

SUBJECT: RECOMMENDATION REPORT
Wykland Estates c/o Ballantry Homes
Proposed Official Plan Amendment, Zoning By-law
Amendment and Redline Revision to Draft Approved Plan of
Subdivision 19TM-14010, (northeast corner of Bur Oak
Avenue and Rustle Woods Avenue).
Ward 5

Files OP/ZA/SU 17 152211

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

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

RECOMMENDATION:

- 1) That the report titled “RECOMMENDATION REPORT, Wykland Estates c/o Ballantry Homes, Proposed Official Plan Amendment, Zoning By-law Amendment and Redline Revision to Draft Approved Plan of Subdivision 19TM-14010, (northeast corner of Bur Oak Avenue and Rustle Woods Avenue), Ward 5, Files OP/ZA/SU 17 152211”, be received;
- 2) That the Official Plan Amendment application submitted Ballantry Homes, to amend the Cornell Secondary Plan (OPA 168), be approved, and that the draft Official Plan Amendment attached as Appendix ‘A’ be finalized and enacted without further notice;
- 3) That the Zoning By-law Amendment application submitted by Ballantry Homes, to amend Zoning By-laws 304-87 and 177-96, both as amended, be approved and that the draft by-law attached as Appendix ‘B’ be finalized and enacted without further notice;
- 4) That the redline revision to Draft Plan of Subdivision 19TM-14010 submitted by Ballantry Homes, be approved subject to the conditions outlined in Appendix ‘C’;
- 5) That the Director of Planning and Urban Design, or his designate be delegated authority to issue the revised draft approval, subject to the conditions set out in Appendix ‘C’ and as may be amended by the Director of Planning and Urban Design;
- 6) That the revised draft plan approval for Plan of Subdivision 19TM- 14010 will lapse after a period of three (3) years from the date of Council approval in the event that a subdivision agreement is not executed within that period;

- 7) That Council assign servicing allocation for up to 74 townhouse dwellings; and
- 8) That Staff be authorized and directed to do all things necessary to give effect to this resolution

EXECUTIVE SUMMARY:

This report recommends approval of applications submitted by Ballantry Homes. for a redlined revised draft plan of subdivision (19TM-14010) and implementing official plan and zoning by-law amendments. Approval of the applications will permit a lane-based residential development comprised of 74 freehold townhouse dwellings. The draft plan also includes development blocks fronting Bur Oak Avenue, anticipated to comprise mixed-use mid rise development which will be subject to future zoning and site plan control applications.

The proposed development meets the intent of the 2014 Official Plan and the draft Cornell Centre Secondary Plan, but amendments to the In-force Official Plan (revised 1987) and current Cornell Secondary Plan are required as they are still in effect until a new secondary plan for Cornell Centre is adopted. Amendments to the zoning by-law are also required to permit the proposed townhouse and stacked townhouse built form on the subject lands.

Staff are satisfied with the proposed block pattern and street and lane configuration, and are of the opinion that sufficient areas have been provided to accommodate snow removal and on-street parking. Staff are of the opinion that the revisions to the approved Draft Plan of Subdivision and implementing Official Plan and Zoning By-law amendments are consistent with City policy and align with the direction of the proposed update to the Cornell Secondary Plan and therefore recommend approval of the applications.

PURPOSE:

This report recommends approval of Official Plan Amendment and Zoning By-law Amendment applications, as well as a redline revision to Draft Approved Plan of Subdivision 19TM-14010, submitted by Ballantry Homes, to permit 74 lane-based townhouse dwelling units, new public roads and laneways and a future development block.

BACKGROUND:

The 3.15 ha (7.8 ac) subject lands are located north of Highway 7, at the northeast corner of Bur Oak Avenue and Rustle Woods Avenue in Cornell Centre (See Figures 1 and 3). Surrounding land uses include:

- A block reserved for a future Catholic high school immediately to the north, with existing residential dwellings further north (across Church Street);
- Mixed Use apartment buildings, townhouses and stacked townhouses are currently under construction to the south;
- A block reserved for a future public elementary school and a future park are to the east; and

- The Cornell Community Centre, Fire Station and Markham Stouffville Hospital to the west, across Bur Oak Avenue.

The subject lands were Draft Plan Approved in 2015

The subject lands are part of a larger Draft Plan of Subdivision (19TM-14010) which was submitted by Wykland Estates Inc. (Mattamy Homes Corporation) and approved in 2015. The subject lands were reserved as a development block on the draft approved plan, to be developed by Ballantry Homes rather than Mattamy Homes Corporation. Whilst Ballantry Homes will be implementing the proposed development on these lands, Wykland Estates Inc. (Mattamy Homes Corporation) still own the lands, therefore the applications were submitted by Ballantry Homes on behalf of Wykland Estates Inc.

PROPOSAL

The applications for Official Plan Amendment, Zoning By-law Amendment and a redline revision to an approved draft plan of subdivision propose a residential development comprised of 74 freehold townhouse dwellings (in 13 Blocks) and a 1.14 ha (2.82 ac) mixed use development block along Bur Oak Avenue. The townhouse portion is located on the east side of the site and the mixed use development block fronts Bur Oak Avenue, as shown in Figure 4. Two (2) new public roads are also proposed on the townhouse portion of the site. Most of the proposed townhouses front onto either Rustle Woods Ave., Cornell Centre Blvd. or onto new public local roads with the exception of blocks 10, 11 and 12 which front an open space/sanitary and storm servicing block, which will be grassed with walkways. Vehicular access to each townhouse is provided via rear lanes. Conceptual elevations are shown in Figure 5.

The 1.2 ha (3.0 ac) mixed use development block fronting Bur Oak will be registered as a separate development block as part of the redline revision to the draft plan of subdivision. Since there is no current development proposal being contemplated for this block, it will be subject to zoning amendment and site plan control applications in the future.

Application Process, Public Consultation, and Next Step:

- The applications were submitted on April 12, 2017 and deemed complete on May 2, 2017;
- Following the preliminary Report to DSC on September 11, 2017 the Statutory Public Meeting was held on October 24, 2017. There was no written correspondence received nor deputations made by members of the public at that time;
- If the Official Plan and Zoning By-law amendments and redline revision to the draft plan of subdivision are 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;
- A Townhouse Siting Application for lane-based townhouses will be required to be approved by the Urban Design section prior to the issuance of building permits;
- An application for Part Lot Control Exemption will be required to create individual townhouse lots;

- Submission of a zoning by-law amendment and site plan control application for the 1.42 ha (3.0 ac) mixed use development block fronting Bur Oak Avenue.

OFFICIAL PLAN AND ZONING

Official Plan (Revised 1987) & 2008 Cornell Secondary Plan (OPA 168)

The site is designated 'Urban Residential' and 'Residential Neighbourhood – Cornell Centre'. The in-force secondary plan designation provides for apartment buildings and multiple dwelling units (i.e. stacked townhouses) with a building height range of 4 to 6 storeys and a minimum Floor Space Index (FSI) of 1.5. Townhouses are currently not provided for in this designation.

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

The site is designated 'Residential Mid Rise', which does provide for townhouses, as well as multiplex buildings containing 3 to 6 units; stacked townhouses, apartment buildings, and buildings associated with day care centre, places of worship and public schools. However, the site is also within the Cornell Centre Key Development Area and applicable transition policies require that until an updated secondary plan is approved for Cornell Centre, the provisions of the Official Plan (Revised 1987), as amended and the current Cornell Secondary Plan shall continue to apply. The OPA application is therefore required to introduce townhouses with their associated heights and density.

Cornell Centre Secondary Plan

The Draft Land Use Concept for Cornell Centre presented to DSC on September 22, 2015 provides the policy framework for a future secondary plan for Cornell Centre, which is currently being finalized by the policy group. The draft land use concept affecting the subject lands proposes a 'Community Amenity Area – Bur Oak Corridor' designation along the portion of the site fronting Bur Oak Avenue. This will provide for apartment buildings with commercial uses at grade (fronting Bur Oak Avenue) with buildings between 4 – 8 storeys and a minimum FSI of 1.5. The proposed designation on the eastern portion of the site is 'Residential Mid Rise I' which will provide for townhouses, as well as multiplex buildings containing 3 to 6 units, stacked townhouses and apartment buildings having a maximum height of 4 storeys with a minimum FSI of 0.75.

Proposed Official Plan Amendment

Essentially, in order to facilitate the proposed townhouse development on Block 29A of the subject lands (Figure 4), an Official Plan Amendment application is required to amend the in-force Cornell Secondary Plan although the amendment does reflect the vision in the Cornell Centre Secondary Plan update. The amendment proposes the following building types and criteria within the "Residential Neighbourhood – Cornell Centre" designation:

- Townhouse dwellings, whereas multiple unit (stacked townhouse) and apartment buildings are currently provided for;
- A minimum FSI of 0.75, whereas a minimum FSI of 1.5 is currently provided for;

- A building height range of three (3) to four (4) storeys, whereas a range of four (4) to six (6) storeys is currently provided for.

The proposed amendment to the in-force secondary plan (Appendix 'A') conforms to the draft update to the Cornell Centre Secondary Plan.

Current and Proposed Zoning

The subject lands are zone Agricultural (A1) and Rural Residential Four (RR4) under By-law 304-87, as amended. The current zoning permits agricultural uses and one single detached dwelling on a lot.

The zoning by-law amendment (Appendix 'B') proposes to rezone Block 29A of the subject lands into a Residential Two – Lane Access (R2-LA) category of Zoning By-law 177-96, as amended, including site specific development standards. This zoning by-law amendment will permit the proposed townhouses, including site specific zone standards to facilitate the proposed 3-storey built form with attached garages accessed by rear lanes. It will also rezone the servicing block/walkway (depicted as the “Mews” on Figure 4) into an Open Space One (OS1) zone category. As noted Block 29B fronting Bur Oak Avenue will be the subject of a future zoning by-law amendment application.

OPTIONS/ DISCUSSION:

The proposal is consistent with the vision for Cornell Centre, including appropriate height and density

The City's draft land use policies for the updated secondary plan provide lower minimum FSI targets that reflect the introduction of townhouse unit types in what is proposed to be the 'Residential Mid Rise I' designation. The basis for lowering density targets on the subject lands within the City-led secondary plan update is that density will shift to other locations within Cornell Centre, particularly to areas located along Highway 7 and Bur Oak Avenue where density is anticipated to be increased, resulting in multi-storey mixed-use and residential buildings. This shift also reflects the emphasis on focusing height and density along the regional rapid transit corridor and within proximity of the planned regional bus terminal.

The secondary plan update contemplates an FSI of 0.75, with buildings ranging between 3 – 6 storeys in height for the subject lands. Similar secondary plan amendments have been supported on adjacent lands east of Bur Oak Avenue to the Donald Cousens Parkway, which are all reflected in the City-led secondary plan update. Staff support the proposed OPA application to permit 3-storey townhouses with a minimum FSI of 0.75 on the subject lands. This pattern of development ensures an appropriate transition from the low rise community of Cornell on the north side of Rustle Woods Avenue to the higher density mixed use development contemplated along the Highway 7 and Bur Oak Avenue frontages.

Comments Made at the Statutory Public Meeting (Oct. 24, 2017)

There was no written correspondence received or deputations made from the public, however Development Services Committee (DSC) requested clarification on the following:

- Adequacy and areas for snow storage, and function of snow removal;
- Adequacy of parking for home owners and visitors; and
- The irregular configuration of the north lot line, adjacent to the future Catholic high school site.

Information related to these matters is provided in the following subsections.

Snow Storage and Removal

The proposed development will be accessed via new public streets and rear lanes. Accordingly, the City will be responsible for snow clearance on these public right of ways. Following consultation with the City's Operations Department the draft plan (Figure 4) has been revised to specifically address the Operations' comments resulting in improved street and lane configuration for snow removal. The revised plan introduced a short north/south lane connecting 'Lane A' to 'Street 2', providing an additional lane for truck maneuvering while removing snow from the longest lane within the development. The revised draft plan has been accepted by the Operations Department.

A plan showing where snow can be stored, as necessary, along boulevards, widened flankage yards and in open space blocks has been prepared by the applicant (see areas in blue, Figure 6). All of the dwellings have attached garages and most have limited aprons or setbacks between the garage door and the lane; the proposed rear yard setback is generally 0.6 m (1.9 ft). When snow accumulates, the areas to be shoveled will be limited to the aprons between the garage door and the lane. Development Services staff consider the proposed configuration of the draft plan to be acceptable and are of the opinion that snow removal service levels for Cornell can be achieved for this development.

Appropriate Resident and Visitor Parking is Available

City of Markham Parking Standards By-law 28-97, as amended (the "Parking By-law"), specifies the minimum required number of parking spaces as well as parking space dimensions. Two parking spaces are required per townhouse dwelling, which in the case of the subject development will be located within double car garages. A parking space within a garage requires a minimum width of 2.6 m (8.5 ft) and minimum length of 5.8 m (19 ft). A double car garage should therefore be at least 5.2 m (17 ft) wide to accommodate two side by side spaces to comply with the Parking By-law. Ballantry Homes is providing larger garages, which will have interior widths of 5.7 m (18.8 ft) and lengths of 6.1 m (20.1 ft). The additional length provides areas where items can be stored, such as waste and recycling containers. This is shown in the interior layout plan attached as Figure 7.

Designated visitor parking for ground oriented residential uses (single detached, semi-detached and townhouse dwellings) is only required for developments accessed by a private street (i.e. condominium development). This is because private streets typically have reduced right of way widths that cannot accommodate on-street parking to the same

extent as public roads. Given that the proposed development is not accessed by a private street, designated visitor parking is not a requirement. It is appropriate for visitors to park on-street and Figure 6 shows where on street parking is available in proximity to the proposed townhouses, which can accommodate up to 54 cars. Staff consider that the amount of parking for residents within the townhouses and their visitors can be sufficiently accommodated within and around the proposed development.

Lot Line Configuration and York Catholic District School Board (YCDSB) Comments

Committee requested confirmation that this irregular shaped lot line shared between the subject lands and potential Catholic high school site to the north is acceptable to YCDSB.

The configuration of the north lot line was originally arrived at during negotiations between Wykland Estates Inc. (Mattamy Homes), Ballantry Homes and the YCDSB. It was determined through a facility fit analysis of how a potential high school (and associated parking and sports fields) could be configured on those lands. Consequently, the lot line jogs to accommodate a sports field orientated north/south on the school block, as required by YCDSB. A clearance letter dated November 20, 2017 from the YCDSB was provided to the City agreeing to the registration of the plan of subdivision, which included the future school block. YCDSB advises that the school board has a 10 year option to acquire the site, but the timing for a high school is unknown and it will ultimately be determined by the school board if a Catholic high school is warranted at this location. YCDSB does not have any concerns or objections to the proposed development.

Region of York

In a letter dated July 27, 2017, the Region of York delegated the approval authority to the City to deal with the official plan amendment application to amend the secondary plan. The same letter also indicated that the Region had no objection to the development applications, and provided conditions of draft subdivision approval which have been incorporated into Appendix 'C'. These comments were based on the 1st submission of the applications. The Region has not provided any additional comments or updated conditions based on the 2nd submission, circulated on January 2, 2018. City Staff have followed up with the Region to confirm if any additional comments or conditions will be provided, and if so, they will be reflected in revisions to the draft subdivision conditions prior to them being formally issued.

Toronto Region Conservation Authority

In a letter dated September 1, 2017 the Toronto Region Conservation Authority (TRCA) indicated that they had no objections to the proposed official plan and zoning by-law amendment applications, but required technical matters to be resolved prior to the release of draft plan conditions.

Through review of the second submission, the TRCA provided an update letter dated April 2, 2018 advising that while not all the comments have been fully addressed, the TRCA can now endorse the plan, subject to draft plan conditions which have been incorporated into Appendix 'C'. These conditions will ensure any outstanding matters

relating to storm water management, drainage and approval of technical hydrogeological reports are cleared to the satisfaction of the TRCA..

Municipal Servicing is available

There is sufficient servicing allocation available from Council's current allocation reserve to accommodate the proposed townhouse development. It should be noted however that the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner. Servicing allocation for the mixed use Bur Oak development block will be confirmed at the zoning and site plan application stages.

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

Cornell Landowners Group Obligations

The applicant is a member of the Cornell Landowners Group and as such is required to participate in the Cornell Cost Sharing Agreement. While the availability of servicing allocation from Council's current allocation reserve has been confirmed, the Cornell Landowners Group tracks servicing allocation amongst group members and the City will require clearance from the Trustee of the Cornell Landowners Group confirming the availability of servicing allocation, as well as other group obligations. This is a condition of draft plan approval (Appendix 'C').

Parkland/Open Space and Private Amenity Considerations

Two open space blocks are proposed to be conveyed to the City, which are shown on Figure 4. One of these open space areas is located between Townhouse Blocks 10, 11 and 12. This block will be grassed and have walkways accessing the units, with services below grade. The second open space area is situated in front of Townhouse Block 13 and will be landscaped. Whilst neither of these open space blocks will be credited as parkland, they could be considered as contributions to public Urban Open Space lands in accordance with the Cornell Master Parks Agreement.

No parkland is proposed to be dedicated to the City on the subject lands, however as noted above, 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 to serve Cornell Centre in accordance with the Cornell Master Parks Agreement.

The townhouse development is located in proximity to future parks, including the 18 ha (59 ac) community park to be built approximately 400 m northeast of the site. Private

amenity space for each townhouse unit will be provided in the form of balconies and roof terraces.

Architectural Control

The proponent has provided conceptual elevations (Figure 5), which planning and urban design staff consider to be generally acceptable. These elevations may be subject to minor modifications to ensure compliance with the established Cornell architectural control guidelines, which will ensure townhouse elevations are designed in a manner that incorporates the requirements and criteria of the approved Cornell Community Design Plan. 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.

Urban Design staff will ensure conformity with approved architectural control guidelines through review and approval of townhouse siting applications, prior to the issuance of building permits. Townhouse siting applications are submitted closer to registration of the plan of subdivision, and therefore have not yet been submitted to the City to initiate this review.

Sustainability Features

Ballantry Homes has indicated that sustainable design features will be incorporated into the townhouse development. Sustainable features include energy efficient rated windows, energy efficient HVAC systems, programmable thermostats, low flow toilets and fixtures, drain water heat recovery system on showers, energy efficient lighting, and electrical car ready conduits from garages to hydro panels and solar ready conduits from attics to hydro panels. A full list of the proposed features provided by Ballantry Homes is attached as Appendix 'D' and will be required as part of the draft plan of subdivision conditions (Appendix 'C').

CONCLUSION

Based on the discussion above staff are of the opinion that the proposed revisions to the approved Draft Plan of Subdivision and implementing Official Plan and Zoning By-law amendments are consistent with City policy and align with the direction of the proposed update to the Cornell Secondary Plan. Staff therefore recommend approval of the Official Plan Amendment (Appendix 'A'), Zoning By-law Amendment (Appendix 'B') and revised approved Draft Plan of Subdivision subject to the conditions provided in Appendix 'C'.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

Not Applicable.

HUMAN RESOURCES CONSIDERATIONS

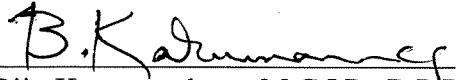
Not Applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

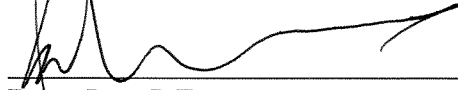
The proposed applications will be reviewed in the context of the City's Strategic Priorities of Growth Management, Transportation and Municipal Services.

BUSINESS UNITS CONSULTED AND AFFECTED:

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



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



Brian Lee, P.Eng
Acting Commissioner of Development
Services

ATTACHMENTS:

- Figure 1 – Location Map
- Figure 2 – Area Context/Zoning
- Figure 3 – Air Photo
- Figure 4 – Proposed Redline Revision to Draft Plan of Subdivision 19TM-14010
- Figure 5 – Conceptual Elevations
- Figure 6 – Snow storage and On Street Parking Plan
- Figure 7 – Interior Garage Plan
- Appendix 'A' – Official Plan Amendment
- Appendix 'B' – Zoning By-law Amendment
- Appendix 'C' – Draft Plan of Subdivision Conditions
- Appendix 'D' – Sustainable Features

OWNER/AGENT:

Ballantry Homes

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jamila@ballantryhomes.com

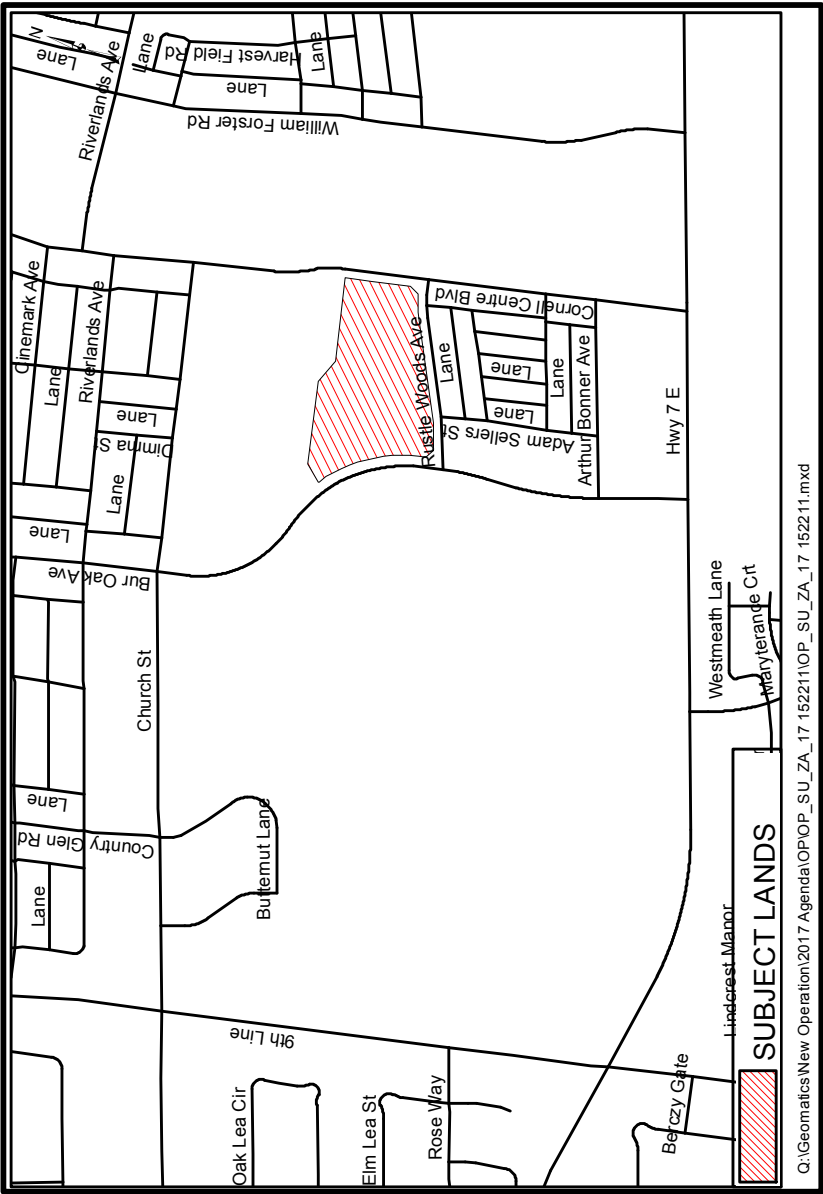
Wykland Estates Inc.

David Albanese
Senior Land Development Manager
7880 Keele Street
Vaughan ON L4K 4G7
David.Albanese@mattamycorp.com

Appendix – D – Sustainable Features

BALLANTRY HOMES - SUSTAINABLE MEASURES

Windows	<ul style="list-style-type: none">• Energy Efficient Rated Windows
HVAC system	<ul style="list-style-type: none">• Mid Velocity HVAC system• Energy Efficient Boiler• Programmable Thermostat• Direct Vent Fireplace with Spark Ignition (where applicable as per plans)
Plumbing	<ul style="list-style-type: none">• Low Flow Toilets & Fixtures• Drain Water Heat Recovery (DWHR) on Showers
Electrical	<ul style="list-style-type: none">• Energy Efficient Lighting & Fixtures• Electrical Car Ready Conduit from Garage to Hydro panel• Solar Ready Conduits from Hydro Panel to Attic



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AIR PHOTO

APPLICANT: BALLANTRY HOMES

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MARKHAM DEVELOPMENT SERVICES COMMISSION

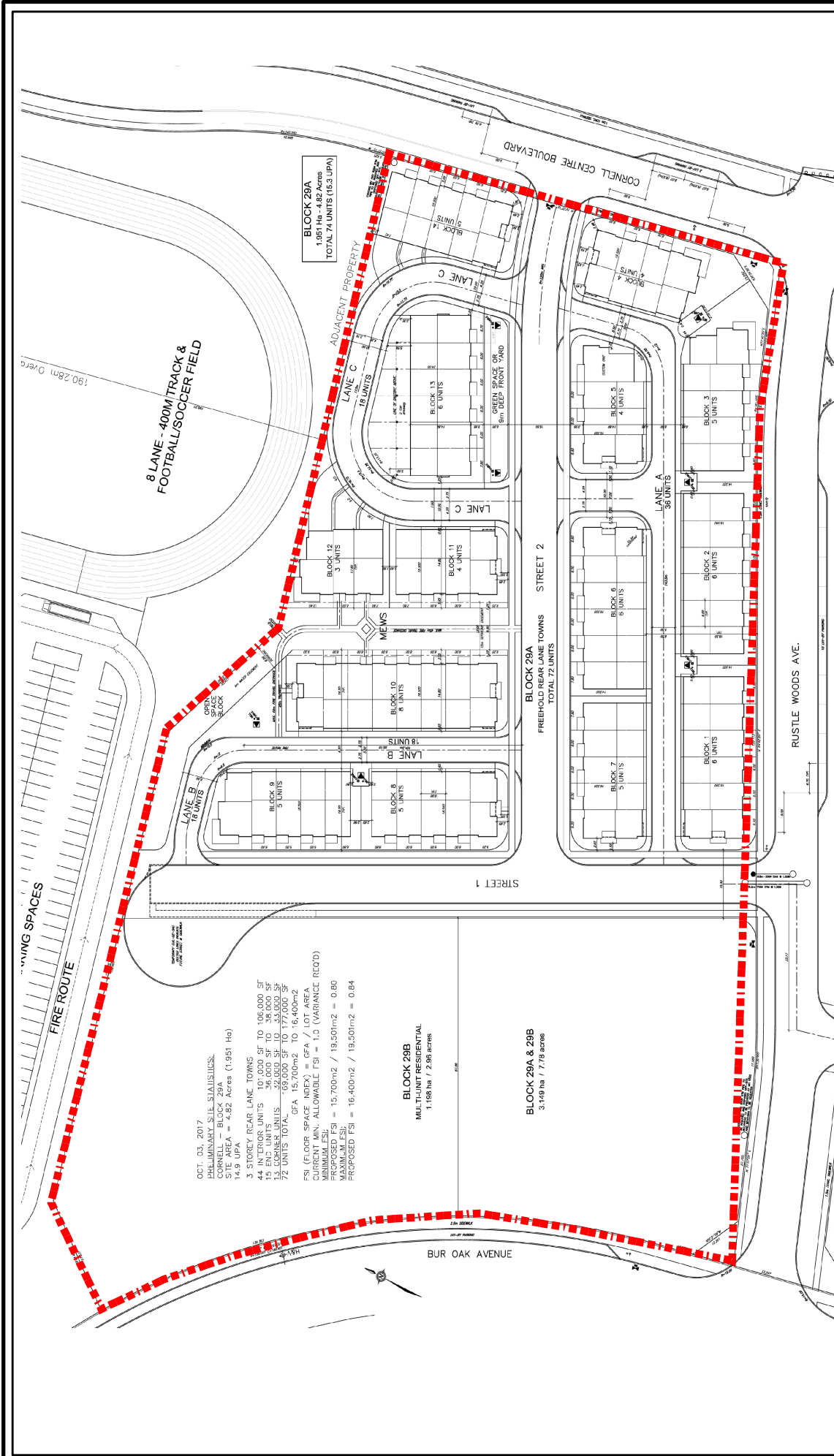
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Checked By: SC

DATE: 01/05/2017

FIGURE No. 3

 SUBJECT LANDS





① RLTH03E ② RLTH02 'A' REV ③ RLTH01 'A' REV ④ RLTH02 - 'B' ⑤ RLTH01 'B' REV ⑥ RLTH04C REV

FRONT ELEVATION - ARTWORK BLOCK
FRENCH RENAISSANCE



① RLTH03E ② RLTH02 'A' REV ③ RLTH01 'A' REV ④ RLTH02 - 'B' ⑤ RLTH01 'B' REV ⑥ RLTH04C REV

REAR LANEWAY ELEVATION - ARTWORK BLOCK
FRENCH RENAISSANCE



① RLTH03E

SIDE ELEVATION
(LOW EXPOSURE END - BETWEEN BUILDINGS)

CONCEPTUAL ELEVATIONS

APPLICANT: BALLANTRY HOMES

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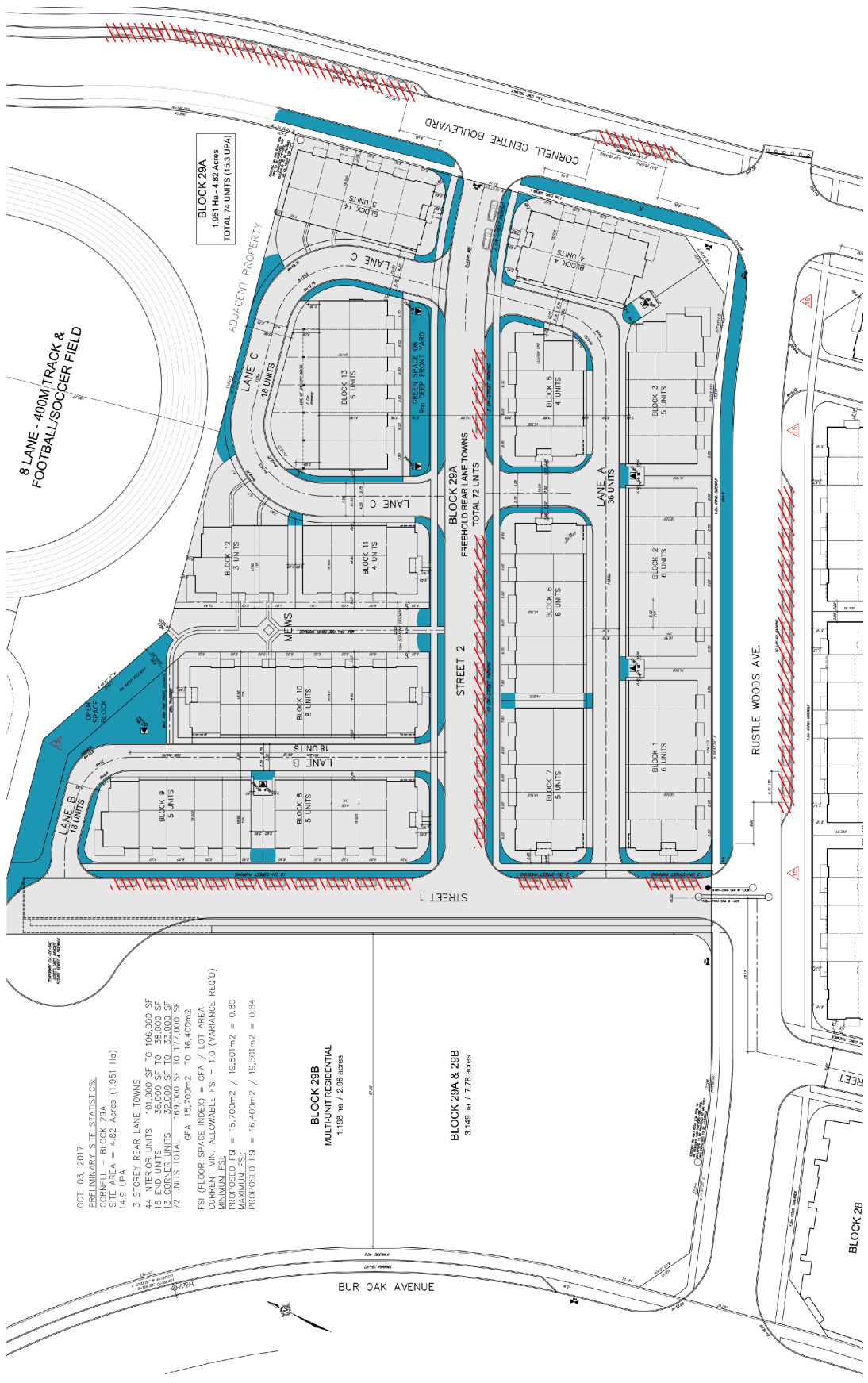
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Checked By: SC

Date: 05/03/2018

FIGURE No. 5



OCT. 03, 2017
PRELIMINARY SITE STATISTICS:
CORNELL - BLOCK 29A
SITE AREA = 4.82 Acres (1,951 fl.a)
1.49 UPA
3 STOREY REAR LANE TOWNS
44 INTERIOR UNITS 101,000 SF TO 106,000 SF
13 CORNER UNITS 32,000 SF TO 33,000 SF
72 UNITS TOTAL 199,000 SF TO 177,000 SF
GFA 15,700m² TO 16,400m²
FSI (FLOOR SPACE INDEX) = GFA / LOT AREA
CURRENT MIN. ALLOWABLE FSI = 1.0 (VARIANCE REQ'D)
PROPOSED FSI = 15,700m² / 16,501m² = 0.95
MAXIMUM FSI:
PROPOSED FSI = 16,400m² / 16,501m² = 0.99

BLOCK 29B
MULTI-UNIT RESIDENTIAL
1,198 fl.a / 2.96 acres

BLOCK 29A & 29B
3,148 fl.a / 7.78 acres

ON STREET PARKING AND SNOW STORAGE PLAN

APPLICANT: BALLANTRY HOMES

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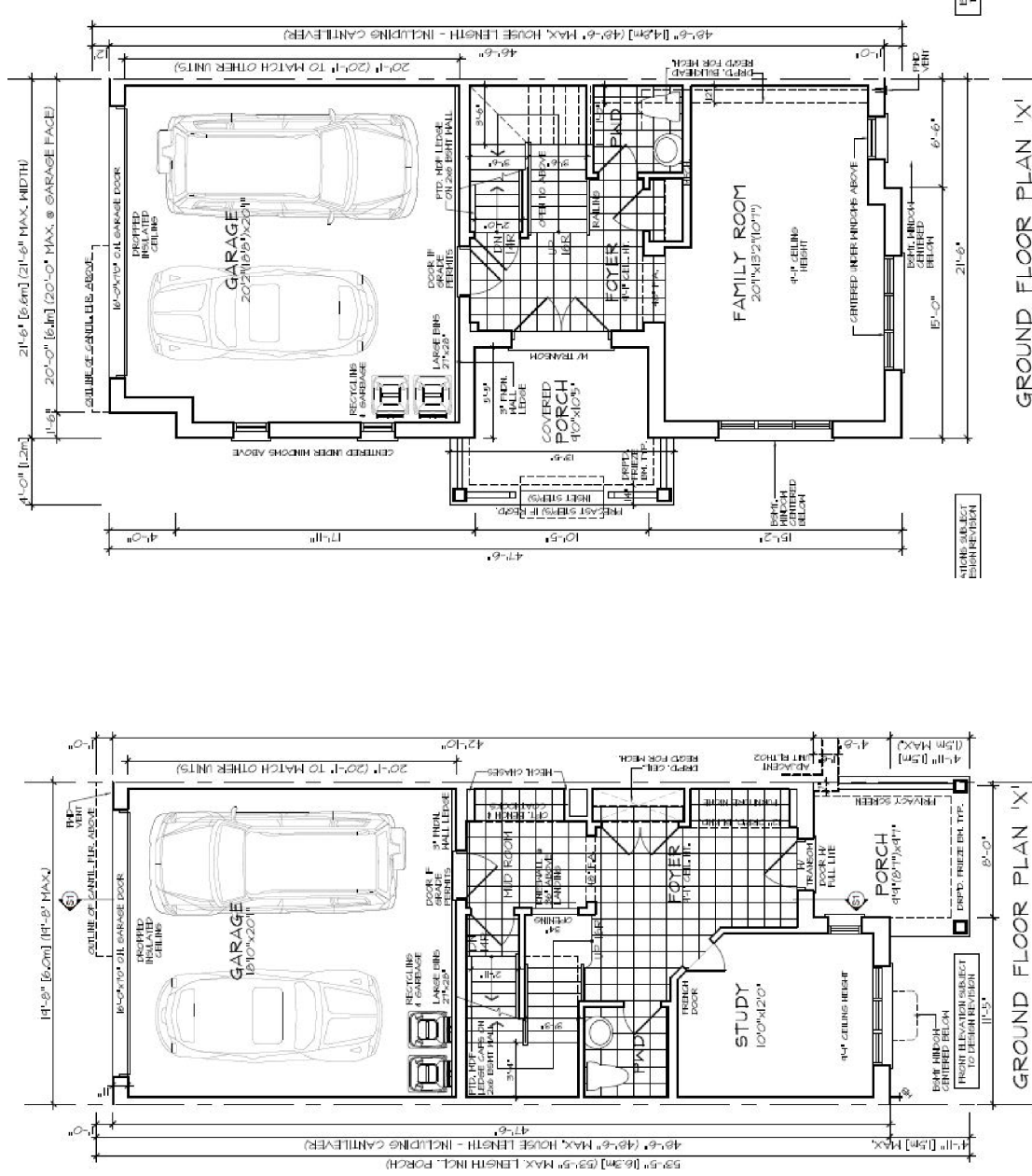
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- ON STREET PARKING
- SNOW STORAGE AREAS

Drawn By: LW

Checked By: SC

Date: 16/04/2018



INTERIOR GARAGE LAYOUT

APPLICANT: BALLANTRY HOMES

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ARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: LW

Checked By: SC

Date: 12/03/2018

FIGURE No. 7

OFFICIAL PLAN
of the
CITY OF MARKHAM PLANNING AREA
AMENDMENT NO. XXX

To amend the Official Plan (Revised 1987), as amended, and to incorporate Amendment No. 11 to the Cornell Secondary Plan (PD 29-1), as amended, for the Cornell Planning District (Planning District No. 29).

(Ballantry Homes)

(April, 2018)

OFFICIAL PLAN
of the
CITY OF MARKHAM PLANNING AREA
AMENDMENT NO. XXX

To amend the Official Plan (Revised 1987), as amended, and to incorporate Amendment No. 11 to the Cornell Secondary Plan (PD 29-1), as amended, for the Cornell Planning District (Planning District No. 29).

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. 2018 - ____ in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on _____, 2018.

KIMBERLY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

THE CORPORATION OF THE CITY OF MARKHAM

BY-LAW NO. 2018 - _____

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), as amended, attached hereto, is hereby adopted.
2. THAT this by-law shall come into force and take effect on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED ON _____, 2018.

KIMBERLY KITTINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

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DRAFT

PART I - INTRODUCTION

(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.
- 1.2** PART II - THE OFFICIAL PLAN AMENDMENT constitutes Official Plan Amendment No. XXX to the Official Plan (Revised 1987), as amended, and is required to enact Amendment No. 11 to the Cornell Secondary Plan (PD 29-1), as amended, for the Cornell Planning District (Planning District No. 29). Part II is an operative part of this Official Plan Amendment.
- 1.3** PART III - THE SECONDARY PLAN AMENDMENT constitutes Amendment No. 11 to the Cornell Secondary Plan (PD 29-1), as amended, for the Cornell Planning District (Planning District No. 29). This Secondary Plan Amendment may be identified by the symbol PD 29-1-8. Part III is an operative part of this Official Plan Amendment.

2.0 LOCATION

This Amendment to the Official Plan (Revised 1987), as amended, and to the Cornell Secondary Plan (PD 29-1), as amended, applies to a parcel of land having an approximate area of 1.95 ha, located on the west side of Cornell Centre Boulevard and north side of Rustle Woods Avenue in the Cornell Planning District, as shown on Schedule “A” attached to Part III of this Official Plan Amendment.

3.0 PURPOSE

The purpose of this Official Plan Amendment is to permit three-storey townhouse dwellings on the subject lands, with a minimum floor space index (FSI) of 0.75.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

The subject lands are designated ‘Residential Neighbourhood – Cornell Centre’ in the Cornell Secondary Plan (PD 29-1), as amended, which contemplates medium and high density residential development in the form of multiple unit and apartment buildings with a minimum height of 4 storeys and minimum floor space index (FSI) of 1.5. This amendment provides for 3 storey townhouse dwellings at a minimum FSI of 0.75 on the subject lands.

The introduction of townhouse dwellings within the lands designated 'Residential Neighbourhood – Cornell Centre' is consistent with the emerging direction of the City-led comprehensive review of the secondary plan policies for Cornell Centre (draft September 2015). The amendments to the minimum height and FSI requirements for the subject lands are required to implement the permission for townhouses and the associated built form of the townhouses.

Any reduction in density resulting from the introduction of a townhouse housing form within the 'Residential Neighbourhood – Cornell Centre' portion of the subject lands through this amendment is anticipated to be made up in other locations within Cornell Centre where higher residential densities are being proposed, particularly along the Highway 7 and Bur Oak Avenue frontages. This redistribution of density is reflected in the City-initiated draft official plan amendment for Cornell Centre considered by Council in September, 2015.

DRAFT

PART II - THE OFFICIAL PLAN AMENDMENT
(This is an operative part of Official Plan Amendment No. XXX)

PART II - THE OFFICIAL PLAN AMENDMENT

1.0 THE OFFICIAL PLAN 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 1.1.3(c) 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 listed in the second sentence of the bullet item dealing with the Cornell Secondary Plan (PD 29-1), as amended, for the Cornell Planning District, to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.3** Section 9.2.13 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 prior to the words “to this Plan”.
- 1.4** No additional changes to the text or schedules of the Official Plan (Revised 1987), as amended, are being made by this Amendment. This Amendment is being made to the text of the Cornell Secondary Plan (PD 29-1), as amended, for the Cornell Planning District (Planning District No. 29). These changes are outlined in Part III, which comprises Amendment No. 11 to the Cornell Secondary Plan (PD 29-1).

2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment shall be implemented by an amendment to the Zoning By-law in conformity with the provisions of this Amendment, and the applicable provisions of the Cornell Secondary Plan (PD 29-1), as amended.

This Amendment to the Official Plan (Revised 1987), as amended, is exempt from the approval by the Region of York. Following adoption, notice of Council’s decision will be given in accordance with the Planning Act, and the decision of Council is final, if a notice of appeal is not received (before or on) the last day for filing an appeal.

Prior to Council's decision becoming final, this Amendment may be modified to incorporate technical amendments to the text and schedule(s). Technical amendments are those minor changes that do not affect the policy or intent of the Amendment. For such technical amendments, the notice provisions of Section 7.13 (c) of Part II of the Official Plan (Revised, 1987), as amended, shall not apply.

DRAFT

DRAFT

PART III - THE SECONDARY PLAN AMENDMENT (PD 29-1-11)
(This is an operative part of Official Plan Amendment No. XXX)

PART III - THE SECONDARY PLAN AMENDMENT (PD 29-1-8)

1.0 THE SECONDARY PLAN AMENDMENT

(Amendment No. 11 to the Cornell Secondary Plan PD 29-1)

The Cornell Secondary Plan (PD 29-1), as amended, for the Cornell Planning District (Planning District No. 29) is hereby amended as follows:

1.1 Section 6.2.4 ‘Residential Neighbourhood – Cornell Centre’ is hereby amended by adding a new subsection g) to Section 6.2.4.2 Site Specific Policies as follows, and by adding Figure 29-1-11, as shown on Schedule “A” attached hereto, to be appropriately placed on the first page following Section 6.2.4.2 g):

“ g) Notwithstanding the provisions of Sections 6.2.4.1 a), e) and f), Figure 6.2.4 and Schedule ‘CC’ – DEVELOPMENT BLOCKS, the following additional provisions shall apply to the lands designated ‘Residential Neighbourhood – Cornell Centre’ shown on Figure 29-1-11:

- townhouses shall be a permitted use;
- the minimum height shall be three storeys for townhouse buildings; and
- the minimum floor space index (FSI) shall be 0.75 FSI for townhouse buildings.”

2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment shall be implemented by an amendment to the Zoning By-law in conformity with the provisions of this Amendment, and the applicable provisions of the Cornell Secondary Plan (PD 29-1), as amended.

This Amendment to the Official Plan (Revised 1987), as amended, is exempt from the approval by the Region of York. Following adoption, notice of Council’s decision will be given in accordance with the Planning Act, and the decision of Council is final, if a notice of appeal is not received before or on the last day for filing an appeal.

Prior to Council’s decision becoming final, this Amendment may be modified to incorporate technical amendments to the text and schedule(s). Technical amendments are those minor changes that do not affect the policy or intent of the Amendment. For such

technical amendments, the notice provisions of Section 7.13 (c) of Part II of the Official Plan (Revised, 1987), as amended shall not apply.

DRAFT

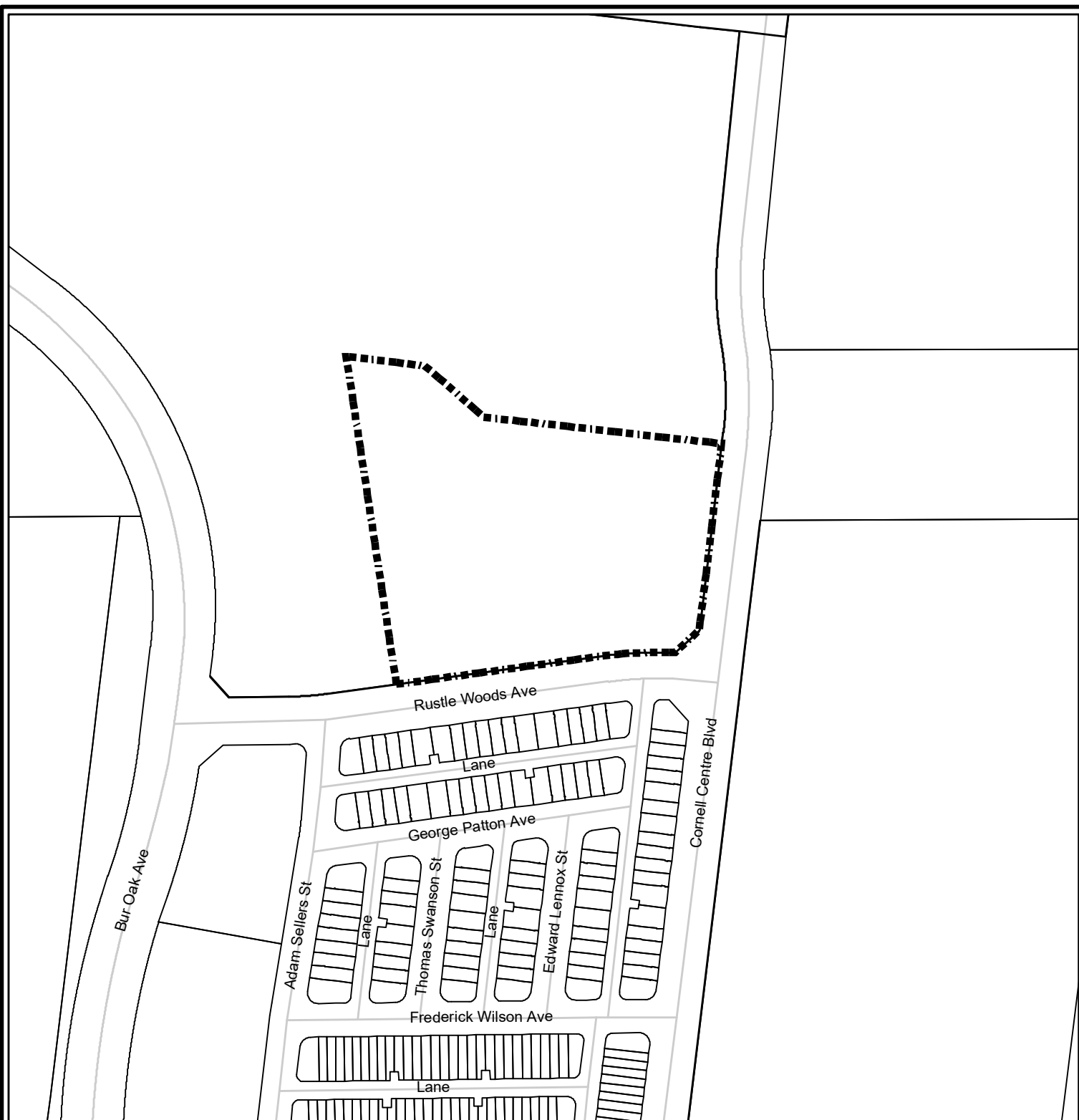



FIGURE No. 29-1-11
to the Cornell Secondary Plan (PD - 29-1)

 Boundary of area covered by this Amendment
 and subject to the policies in section 6.2.4.2 g)

Land use designation : RESIDENTIAL NEIGHBOURHOOD - CORNELL CENTRE





BY-LAW 2018-_____

A By-law to amend By-law 304-87, as amended
(to delete lands from the designated area of By-law 304-87)
and By-law 177-96, as amended
(to incorporate lands into the designated area of By-law 177-96)

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

- 1. That By-law 304-87, as amended, is hereby further amended by deleting the lands shown on Schedule ‘A’ attached hereto, from the designated area of By-law 304-87, as amended.
- 2. That By-law 177-96, as amended, is hereby further amended as follows:
 - 2.1 By expanding the designated area of By-law 177-96, as amended, to include the lands shown on Schedule ‘A’ attached hereto.
 - 2.2 By zoning the lands outlined on Schedule ‘A’ attached hereto as follows:

Residential Two – Lane Access *593 (R2 – LA*593) Zone and Open Space One (OS1) Zone

- 3. By adding the following subsection to Section 7- EXCEPTIONS

Exception 7.593	Ballantry Homes West Side of Cornell Centre Boulevard and north side of Rustle Woods Avenue	Parent Zone R2-LA
File ZA 17 152211		Amending By-law 2018-
Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to the land denoted by the symbol *593 on the schedule to this By-law.		
7.593.1 Special Zone Standards		
The following special zone standards shall apply:		
a)	Minimum required <i>rear yard</i> – 0.6 m	
b)	Maximum <i>Building Height</i> – 14.0 m	
c)	A <i>Lot Line</i> abutting an Open Space One (OS1) zone is deemed to be the <i>Front Lot Line</i>	
d)	Any part of a <i>building, private garage, balcony, deck or driveway</i> adjacent to a hydro transformer notch may encroach into the <i>required interior side yard</i> to the <i>interior side yard lot line</i>	
e)	Notwithstanding Section 6.2.1 b), the following shall apply to <i>Decks</i> : <ul style="list-style-type: none">i) <i>Decks</i> are permitted above the <i>first storey</i> of a <i>main building</i>; andii) Minimum Required <i>rear yard</i> – 0.6 m	

4. SECTION 37 CONTRIBUTION

- 4.1 A contribution by the Owner to the City for the purposes of public art, in the amount of \$105,450.00 in 2018 dollars, to be indexed to the Ontario rate of inflation as per the consumer price index (CPI), in accordance with Section 37 of the Planning Act, as amended, shall be required. Payments shall be collected in accordance with the terms of an agreement to secure for the Section 37 contribution. Nothing in this section shall prevent the issuance of a building permit as set out in Section 8 of the Building Code Act or its successors.

Read a first, second and third time and passed on _____,
2018

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW 2018-_____

A By-law to amend By-law 304-87, as amended

(to delete lands from the designated area of By-law 304-87)

And By-law 177-96, as amended

(to incorporate lands into the designated area of By-law 177-96)

Ballantry Homes

West side of Cornell Centre Boulevard, north side of Rustle Woods Avenue

File No. ZA 17 152211

Lands Affected

The proposed by-law amendment applies to a parcel of land with an approximate area of 1.95 hectares (6.4 acres) located on the west side of Cornell Centre Boulevard and north side of Rustle Woods Avenue, within Cornell Centre..

Existing Zoning

The subject lands are zoned in accordance with By-law 304-87, as amended, as follows:

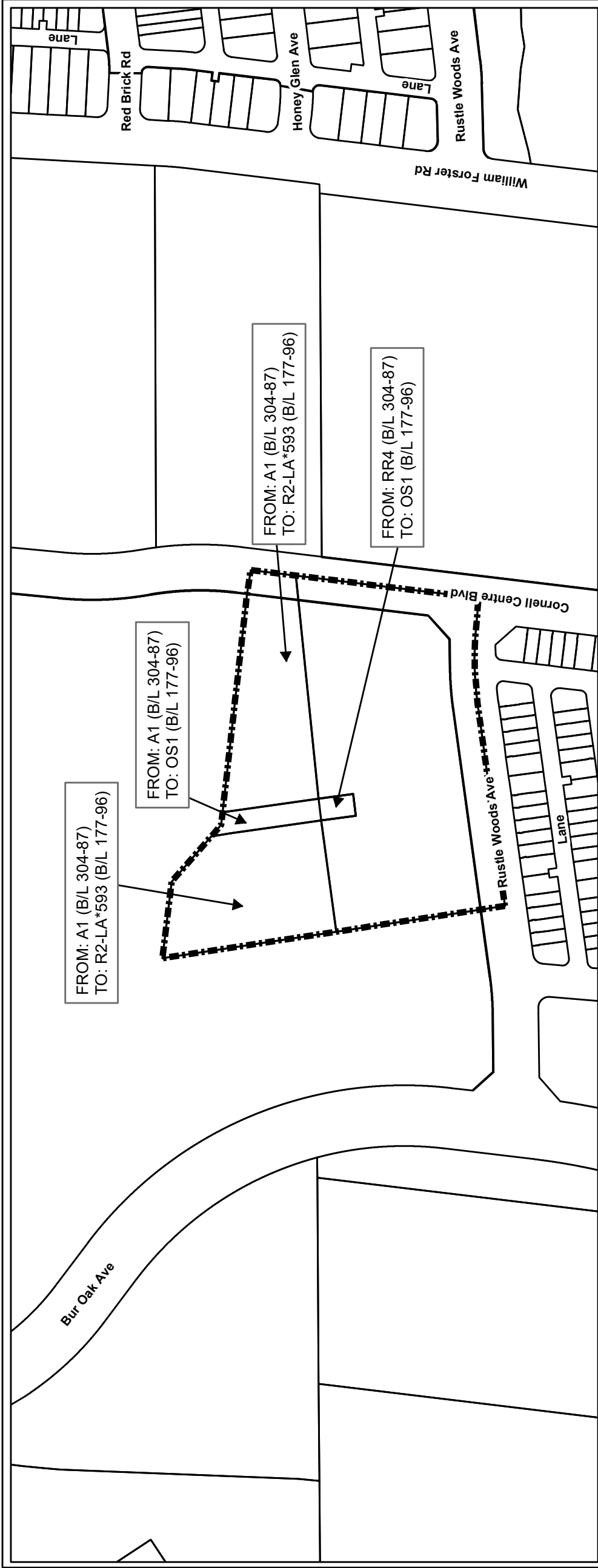
Agriculture One (A1); and
Rural Residential Four (RR4).

Purpose and Effect

The purpose and effect of this By-law is to delete the lands from the designated area of By-law 304-87, as amended, incorporate the lands into the designated area of By-law 177-96, as amended, and zone the subject lands to a "Residential Two – Lane Access *593 (R2*593) Zone", to facilitate the development of 72 townhouses. It also rezones a public walkway and servicing block on a portion of the subject lands to an "Open Space One (OS1) Zone"

Notice Regarding Further Planning Applications on this Property

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



SCHEDULE " A " TO BY-LAW

AMENDING BY-LAWS 304-87 & 177-96 DATED

BOUNDARY OF AREA COVERED BY THIS SCHEDULE

A1

AGRICULTURE ONE

OS1

OPEN SPACE ONE

*No

EXCEPTION SECTION NUMBER

RR4

RURAL RESIDENTIAL

R2-LA

SINGLE AND MULTIPLE DETACHED DWELLING

MARKHAM

DEVELOPMENT SERVICES COMMISSION

BOUNDARY OF ZONE DESIGNATION(S)

Drawn By: LW

Checked By: SC

Date: 12/03/2018

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

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**THE CONDITIONS OF THE CITY OF MARKHAM TO BE SATISFIED PRIOR TO
RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TM-14010
(Ballantry Homes)**

1. General
- 1.1 Approval shall relate to a draft plan of subdivision prepared by MMM Group / WSP, identified as Project Number 14 12213 001, Drawing Number P01, dated December 8, 2017, incorporating the following redline revisions:
 - Show the 6.0m and 12.0m proposed servicing easement
- 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 April 30, 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.
- 1.5 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.
- 1.6 The Owner covenants and agrees to enter into a construction agreement and/or encroachment agreement or any other agreement deemed necessary to permit construction of services, roads, stormwater management facilities or any other services that are required external to the plan of subdivision and that are required to service the proposed development, to the satisfaction of the Director of Engineering and the City Solicitor.
- 1.7 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 convey 0.3 m reserves to the City at the north end of Street 1, free of all costs and encumbrances, upon registration of the plan of subdivision.
- 2.5. 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.
- 2.6. Prior to the final approval of the Plan, the Owner shall provide a temporary turning circle at the end of Street 1 and shall grant the required easement over Block 16 upon registration of the plan of subdivision.
- 2.7. The Owner shall covenant and agree in the subdivision agreement that construction access will be restricted to either Rustle Woods Avenue or Cornell Centre Boulevard.
- 2.8. 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, 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 Not Applicable.

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.

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 shall post approved copies of any Open Space Plans, Conceptual Park Development Master Plans and Conceptual Facility Fit Plans for the park and school campus in all sales offices for dwelling units within the draft plan of subdivision.
- 6.3 The Owner and City covenants and agrees that parkland dedication within the Cornell Community is required as outlined in the Cornell Master Parks Agreement.
- 6.4 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.
- 6.5 The Owner shall prepare and submit for approval a Landscape Plan for Blocks 17 & 18, in accordance with the City's Streetscape Manual and Engineering standards, illustrating proposed landscape treatments to ensure plantings is achieved and including but not limited to ground covers, tree plantings, walkways, and appropriate top soil depths to the satisfaction of the Director of Planning & Urban Design and the Director of Engineering.
- 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) Fencing of the school blocks where they abut residential development.
 - g) Any other landscaping 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 SCHOOL, PARK, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS
- BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES
- SUBDIVISION ENTRY FEATURES AND DECORATIVE FENCING AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE CITY.

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

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.

9. Stormwater Management

- 9.1 The City acknowledges that the Owner has submitted a Functional Servicing Report prepared by Stantec Consulting Ltd. dated December 13, 2017.
- 9.2. Prior to final approval of the draft plan, the Owner shall submit a 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.

- 9.3. 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 provide a sufficient easement to the City for the construction and maintenance of sanitary and storm sewers, watermain, utilities, and all other underground and aboveground infrastructure to service Blocks 10, 11, and 12. 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.

Further, prior to final approval and registration of plans, the Owner acknowledges that should it be determined by the City that the draft plan does not provide sufficient area for the proper design, construction, and future maintenance of all the underground and aboveground infrastructure to service Blocks 10, 11, and 12, the Owner covenants and agrees to give to the City, at no cost to the City, the additional land required.

- 10.6 Prior to the final approval of the draft plan, the Owner shall prepare, to the satisfaction of the City (Commissioner of Development Services), a Watermain Analysis Report. The Owner shall ensure that the water pressure within the site is in compliance with the City's design standard and the Master Environmental Servicing Plan (MESP) in support of the Cornell Centre Secondary Plan. In accordance to the MESP, no municipally-owned pressure reducing valves are permitted for servicing this site.

The Owner also covenants and agrees to address all watermain issues as determined in the watermain analysis, including but not limited to water pressure and water quality, to the satisfaction of the City. If the water pressure zone interface is required to be changed, the Owner covenants and agrees in the subdivision agreement to pay for all the costs related to the work required for this pressure zone interface change

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 Study and Transportation Demand Management Plan 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.
- 11.2. The Owner shall covenant and agree in the subdivision agreement to provide the City a TDM Letter of Credit in the amount of \$7,500 to ensure compliance with the recommendations in the TDM plan.

12. Easements

- 12.1 The Owner shall grant required easements to the appropriate authority for public utilities, sewers, watermain, drainage purposes and 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 watermain, 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.

14. Canada Post

14.1 The Owner shall covenant and agree in the subdivision agreement to facilitate the construction of Canada Post facilities at locations and in manners agreeable to the City of Markham in consultation with Canada Post, and that where such facilities are to be located within public rights-of-way they shall be approved on the Composite Utility Plan and be in accordance with the Community Design Plan.

14.2 The Owner shall covenant and agree in the subdivision agreement to include on all offers of purchase and sale a statement that advises prospective purchasers that mail delivery will be from a designated Community Mailbox. The Owners will further be responsible for notifying the purchasers of the exact Community Mailbox locations prior to the closing of any unite sale.

14.3 The Owner shall covenant and agree in the subdivision agreement to provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to new residents as soon as homes are occupied.

14.4 Standard Community Mailbox installations are to be done by Canada Post at locations approved by the municipality and shown on the Composite Utility Plan. Should the developer propose an enhanced Community Mailbox installation, any costs over and above the standard installation must be borne by the developer, and be subject to approval by the City in consultation with Canada Post.

14.5 The Owner 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) as per municipal standards (to place the mailboxes on);
- ii) Any required walkway across the boulevard as per municipal standards;
- iii) Any required curb depressions for wheelchair access.

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: 365m
- Local Roads: 325m
- Sidewalks: 650m
- Watermain: 450m
- Sanitary Sewers: 320m
- Storm Sewers: 340m

17.2 Streetlight Types

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

- 19.2 The Owner shall covenant and agree in the subdivision agreement to implement any measures recommended by the heritage resource assessment, to the satisfaction of the City and the Ministry of Tourism, Culture and Sport.

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 their real estate agents:

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

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

- 20.4 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.
- 20.5 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.).
- 20.6 The Owner acknowledges that rear lanes serving Townhouse Blocks “Lane B and C” are to be designed as Fire Access Routes.
- 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 acknowledges and agrees that access to blocks of townhouses should be from a public street. However, where access to townhouse blocks (i.e. Blocks 10,11 and 12) is from a rear laneway:
- i) the municipal address numbering shall be posted on both front and rear faces of each dwelling unit; and
 - ii) that rear laneway shall be designed as a fire access route with fire hydrants provided along the rear laneway in accordance with Ontario Building Code requirements.
- 20.9 The Owner acknowledges and agrees that a block of townhouses shall not exceed a distance of forty-five (45) metres without an access to the rear of the townhouse block.
- 20.10 The Owner covenants and agrees to provide a Letter of Credit to ensure the completion of the installation of the Fire Access Route Signs, with the amount to be determined by the Fire Department in the subdivision agreement.
- 20.11 The Owner agrees and acknowledges that Fire hydrants are to be installed at the ends of rear laneways designated as Fire Access Routes.
- 20.12 The Owner agrees and acknowledges that Fire hydrants on streets are to be spaced at intervals not exceeding 90 metres for townhouse developments.
- 20.13 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 7,000 l/m for townhouse development shall be available for firefighting purposes.

- 20.14 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.
- 20.15 The Owner covenants and agrees to provide a Letter of Credit to ensure completion of the installation of private hydrant(s), with the amount to be determined by the Fire Department in the subdivision agreement.
- 20.16 The Owner acknowledges and agrees that firebreak lots within the draft plan shall be designated in the subdivision agreement, to the satisfaction of the Fire Chief. The Owner shall provide a letter of credit in an amount to be determined by the Fire Chief at the subdivision agreement stage to ensure compliance with this condition.
- 20.17 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.
- 20.18 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director or Building Services has been advised by the Fire Chief that there is an adequate water supply for firefighting operations and that two remote accesses for firefighting equipment is available.
- 20.19 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.
- 20.20 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.
- 20.21 The Owner covenants and agrees to pay to the City the cost for recycling containers, green bins and kitchen collectors and to provide said recycling containers, green bins and kitchen collectors to purchasers at the same cost as paid to the City.
- 20.22 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.

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

20.24 The Owner covenants and agrees to implement sustainable design features within the townhouse dwellings, including, but not limited to:

- Energy Efficient Rated Windows
- Mid Velocity HVAC systems
- Energy Efficient Boilers
- Programmable Thermostats
- Direct Vent Fireplaces with Spark Ignition (where applicable as per plans)
- Low Flow Toilets & Fixtures
- Drain Water Heat Recovery (DWHR) on Showers
- Energy Efficient Lighting & Fixtures
- Electrical Car Ready Conduit from Garage to Hydro panel
- Solar Ready Conduits from Hydro Panel to Attic

20.25 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*593 (R2*593), as required by implementing zoning by-law 2018-____.

21. Toronto and Region Conservation Authority (TRCA)

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

a) A detailed engineering report that describes the storm drainage system (quantity and quality) for the proposed development of the subject lands, and how it will comply with all related TRCA requirements. This report shall include:

- i. plans illustrating how this drainage system will tie into surrounding drainage systems and storm water management techniques which may be required to control minor or major flows. Confirmation must be provided with respect to how target flows as identified in the related hydrologic studies will be achieved during and post-development.
- ii. appropriate Stormwater Management Practices (SWMPs) to be used to treat stormwater, to mitigate the impacts of development on the quality and quantity of ground and surface water resources, including how it relates to terrestrial and aquatic species and their habitat, in addition to natural features and systems. The existing drainage patterns should be maintained, to the greatest extent possible, and the existing ecological function of all headwater drainage features is to be maintained, consistent with TRCA's Guidelines;

- iii. proposed methods for controlling or minimizing erosion and siltation on site and/or in downstream areas during and after construction, in accordance with the current Erosion and Sediment Control (ESC) guidelines utilized by the TRCA. ESC plans and a report addressing phasing and staging, consistent with TRCA's guidelines must be included;
 - iv. location and description of all outlets and other facilities, grading, site alterations, development, infrastructure and watercourse alterations (on and off of the subject property), which are required to service or facilitate the development of the subject lands, which may require a permit pursuant to Ontario Regulation 166/06, the Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, with all supporting technical information.
 - v. detailed mapping of any proposed stormwater management measures, with consideration for existing vegetation to be disturbed, grade differentials and grading required.
 - vi. the integration of low impact development measures and the employment of source and conveyance controls to mimic to the extent possible, pre-development hydrology to the satisfaction of the TRCA.
- b). An adequate hydrogeological and water balance report, to the satisfaction of TRCA.
- Prior to any development, pre-servicing or site alteration, or registration of this plan or any phase thereof:

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

21.3 That the owner agree in the subdivision agreement, in wording acceptable to the TRCA:

- a) to carry out, or cause to be carried out, to the satisfaction of the TRCA, the recommendations of the technical reports and plans referenced in TRCA's conditions, and to provide for any requirements as set-out in TRCA's conditions of draft approval, that extend beyond registration of this Plan;
- b) to implement the requirements of the TRCA's conditions in wording acceptable to the TRCA;
- c) to design and implement on-site erosion and sediment control in accordance with current TRCA standards;

- d) to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, and until assumption by the City of Markham in a manner satisfactory to the TRCA;
 - e) to obtain all necessary permits pursuant to Ontario Regulation 166/06 from the TRCA;
 - f) to implement all water balance/infiltration measures identified in the water balance study that is to be completed for the subject property, to the satisfaction of the TRCA.
- 21.4 That the size and location of all Low Impact Development (LID) stormwater management measures associated with this development be confirmed to the satisfaction of the TRCA.
- 21.5 That the applicant demonstrate that the existing stormwater management facilities, to which the subject lands drain, have capacity to provide for the quantity, quality and erosion control as necessary to address TRCA's requirements, and in accordance with the MESP for this area. And, that should that should it be necessary to achieve these requirements, that redline revisions be made to this Plan, to provide for any additional on-site stormwater management measures to address these requirements.
- 21.6 That the applicant demonstrate that the in accordance with the MESP for Cornell, and in accordance with TRCA's current stormwater management criteria, a minimum on-site retention of the first 5mm of precipitation is required. A detailed report identifying how this target has been met, and the measures being utilized to achieve the target will also be required.
- 21.7. That the draft plan be red-line revised, if necessary, in order to meet the requirements of TRCA's conditions.
22. Region of York
- 22.1 Prior to final approval York Region shall confirm that adequate water supply and sewage capacity have been allocated by the City of Markham for the development proposed within this draft plan of subdivision or any phase thereof. Registration of the plan of subdivision shall occur in phases based on the availability of water supply and sewage servicing allocation.
- 22.2 The Owner shall agree in the subdivision agreement that the Owner shall save harmless the City of Markham and Region of York from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
- 22.3 Prior to final approval, an electronic copy of the engineering drawing(s) showing the layout of the watermains and sewers shall be submitted to the Community Planning and Development Services Branch and the Infrastructure Asset Management branch for record.

- 22.4 The Traffic Impact Study indicates that the signalization Bur Oak Avenue and Highway 7 will be warranted as a result of background traffic volumes. It should be noted that prior approval and prior to the submission of the clearance application that the applicant maybe required to provide an updated warrant analysis in the event the assumed background developments are not yet built.
- 22.5 Prior to final approval the Owner shall provide an addendum to the Transportation Demand Management (TDM) Plan to the satisfaction of the Region. The addendum to the TDM plan shall include the following:
- a) A TDM checklist that summarizes the programs and measures, estimated costs and responsibility of the applicant to implement TDM recommendations;
 - b) Section 8 shall include a Pedestrian Level of Service Summary table and Bicycle Level of Service Summary table that is consistent with the requirements of the Transportation Mobility Plan Guidelines, effective as of November 2016;
 - c) A Communication Strategy prepared in consultation with the Region and City of Markham Staff, which shall include a physical location for the outreach event. The applicant will be responsible for coordinating and arranging outreach events. Outreach events shall be coordinated in four hour sessions and can accommodate up to 100 households each. Further coordination will be required with York Region/York Region Transit as the units are completed.
 - d) The PRESTO card amount provided to residents shall be determined by the Region; and
 - e) As part of your TDM Plan (Final Report), it shall include any costs applicable as per the TDM checklist.
- 22.6 Prior to final approval, the Owner shall satisfy the Regional Municipality of York Transportation Services Department that the services to be installed within or in conjunction with the Plan will provide for sidewalks on both sides of the roadways listed below, unless only one side of the street lies within the limits of the subject lands. The sidewalks shall meet the local municipality's standards, and be provided by the Owner along the subject lands' frontage onto roadways that will transit services.
- Existing YRT/Viva transit services operate on the following roadways in the vicinity of the subject lands:
- Highway 7
 - Bur Oak Avenue
- Future YRT/Viva transit services are planned for the following roadways or sections of:
- Rustle Woods Avenue
 - Cornell Centre Boulevard
- 22.7 Prior to final approval, the Owner shall submit drawings showing, as applicable, the sidewalk location and concrete pedestrian access to the satisfaction of York Region.

- 22.8 Prior to final approval, the Owner shall satisfy the Regional Municipality of York Transportation Services Department that the services to be installed within or in conjunction with the Plan will provide passenger standing areas/shelter pads identified below and shall be installed to the satisfaction of the local municipality and York Region Transit. The Region confirms that all such passenger standing areas/shelter pads shall be owned and maintained by the Region and that the local municipality shall have no responsibility for those, notwithstanding that they may be included in the subdivision agreement.

Subject to approval by YRT, passenger standing areas and shelter pads shall be provided at the following locations:

ON Street	AT Street	Location	Standard	Traffic Signal Requested
Rustle Woods Avenue	Bur Oak Avenue	Northeast corner	YRT – 1.01	
Cornell Centre Boulevard	Rustle Woods Avenue	Northwest corner	YRT – 1.01	

The passenger standing areas/shelter pads shall be provided at no cost to York Region and shall be provided concurrently with construction of necessary sidewalks. The Owner may apply for a development charge credit, in accordance with the York Region - Road Works development charge credit guideline for passenger standing areas and shelter pads.

Landscaping should not interfere with the bus stops, passenger standing areas, shelters or corner sightlines. Bus stops located in front of the employment areas shall be incorporated into the landscape design.

The bus stop locations determined during the design phase are subject to change. Prior to construction of the passenger standing areas/shelter pads, the Owner/consultant shall confirm with YRT the final bus stop locations/requirements. The Owner/consultant is to contact YRT Facilities Supervisor (tel. 905-762-2111) to confirm final details.

- 22.9 The Owner shall agree in the Subdivision Agreement to advise all potential purchasers of the existing and future introduction of transit services in this development as identified in condition 6. This includes current and potential transit routes, bus stops and shelter locations. This shall be achieved through distribution of information/marketing materials (YRT route maps, Future Plan maps & providing YRT website contact information) at sales offices and appropriate notification clauses in purchase agreements. The YRT route maps and the Future Plan maps are available from YRT upon request.
- 22.10 The Owner shall satisfy the Regional Municipality of York Transportation Services Department that the services to be installed within or in conjunction with the Plan will

include illumination in accordance with the local municipality's/York Region's design standards along all streets which have or will have transit services, sidewalks, pedestrian access and bus stop locations.

- 22.11 The Regional Community Planning and Development Services shall advise that Conditions 1 to 10 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 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.

24.0 York Catholic District School Board

- 24.1 The Owner covenants and agrees to include the following clauses in all Agreements of Purchase and Sale of residential lots and units abutting BLOCK 1 of 65M-4589:

- a) The abutting lands to the north (BLOCK 1, PLAN 65M-4589) is designated as a potential Catholic School site. However, the construction of a Catholic School on a site designated for such purpose is not guaranteed. Purchasers are advised that sufficient accommodation may not be available for students residing within the area of this Plan of Subdivision, and you are notified that students may be accommodated in temporary facilities and/or bussed to existing facilities outside the Subdivision. The York Catholic District School Board will in its discretion, designate pick-up points for students who qualify for transportation; and
- b) That temporary facilities and/or portables may, from time to time, be placed on the Lands in order to accommodate students in excess of the capacity of the school building as erected on the Lands.

25.0 Ministry of Natural Resources

- 25.1 The Owner acknowledges that the Redside Dace has been added to the list of endangered species pursuant to the *Endangered Species Act, 2007*. S.O. 2007, c. 6. (the "Act"), and that the Ministry of Natural Resources (Ontario) has prepared a recovery strategy for the Redside Dace, entitled "Redside Dace (*Clinostomus elongatus*) in Ontario, Ontario

Recovery Strategy Series”, dated February 2010 (the “Recovery Strategy”). 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 the Recovery Strategy, if applicable to the Subdivision, including but not limited to protection of the meander belt of any stream providing habitat to the Redside Dace and its associated riparian habitat that is within 30 metres from the meander belt. 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* and the Recovery Strategy.

22. External Clearances

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

- a) Canada Post shall advise that Condition 14.1 to 14.5 have been satisfied.
- b) The Toronto and Region Conservation Authority shall advise that Conditions 21.1 to 21.7 inclusive, have been satisfied.
- c) The Regional Municipality of York Planning Department shall advise that Conditions 22.1 to 22.10 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 23.2;
- e) That the Owner submits a letter from the Ministry of Tourism Culture and Sport that the Heritage Resource Assessment has been entered into the Ontario Public Register of Archaeology Reports in accordance with Condition 19.1
- f) That the Owner submits a clearance letter from the York Catholic District School Board advising that Condition has been satisfied.

ISSUED: May ##, 2018

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