owner/developer will be responsible for notifying the purchaser of the exact Community Mailbox locations prior to the closing of any unit sale.
- 14.3 The owner/developer will consult with Canada Post Corporation to determine suitable locations for the placement of the Community Mailboxes and to indicate these locations on the appropriate servicing plans.
- 14.4 The owner/developer will provide the following for each Community Mailbox site and include these requirements on the appropriate servicing plans:
- i) An appropriately sized sidewalk section (concrete pad) to place the Community Mailboxes on.
 - ii) Any required walkway across the boulevard.
 - iii) Any required curb depressions for wheelchair access.
- 14.5 The owner/developer further agrees to determine and provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox

locations. This will enable Canada Post to provide mail delivery to the new homes as soon as they are occupied.

15. Environmental Clearance

- 15.1 The Owner covenants and agrees to retain a “Qualified Person” as defined by the Environmental Protection Act and its regulations, to carry out all necessary environmental testing, evaluation and remediation and pay to the City for third party peer review. The Owner acknowledges that a “Qualified Person” will be retained for the execution of the Owner’s obligation hereunder. The Owner agrees that it shall not substitute the Qualified Person without the prior written consent of the Director of Engineering.
- 15.2 The Owner covenants and agrees that, prior to execution of Subdivision Agreement, an environmental clearance shall be provided to the City for all lands or interests in lands to be conveyed to the City to the satisfaction of the Director of Engineering. The City shall be satisfied that the lands are environmentally suitable for their proposed use and be certified as such by the “Qualified Person” as defined in Ontario Regulation 153/04, all of which shall be in accordance with the Environmental Protection Act and its regulations. The “Qualified Person” shall file a Record of Site Conditions on the Provincial Environmental Site Registry for all lands to be conveyed to the City.
- 15.3 The Owner covenants and agrees that if, during construction of the Works, contaminated soils or materials are discovered, the Owner shall inform the Director of Engineering immediately, and undertake, at its own expense, the necessary measures to identify and remediate the contaminated soils or groundwater, all in accordance with the Environmental Protection Act and its regulations, to the satisfaction of the Director of Engineering and the Ministry of Environment. After remediation, the “Qualified Person” shall file an updated Record of Site Condition on the Provincial Environmental Site Registry, in accordance with Ontario Regulation 153/04, for all lands to be conveyed to the City.
- 15.4 The Owner covenants and agrees to assume full responsibility for the environmental condition of the Lands and agrees 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 Works, the construction and use of the Works or anything done or neglected to be done in connection with the use or any environmental condition on or under the Lands, including any work undertaken by or on behalf of the City in respect of the Lands and the execution of this Agreement.

16. Well Monitoring Program and Mitigation Plan

- 16.1 Prior to any site alteration activities, the Owner shall check if there are any active wells within 500 meters of the Zone of Influence (ZOI). If any active wells are found within the ZOI, the Owner shall prepare and implement a Well Monitoring Program and Mitigation

Plan, in accordance with the City's requirements to the satisfaction of the Director of Engineering.

17. Municipal Infrastructure

17.1 The Owner and the City acknowledge that this subdivision, when fully constructed, will tentatively have the following the City's municipal infrastructure:

- Lanes: 150m
- Streetlights: 4 nos.
- Watermain: 158m
- Sanitary Sewers: 159m
- Storm Sewers: 210m

17.2 Streetlight Types

The Owner agrees to contact City staff prior to commencing the design for Streetlighting to confirm the type(s) of poles and luminaires to be provided for different streets and/or lanes.

18. Development Charges

18.1 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.

19. Heritage

19.1 Not applicable.

20. Other City Requirements

20.1 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.”

20.2 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.

20.3 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 real estate agent:

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 to the City for review and approval by City staff, prior to the opening of the sales office.

20.4 The Owner acknowledges and agrees that access for firefighting has a minimum 9 metre inside turning radius for all changes in direction of the fire route.

20.5 The Owner acknowledges and agrees that Fire Access Routes must be designed and constructed to support the expected load imposed by firefighting equipment and be surfaced with concrete, asphalt or other material, and be designed to permit accessibility under all climactic conditions.

20.6 The Owner acknowledges and agrees that should there be a change in gradient along the Fire Access Route; the route shall be designed to have a change in gradient of not more than 1 in 12.5 over a minimum distance of 15m (49.ft, 3 in.).

20.7 The Owner acknowledges that the rear lane serving Townhouse Block(s) 14, 15, 16 are to be designed as Fire Access Routes and ensure that snow storage does not obstruct firefighting access.

20.7 The Owner acknowledges and agrees that Fire Access Route Signs are required and shall be installed by the Owner subject to Fire Department approval. The Owner further agrees to provide the location of Fire Access Route signs to the Fire Department for review and approval. The Owner acknowledges that Fire Access Route signs are to be spaced maximum 30m apart on both sides of the Fire Access Route and a maximum of 15m from the street curb. Signs to be set at an angle of not less than 30° and not more than 45° to a line parallel to the flow of traffic and should always be visible to approaching traffic.

- 20.8 The Owner covenants and agrees that Private Yard Hydrants will be required and the location of the hydrants and size of watermain must be approved by the Fire Department. Private hydrants are to be installed with a 100mm storz connection as per City of Markham engineering standards.
- 20.9 The Owner covenants and agrees to provide a Letter of Credit in the amount of \$2,000 to ensure the completion of the installation of the Fire Access Route Signs.
- 20.10 The Owner agrees and acknowledges that a Fire hydrant is to be installed off Donald Cousens parkway at a location to the satisfaction of the City of Markham Fire Department.
- 20.11 The Owner agrees and acknowledges that Fire hydrants on streets are to be spaced at intervals not exceeding 120 metres for single family dwellings and 90 metres for townhouse developments.
- 20.12 The Owner agrees and acknowledges that the size of water mains and the hydrant locations must be approved by the Fire department. A water supply of at least 5,000 l/m single family dwellings and 7,000 l/m for townhouse developments shall be available for firefighting purposes.
- 20.13 The Owner acknowledges and agrees that to ensure reliability of access for Fire Department vehicles under all conditions, two means of access, independent of one another are to be provided into the development.
- 20.14 The Owner covenants and agrees to provide a Letter of Credit in the amount of \$5,000.00 to ensure completion of the installation of private hydrant(s).
- 20.15 The Owner acknowledges and agrees that firebreak lots within the draft plan shall be designated to the satisfaction of the Fire Chief or his designee.
- 20.16 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.
- 20.17 The Owner shall acknowledge and agree that two separate and remote water supply connections will be required to ensure adequacy and reliability of the water supply at all times for firefighting purposes.
- 20.18 The Owner shall acknowledge and agree that access to rear yards shall be provided by means of a three (3) metre break.
- 20.19 The Owner shall acknowledge and agree that municipal addresses for the townhouses and single family detached dwellings shall be designated from main street access and not from the rear laneway. Where access to each townhouses and single family detached dwelling is

from a rear laneway, the municipal address numbering shall be posted on both front and rear faces of each dwelling unit.

- 20.20 The Owner acknowledges that all waste and recyclable materials will be collected municipally.
- 20.21 The Owner acknowledges that the subject lands will receive municipal curbside collection of waste, recyclable and organic materials. The owner must provide adequate access for the collection vehicles. To ensure adequate access, the Owner must adhere to the following criteria:
- a) A minimum 6.0m pavement width and 12m, turning radius must be provided through the site.
 - b) The road configuration must permit the safe flow of collection vehicles so that they will not have to travel in reverse gear.
 - c) If construction on this development is to be phased, or if this subdivision abuts future development land, the Owner must provide adequate turning space for collection vehicles at the phase /subdivision boundaries. The turning space must meet City of Markham Engineering design standards.
- 20.22 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.
- 20.23 The Owner agrees to pay to the City the cost for the recycling containers, green bins and kitchen collectors and to provide said recycling containers, green bins and kitchen collectors to the purchasers at the same cost as paid to the City.
- 20.24 The City covenants and agrees to provide, at no cost to the Owner, all educational materials necessary to enable the purchaser to participate in the city's waste diversion program.
- 20.25 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.
- 20.26 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.

20.27 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*600 (R2*600) and Residential Two*601 (R2*601) as required by implementing zoning by-law 2018-____.

21. Toronto and Region Conservation Authority (TRCA)

21.1 Not applicable.

22. Region of York

22.1 The Owner shall save harmless the City of Markham and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.

22.2 The Owner shall agree to implement the recommendations of the functional transportation report/plan as approved by Development Engineering.

22.3 The Owner shall agree that where berm, noise wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a professional engineer to have been installed as specified by the approved Noise Study and in conformance with the Ministry of Environment guidelines and the York Region Noise Policy.

22.4 The Owner shall agree to implement the noise attenuation features as recommended by the noise study and to the satisfaction of Development Engineering.

22.5 The following warning clause shall be included in a registered portion of the Subdivision Agreement with respect to the lots or blocks affected:

"Purchasers are advised that despite the inclusion of noise attenuation features within the development area and within the individual building units, noise levels will continue to increase, occasionally interfering with some activities of the building's occupants".

22.6 Where noise attenuation features will abut a York Region right-of-way, the Owner shall agree in wording satisfactory to York Region's Development Engineering, as follows:

- a) That no part of any noise attenuation feature shall be constructed on or within the York Region right-of-way;
- b) That noise fences adjacent to York Region roads may be constructed on the private side of the 0.3 metre reserve and may be a maximum 2.5 metres in height, subject to the area municipality's concurrence; and,
- c) That maintenance of the noise barriers and fences bordering on York Region right-of-ways shall not be the responsibility of York Region.

22.7 The Owner shall agree that direct vehicular access from BL-14, BL-15 and BL-16 to Donald Cousens Parkway will not be permitted. Access must be gained from the internal road network

- 22.8 The Owner shall agree to be responsible to decommission any existing wells on the Owner's lands in accordance with all applicable provincial legislation and guidelines and to the satisfaction of the area municipality.
- 22.9 The Owner shall agree that the Owner will be responsible for determining the location of all utility plants within York Region right-of-way and for the cost of relocating, replacing, repairing and restoring any appurtenances damaged during construction of the proposed site works. The Owner must review, or ensure that any consultants retained by the Owner, review, at an early stage, the applicable authority's minimum vertical clearances for aerial cable systems and their minimum spacing and cover requirements. The Owner shall be entirely responsible for making any adjustments or relocations, if necessary, prior to the commencement of any construction.
- 22.10 The Owner shall agree to provide direct shared pedestrian/cycling facilities and connections from the proposed development to Donald Cousens Parkway, Local and Collector Roads to support active transportation and public transit, where appropriate. A drawing showing the conceptual layout of active transportation facilities and connections internal to the site and to the Regional roads shall be provided.
- 22.11 The Owner shall agree to implement all recommendations of the Transportation Demand Management Plan as approved by York Region.
- 22.12 Prior to final approval, the road allowances included within the draft plan of subdivision shall be named to the satisfaction of the City of Markham and York Region.
- 22.13 Prior to final approval, 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.
- 22.14 Prior to final approval, the Owner shall provide an electronic set of the engineering drawings showing the watermains and sewers for the proposed development to the Community Planning and Development Services Branch and the Infrastructure Asset Management Branch for record.
- 22.15 Prior to final approval, the Owner shall have prepared, by a qualified professional transportation consultant, a functional transportation report/plan outlining the required road improvements for this subdivision. The report/plan, submitted to Development Engineering for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues.
- 22.16 Prior to final approval, concurrent with the submission of the Subdivision servicing application (MOECC) to the area municipality, the Owner shall provide a set of engineering drawings, for any works to be constructed on or adjacent to the York Region road, to Development Engineering, Attention: Manager, Development Engineering, that includes the following drawings:

- a) Plan and Profile
 - b) Grading and Servicing
 - c) Intersection/Road Improvements, including the recommendations of the Traffic Report
 - d) Construction Access Design
 - e) Utility and underground services Location Plans
 - f) Traffic Control/Management Plans
 - g) Erosion and Siltation Control Plans
 - h) Landscaping Plans, including tree preservation, relocation and removals
 - i) Requirements of York Region Transit/Viva
- 22.17 Prior to final approval, the location and design of the construction access for the subdivision work shall be completed to the satisfaction of Development Engineering and illustrated on the Engineering Drawings.
- 22.18 Prior to final approval, the Owner shall demonstrate, to the satisfaction of Development Engineering, that all existing driveway(s) along the Regional road frontage of this subdivision will be removed as part of the Subdivision work, at no cost to York Region.
- 22.19 Prior to final approval, the Owner shall demonstrate, to the satisfaction of Development Engineering that elevations along the streetline shall be 0.2 metres above the centreline elevations of the York Region Line roadway, unless otherwise specified by Development Engineering.
- 22.20 Prior to final approval, the Owner shall submit drawings depicting the following to the satisfaction of York Region staff:
- i) All existing woody vegetation within the York Region road right of way.
 - ii) Tree protection measures to be implemented on and off the York Region road right of way to protect right of way vegetation to be preserved.
 - iii) Any woody vegetation within the York Region road right of way that is proposed to be removed or relocated. However, it is to be noted that tree removal within York Region road right(s) of way shall be avoided to the extent possible/practical. Financial or other compensation may be sought based on the value of trees proposed for removal
 - iv) A planting plan for all new and relocated vegetation to be planted within the York Region road right of way, based on the following general guideline:
 Tree planting shall be undertaken in accordance with York Region standards as articulated in Streetscaping Policy and using species from the York Region Street Tree Planting List. These documents may be obtained from the Forestry Section. If any landscaping or features other than tree planting (e.g. flower beds, shrubs) are proposed in the York Region right-of-way by the Owner or the area municipality for aesthetic purposes, they must be approved by Development Engineering and shall be maintained by the area municipality with the exception of the usual grass maintenance. For landscape features not maintained to York Region's satisfaction, the area municipality will be responsible for the cost of maintenance or removal undertaken by the Region.

22.21 Prior to final approval, the Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of Development Engineering recommending noise attenuation features.

22.22 Prior to final approval, the Owner shall demonstrate, to the satisfaction of Development Engineering, that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region's Right of Way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.

22.23 Prior to final approval, the Owner shall provide a Transportation Demand Management (TDM) Plan to address the following comments to the satisfaction of the Region:

- a. A TDM checklist that summarizes the programs and measures, estimated costs and responsibility of the applicant to implement TDM recommendations. Estimated costs for any items that are provided by the Region of the Municipality shall be identified as "TBD" (To be determined).
- b. A TDM communication strategy, to assist the Region and the City of Markham to effectively deliver the Information Packages and pre-loaded PRESTO Cards to residents. This strategy shall also include a physical location for distribution of the Information Packages and pre-loaded PRESTO Cards. The applicant is responsible for the coordination and for providing a venue for the distribution of PRESTO cards. Each event, approximately 4 hours of staff time, can serve approximately 100 residential units. The applicant shall coordinate specific event details with York Region/York Region Transit Staff allowing a minimum of 2 months notice.

22.24 Prior to final approval, the Owner shall provide a copy of the Subdivision Agreement to the Regional Corporate Services Department, outlining all requirements of the Corporate Services Department.

22.25 Prior to final approval, 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.

22.26 The Regional Corporate Services Department shall advise that Conditions 1 to 25 inclusive, have been satisfied.

23.0 Developers Group Agreement and Clearance

23.1 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 Cornell Secondary Plan area 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.

23.2 The Owner shall covenant and agree in the subdivision agreement that the plan of subdivision or any phase thereof 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.

23.3 The Owner shall covenant and agree in the subdivision agreement to be bound by the updated Development Phasing Plan for the Cornell Community, dated November 21, 2003 and by the Development Phasing Agreement dated May 19, 2004, and any updates thereto, between the Cornell Landowners Group and the City.

24.0 Ministry of Natural Resources

24.1 The Owner acknowledges that the Eastern Small-footed Myotis, Little Brown Myotis, Northern Myotis and Tri-colored Bat have been added to the list of endangered species pursuant to the *Endangered Species Act, 2007*. S.O. 2007, c. 6. (the "Act"). The Owner acknowledges 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 Act and the Owner covenants and agrees to use its best efforts to comply with the *Endangered Species Act, 2007* if applicable to the Subdivision. 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 actions, 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 the Subdivision, the construction and use of the Works or anything done or neglected to be done in connection with the *Endangered Species Act, 2007*.

25. External Clearances

25.1 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) Enbridge Gas shall advise that conditions 13.4 to 13.8 have been satisfied.
- b) Canada Post shall advise that Condition 14.1 to 14.5 have been satisfied.
- c) The Regional Municipality of York Planning Department shall advise that Conditions 22.1 to 22.26 inclusive, have been satisfied.
- d) The Trustee of the Cornell Developers Group provide clearance that all obligations, financial or otherwise have been satisfied in accordance with Conditions 23.1 and 23.3;

ISSUED: June ##, 2018

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