

SUBJECT: RECOMMENDATION REPORT
National Homes (Old Kennedy) Inc.
Applications for Draft Plan of Subdivision and Zoning By-law Amendment to permit sixty-nine (69) townhouse units and seven (7) live-work units at 146 Old Kennedy Road (Ward 8)

File Nos. SU/ZA 16 138057

PREPARED BY: Sabrina Bordone, M.C.I.P., R.P.P., extension 8230
Senior Planner, Central District

REVIEWED BY: Richard Kendall, M.C.I.P., R.P.P., extension 6588
Manager, Central District

RECOMMENDATION:

- 1) THAT the report titled “National Homes (Old Kennedy) Inc., Applications for Draft Plan of Subdivision and Zoning By-law Amendment to permit sixty-nine (69) townhouse units and seven (7) live-work units at 146 Old Kennedy Road (Ward 8), File Nos. SU/ZA 16 138057”, be received;
- 2) THAT the record of the Public Meeting held on May 2, 2017 regarding the proposed Draft Plan of Subdivision and implementing Zoning By-law Amendment, be received;
- 3) THAT Draft Plan of Subdivision 19TM-16012 (SU 16 138057) be approved subject to the conditions of draft approval set out in Appendix ‘A’ of this report;
- 4) THAT the Director of Planning and Urban Design or his designate, be delegated authority to issue draft plan approval, subject to the conditions set out in Appendix ‘A’, as may be amended by the Director of Planning and Urban Design or his designate;
- 5) THAT the Zoning By-law Amendment application (ZA 16 138057) submitted by National Homes (Old Kennedy) Inc., be approved and the draft implementing Zoning By-law, attached as Appendix ‘B’, be finalized and enacted without further notice, once the Parking Justification Report has been reviewed to staff’s satisfaction;
- 6) THAT servicing allocation for sixty-nine (69) townhouse units and seven (7) live-work units be assigned to this project subject to receiving a letter from the Trustee for the Landowner’s Group confirming the Applicant is in good standing;
- 7) THAT the City reserves the right to revoke or reallocate servicing allocation should the development not proceed in a timely manner;

- 8) THAT the draft approval for plan of subdivision 19TM-16012 will lapse after a period of three (3) years commencing on the date of issuance of draft plan approval, in the event that a subdivision agreement is not executed within that period;
- 9) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

National Homes (Old Kennedy) Inc. have submitted applications for Draft Plan of Subdivision and Zoning By-law amendment to permit sixty-nine (69) townhouse units and seven (7) live-work units at 146 Old Kennedy Road (Figure 1).

The residential townhouse units are arranged in ten (10) blocks and are oriented in an east-west fashion fronting onto a private condominium road, with 4-8 units per block (Figure 5). The seven (7) live-work units are proposed to be contained in one (1) block, which fronts onto Old Kennedy Road. A private condominium road, running north-south, is also proposed west of the live-work townhouse block and is intended to connect both Aldergrove Drive and Sunset Drive, establishing interconnections between the subject lands and the adjacent lands to the north and south.

A new north-south public road is proposed on the west side of the subject lands. This road, which already exists to the north of the subject property, will ultimately run from Aldergrove Drive to Sunrise Drive, adjacent to the railway line. The proposed public road connections will improve vehicular and pedestrian circulation and connectivity within the community.

The layout of the Draft Plan of Subdivision is acceptable. The proposed built form is compatible with surrounding existing development. The proposed live-work units provide a continuous built form along Old Kennedy Road and the townhouse units on the remainder of the site are consistent with the “Community Amenity Area - Mixed Use” designation.

The Applicant has agreed to install a historic plaque commemorating Club 300 Bowl, the former bowling alley on the site, on the live-work units that front onto Old Kennedy Road. The Applicant has also committed to incorporating various sustainability measures into the proposed development, as well as Bird Friendly measures in accordance with the City’s Bird Friendly Guidelines.

The Applicant is providing 2 parking spaces plus 0.25 visitor parking spaces per unit for the proposed townhouse dwellings, consistent with the City’s Parking By-law 28-97, as amended. The Applicant is proposing 2 parking spaces per live-work unit with no provision for employee/customer parking. They are proposing to share the employee/customer parking spaces with the visitor parking spaces for the townhouse

dwellings. The Applicant has recently submitted a Parking Justification Study in support of this parking arrangement.

Staff recommend approval of the draft plan of subdivision subject to the conditions outlined in Appendix 'A'. Staff also recommend that the Zoning By-law Amendment application be approved and the draft implementing Zoning By-law Amendment, attached as Appendix 'B', be finalized and enacted without further notice once the Parking Justification report has been reviewed to staff's satisfaction.

PURPOSE:

This report recommends approval of applications for Draft of Subdivision and Zoning By-law Amendment submitted by National Homes (Old Kennedy) Inc. to allow sixty-nine (69) townhouse units and seven (7) live-work units at 146 Old Kennedy Road.

PROCESS TO DATE:

- Preliminary Report for Draft Plan of Subdivision and Zoning By-law Amendment applications – March 20, 2017
- Statutory Public Meeting for Draft Plan of Subdivision and Zoning By-law Amendment applications – May 2, 2017

Next steps:

- Enactment of the Zoning By-law
- Issuance of Draft Plan Approval for the Plan of Subdivision
- Registration of the Draft Plan of Subdivision
- Approval of a Site Plan Control application currently under review and delegated to the Director of Planning and Urban Design

BACKGROUND:

The subject lands are comprised of approximately 1.55 ha (3.83 ac) and are located on the west side of Old Kennedy Road, north of Sunrise Drive (Figure 1). The subject lands contain a vacant multi-unit commercial building, formerly occupied by Club 300 Bowl (Figure 3).

Surrounding uses are as follows:

- To the north, existing medium density residential development and a vacant lot (intended for future development) at the southwest corner of Old Kennedy Road and Aldergrove Drive;
- To the east, on the east side of Kennedy Road, the Logos Baptist Church and low density residential beyond;
- To the south, vacant lands; and,
- To the west, the Metrolinx Railway Line and commercial (Market Village Markham and Pacific Mall) beyond.

Proposal is for sixty-nine (69) townhouse units and seven (7) live-work townhouse units

The Applicant is proposing a draft plan of subdivision consisting of four blocks (Figure 4):

- Block 1 – 1.280 ha (3.163 ac) residential development block (as detailed below);
- Block 2 – 0.016 ha (0.039 ac) future road widening for Old Kennedy Road;
- Block 3 – 0.142 ha (0.351 ac) future public road; and,
- Block 4 – 0.116 ha (0.287 ac) railway buffer.

The residential development block of the draft plan of subdivision (Block 1), is proposed to be developed with sixty-nine (69), three-storey, residential townhouse units and seven (7), three-storey, live-work townhouse units (Figure 5). The residential townhouse units are arranged in ten (10) blocks and are oriented in an east-west fashion fronting onto a private condominium road, with 4-8 units per block. Each unit is proposed to have private rear yard amenity space (approximately 5 metres in depth).

The seven (7) live-work units are proposed to be contained in one (1) block, which fronts onto Old Kennedy Road. Outdoor amenity space for the live-work units is proposed on top of the parking area for each unit located at the rear. A private condominium road, running north-south, is also proposed west of the live-work townhouse block and is intended to connect both Aldergrove Drive and Sunset Drive, establishing interconnections between the subject lands and the adjacent lands to the north and south, which will be subject to and secured by separate development applications.

Conceptual elevations of the proposed residential and live-work townhouse units are provided in Figure 6.

A new north-south public road, Block 3 on the draft plan of subdivision, is proposed on the west side of the subject lands. This road, which already exists to the north of the subject property, will ultimately run from Aldergrove Drive to Sunrise Drive, adjacent to the railway line. As part of this new north-south public road construction, staff will also be securing a multi-use path on the west side of the future road to implement the enhanced pedestrian and bicycle network, as envisioned in the evolving Milliken Centre Secondary Plan. The private east-west condominium road, which the proposed residential townhouse units will front on, will connect to the north-south public road at the west end of the site and to the private north-south condominium road at the east end of the site.

Each townhouse unit has its own private driveway and single-car garage. The driveway and garage combination can accommodate two parked vehicles. Each of the live-work units has two surface parking spaces at the rear. Two supporting visitor parking lots are centrally located within the property, flanking the private east-west condominium road containing a total of 9 spaces. Two perpendicular visitor parking lots are also provided on the west side of the private north-south condominium road with a total of 8 spaces.

These areas contain a combined total of 17 visitor parking spaces. The quantum of parking proposed by the Applicant is discussed further below.

Official Plan and Zoning**In-force Official Plan (1987 Revised)**

The subject lands are designated “Commercial-Community Amenity Area” by the in-force Official Plan (Revised 1987). This designation provides for medium and high density residential uses, subject to a rezoning, provided that the planned function of the lands is maintained, that the location is appropriate and that the applicable provisions of the Housing Section of the plan are maintained (Section 2.13).

2014 Official Plan, as partially approved on October 30, 2015, May 26, 2016, March 10, 2017 and April 21, 2017 (2014 Official Plan)

The 2014 Official Plan designates the subject lands “Mixed Use Mid Rise” (front portion of the site adjacent to Old Kennedy Road) and “Residential Mid Rise” (remainder of the site). The “Mixed Use Mid Rise” designation provides for apartment buildings, multi-storey non-residential or mixed use buildings, stacked townhouses and townhouses including back-to-back. The “Residential Mid Rise” designation provides for townhouses including back-to-back, small multiplex buildings containing 3 to 6 units, stacked townhouses, apartment buildings and buildings associated with day care centres, places of worship and public schools.

Section 9.15.3.3. of the 2014 Official Plan states that until an updated Secondary Plan is approved for the Milliken Centre lands, the provisions of the Official Plan (1987 Revised), as amended, and Secondary Plan PD 2-4, as amended, shall apply to the lands.

Main Street Milliken Secondary Plan (OPA144)

The subject lands are further designated “Community Amenity - Main Street” (easterly portion of the site adjacent to Old Kennedy Road) and “Community Amenity Area - Mixed Use” (remainder of the site) in the Main Street Milliken Secondary Plan (OPA 144). The “Community Amenity – Main Street” designation provides for mixed use buildings with a range of small to moderate scale retail, personal service, restaurant and business uses. Residential uses are not permitted on the ground floor of buildings facing Old Kennedy Road. The Applicant is proposing live-work units along Old Kennedy Road in accordance with this Secondary Plan policy. A minimum Floor Space Index of 1.0 is permitted with a maximum of 1.25 subject to a Zoning By-law Amendment and traffic impact analysis. The maximum height of buildings shall generally not exceed three to four storeys.

The “Community Amenity Area - Mixed Use” designation provides for single use and mixed use buildings, including medium and high density residential development and small-scale office use. Residential uses on the ground floor of buildings are permitted in this designation. The maximum FSI and height are similar to those in the “Community Amenity – Main Street” designation. The proposed development will have an FSI of 1.03 and both the townhouse units and live-work townhouse units are three-storeys in height. It should be noted that the Applicant has requested a maximum FSI of 1.25 in the

Zoning By-law Amendment, consistent with the maximum FSI that is identified in the Secondary Plan.

The proposed development has been designed to comply with the above noted policy framework.

Zoning

The subject lands are zoned “Community Amenity One*279 (Hold)*280” [CA1*279(H)*280], “Community Amenity Two*283 (Hold)*280” [CA2*283(H)*280] and Community Amenity One*281 (CA1*281) by By-law 177-96, as amended (Figure 2). Staff are in the process of drafting the proposed Zoning By-law, attached as Appendix ‘B’, which would rezone the lands to “Community Amenity One*585” (CA1*585) and “Community Amenity One*585*586” (CA1*585*586) and implements site specific development standards (relating to FSI, height, setbacks, etc.) for the site.

Statutory Public Meeting held on May 2, 2017

The statutory Public Meeting respecting the applications for Draft of Subdivision and Zoning By-law Amendment was held on May 2, 2017. No written submission were received and no member of the public spoke at the meeting. The Committee suggested a reduction in the density of the proposed development and that a parkette be provided. It was requested that the Applicant commit to installing a historic plaque or public art piece on the subject lands to commemorate “Club 300 Bowl”, which was the former bowling alley on this site. These matters, amongst others, are addressed in detail below.

OPTIONS/ DISCUSSION:**The Draft Plan of Subdivision is appropriate**

The layout of the Draft Plan of Subdivision is acceptable. The proposed built form (townhouse units and live-work units) is compatible with surrounding existing development. The proposed live-work units provide a continuous built form along Old Kennedy Road, promote an active street frontage and contribute to the creation of a ‘Main Street’ as envisioned by the Secondary Plan. The townhouse units on the remainder of the site are consistent with the “Community Amenity Area - Mixed Use” designation, which provides for single use and mixed use buildings, including medium and high density residential development.

The proposed public road connections will improve vehicular and pedestrian circulation and connectivity within the community.

While a parkette has not been provided, staff are working with the landowners group, through the Secondary Plan update, to address comprehensively both the delivery and configuration of parkland within the community.

The Applicant has agreed to increase the width of a proposed mid-block pedestrian connection from 6.3 metres to 9 metres. This pedestrian connection will contain both landscaping and a formal walkway and leads to the public park to the north and the vacant lands to the south. In order to accommodate the increase in the width of this

pedestrian connection, the Applicant is proposing 5.5 metres wide end units for the townhouses, consistent with the interior units.

Applicant has committed to installing Club 300 Bowl historic plaque on site

The Applicant has agreed to install a historic plaque commemorating Club 300 Bowl, the former bowling alley on the site, on the live-work units that front onto Old Kennedy Road. The Applicant will work with City staff and the Local Ward Councillor on the design and placement of the commemorative plaque. A condition of draft approval has been included to this effect in Appendix 'A'.

Update to Main Street Milliken Secondary Plan is Underway

In accordance with the 2014 Official Plan, the Main Street Milliken Secondary Plan is required to be updated. Staff presented a Draft Development Concept for the Milliken Centre Secondary Plan Area to Development Services Committee (DSC) on October 16, 2017. The Draft Development Concept will be the subject of preliminary non-statutory public engagement later this year before the preparation of the draft Secondary Plan.

The proposed development is in conformity with the current policy framework for the Main Street Milliken Secondary Plan and is generally consistent with the Draft Development Concept, which proposes to maintain townhouse development within this area.

Developers Group release required

Development of the subject lands cannot proceed without the developer obtaining clearance from the Trustee of the Milliken Main Street Landowner Group Inc. confirming that the developer has satisfied his obligations to the group. The Applicant is a participating member of the landowners group. A condition of draft approval to this effect has been included in Appendix 'A'.

External Lands that are necessary for completion of future North-South Public Road

The Applicant is required to make necessary arrangements with the landowner of the property to the south (130 Old Kennedy Road) to ensure that a small portion of the future north-south public road (currently owned by Neamsby Investments Inc.) is dedicated to the City in order to complete the road network. A condition of draft plan approval to this effect has been included in Appendix 'A'.

Sustainability Measures

The Applicant has advised that the following sustainability measures, along with others, will be included in the proposed development:

- Maximizing insulation by insulating ceiling, exterior walls, basement walls, exposed floors and below grade.
- Minimizing energy waste from air leakage by providing high performance sealed windows and doors;

- Minimizing energy waste from heating and cooling systems by sealing ductwork in basements and attics;
- Optimizing the performance of HVAC by installing Energy Star heating and air conditioning systems and programmable thermostats; and,
- Reducing the demands on potable water by installing high efficiency fixtures and appliances, i.e. low flow toilets, faucets and shower heads.

Staff will continue to work with the Applicant to finalize the sustainable features undertaken as part of this development. A condition of draft approval has been included in Appendix 'A' to secure the above noted measures.

Bird Friendly Measures

The Applicant has committed to meet the requirements set out in the City's Bird Friendly Guidelines, as the proposed development includes substantial glass area. In accordance with the recommendations set out in the guidelines, the Applicant will provide fritted or stripped pattern on all glass that exceeds 2 m² in area and a frosted pattern on glass included on garage doors. The mullions on the garage doors and windows will also further serve to prevent bird collisions/strikes.

Proposed parking to be further reviewed by Transportation Planning Staff

The Applicant is providing 2 parking spaces plus 0.25 visitor parking spaces per unit for the proposed townhouse dwellings, consistent with the City's Parking By-law 28-97, as amended. The Applicant is proposing 2 parking spaces per live-work unit with no provision for employee/customer parking. They are proposing to share the employee/customer parking spaces with the visitor parking spaces for the townhouse dwellings. The Applicant has recently submitted a Parking Justification Study in support of this parking arrangement. The draft implementing Zoning By-law will not be forwarded to Council until this issue is resolved to staff's satisfaction.

Other Matters

Staff offer the following comments relating to the draft plan of subdivision:

- As noted previously, private rear yard amenity space is being provided for each of the townhouses units. Outdoor amenity space for the live-work units is proposed on top of the parking area for each unit located at the rear.
- Snow will be removed from common areas of the site by private contractor. Snow storage for each residential unit has been provided on the landscaped area between the condo road and the front of each townhouse unit.
- Tree compensation will be provided to the City and addressed as part of a future site plan application. A condition pertaining to tree preservation and compensation has also been included in Appendix 'A'.

CONCLUSION:

The proposed Draft Plan of Subdivision and Zoning By-law Amendment meet the general intent of the policies contained within the City's in-force Official Plan, 2014 Official Plan, existing Main Street Milliken Secondary Plan (OPA144), and evolving

framework for the Secondary Plan update. The proposed development provides important public road connections, built form that is compatible and complimentary with surrounding existing development and provides private amenity space for individual units.

Staff also note that the proposed development is subject to site plan approval at which time elevations, landscaping, tree compensation, etc., will be addressed.

Staff recommend approval of the draft plan of subdivision subject to the conditions outlined in Appendix 'A'. Staff also recommend that the Zoning By-law Amendment application be approved and the draft implementing Zoning By-law Amendment, attached as Appendix 'B', be finalized and enacted without further notice once the Parking Justification report has been reviewed to staff's satisfaction.

FINANCIAL CONSIDERATIONS

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

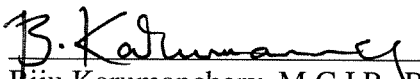
ALIGNMENT WITH STRATEGIC PRIORITIES:

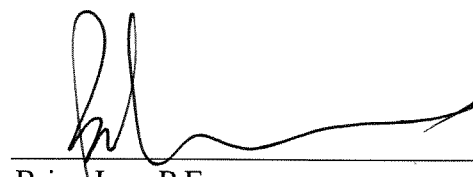
The proposed development will align with the City's strategic priorities of safe and sustainable communities, growth management and transportation.

BUSINESS UNITS CONSULTED AND AFFECTED:

The applications have been reviewed by various departments and external agencies. Requirements of the City and external agencies have been reflected in the conditions of draft plan of subdivision and will be incorporated into the site-specific Zoning By-law Amendment, as appropriate.

RECOMMENDED BY:


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


Brian Lee, P.Eng.
Commissioner of Development Services
(Acting)

ATTACHMENTS:

- Figure 1: Location Map
- Figure 2: Area Context/Zoning
- Figure 3: Aerial Photo
- Figure 4: Draft Plan of Subdivision
- Figure 5: Conceptual Site Plan
- Figure 6: Conceptual Elevations (Townhomes internal to site)
- Figure 7: Conceptual Elevations (Live-Work Units fronting Old Kennedy Road)

Appendix 'A': Conditions of Draft Plan Approval

Appendix 'B': Draft Zoning By-law Amendment

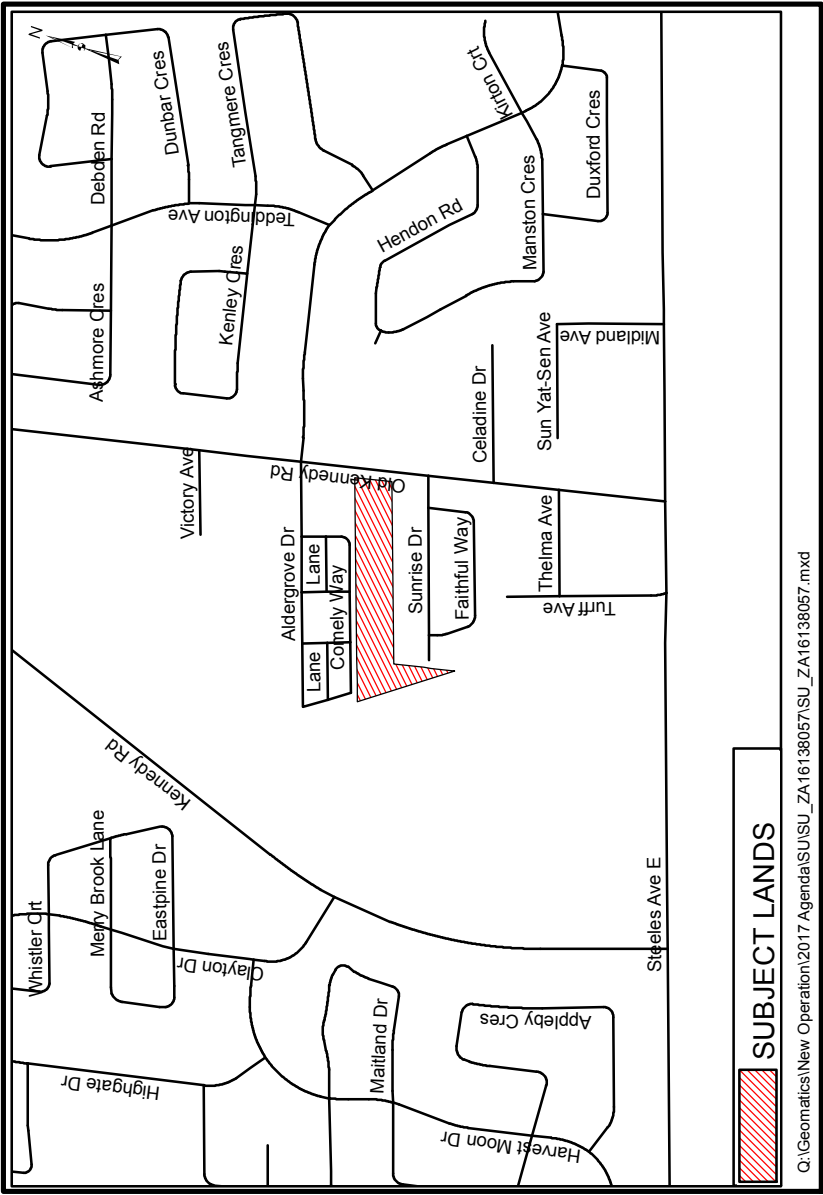
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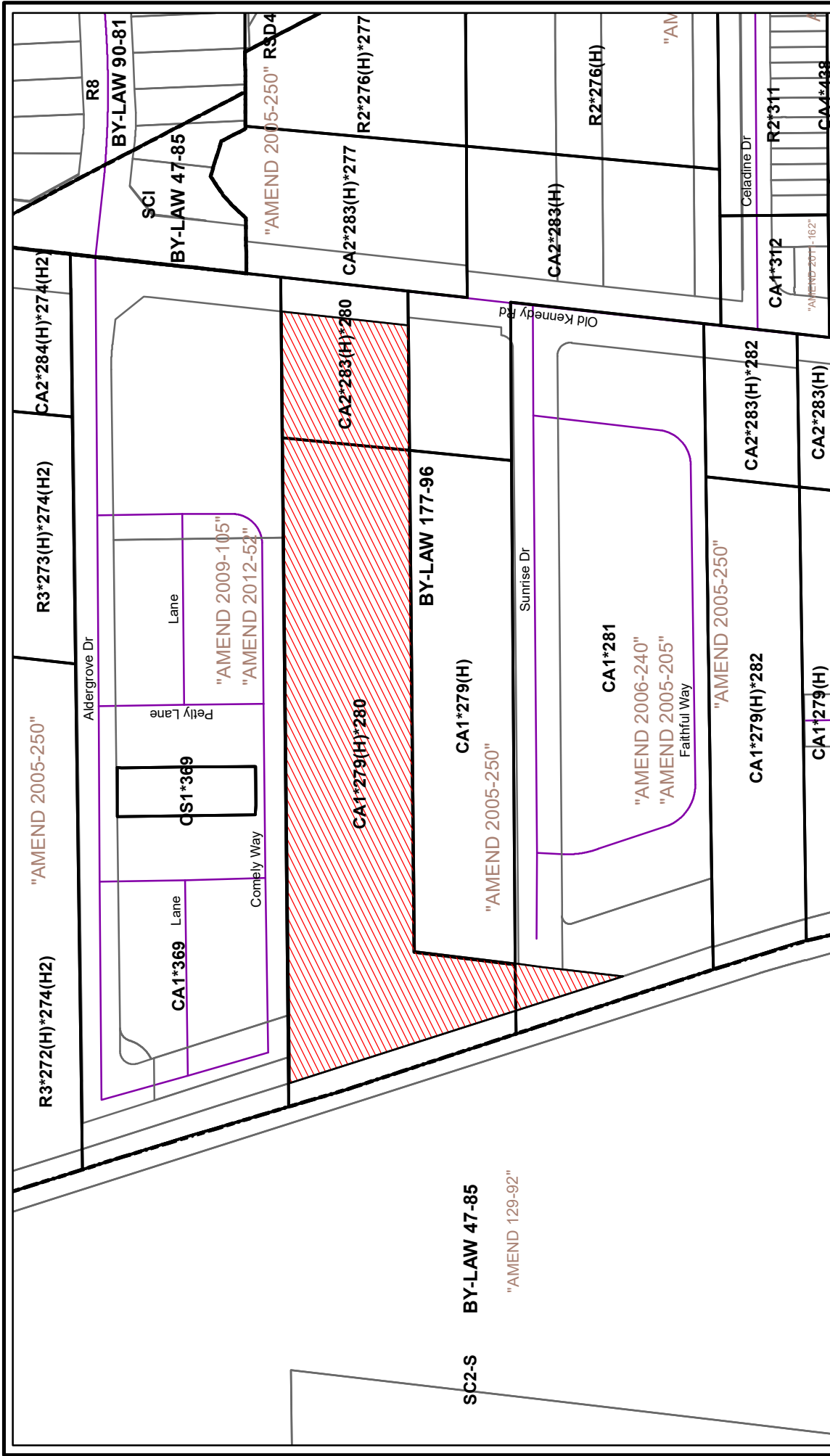
Billy Tung, M.C.I.P., R.P.P.
Associate/Senior Planner
KLM Planning Partners Inc.
64 Jardin Drive, Unit 1
Vaughan, ON
L4K 3P3

Tel: 905.669.4055

Email: BTung@KLMPanning.com

File path: Amanda\File 16 138057\Documents\Recommendation Report





AREA CONTEXT / ZONING

APPLICANT: NATIONAL HOMES (OLD KENNEDY) INC.
146 OLD KENNEDY ROAD

FILE No. SU/ZA 16138057 (SB)

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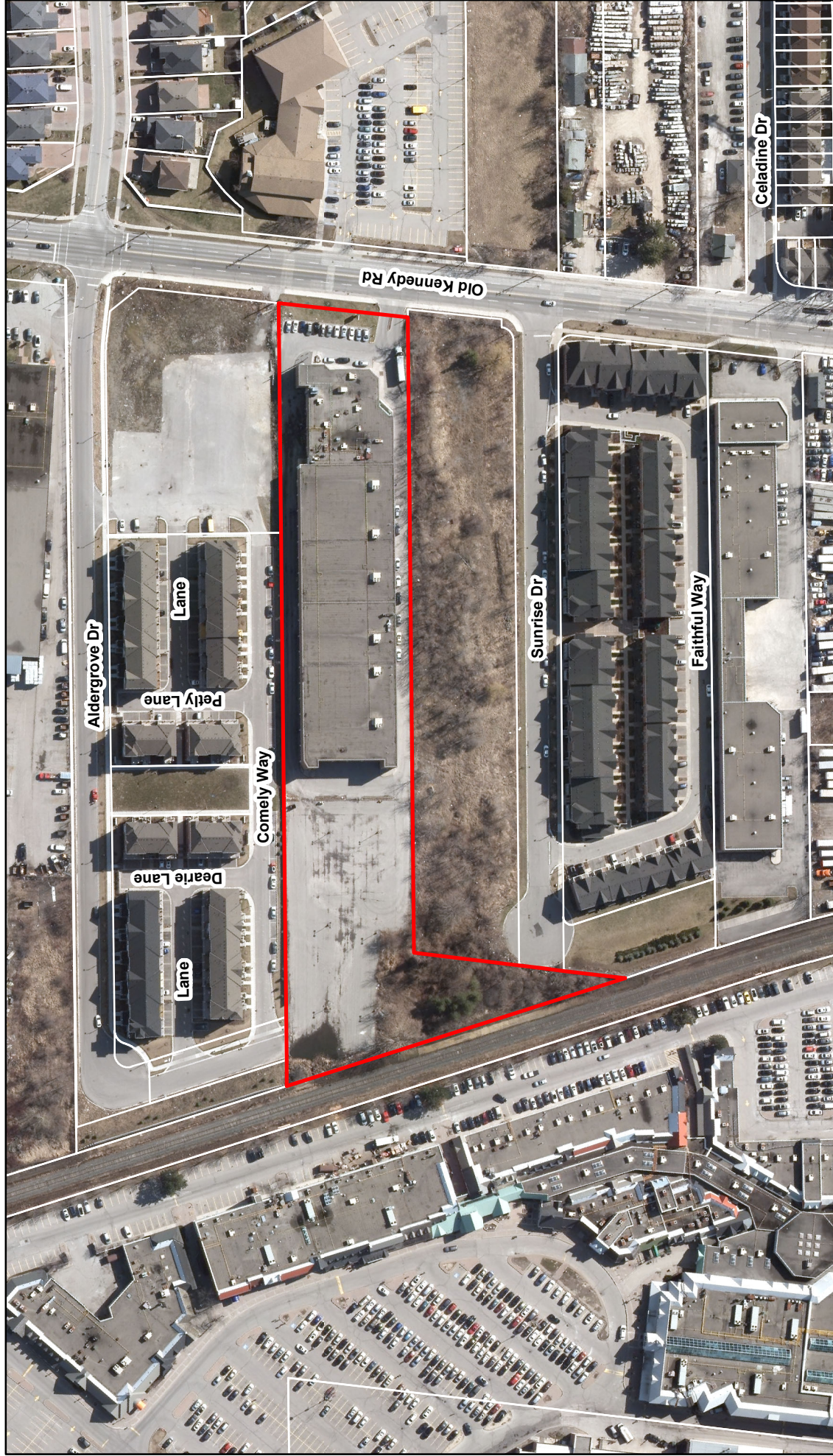
DEVELOPMENT SERVICES COMMISSION

Drawn By: LW

Checked By: SB

DATE: 12/10/2017

FIGURE No. 2




AIR PHOTO (2016)

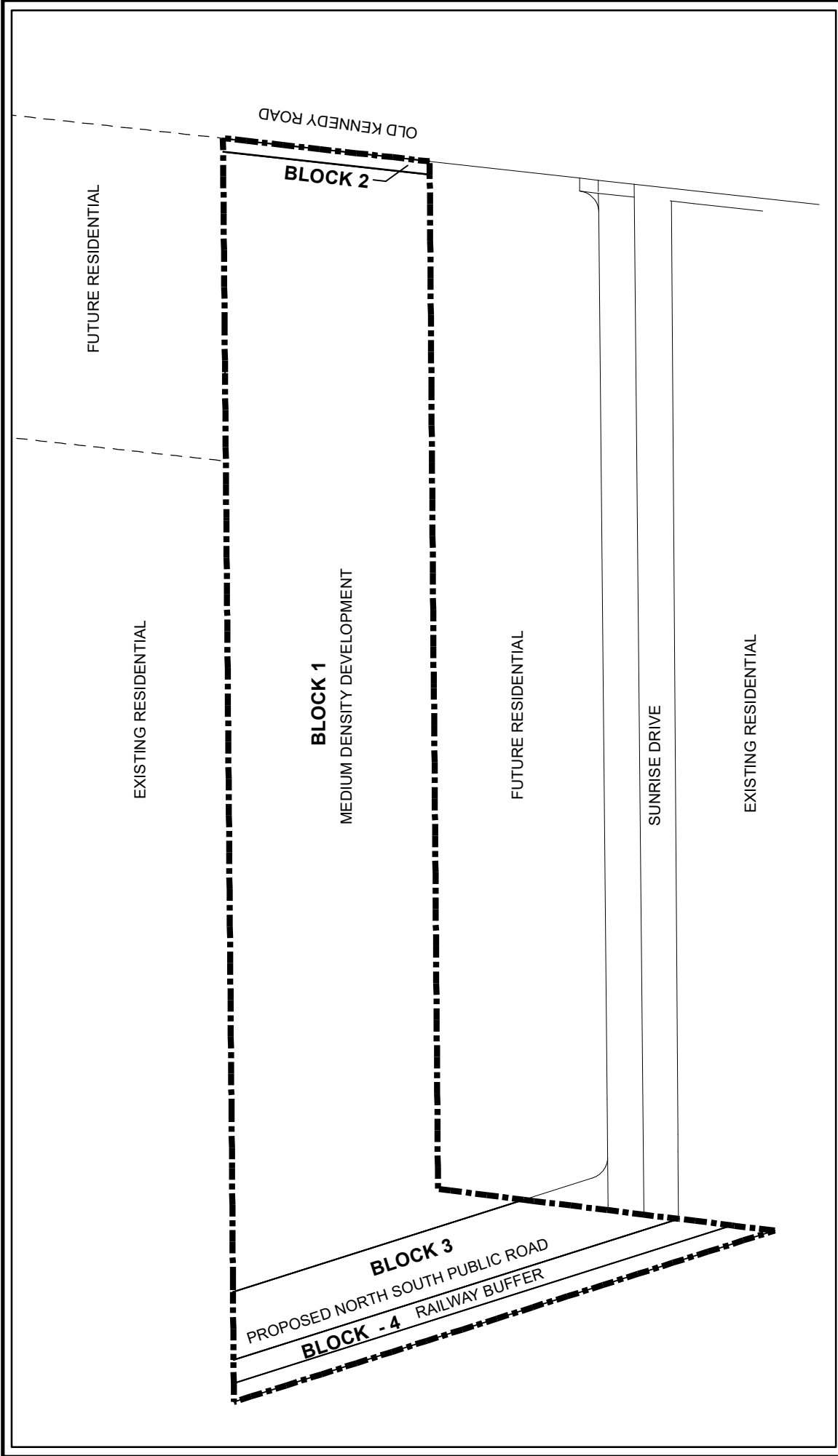
APPLICANT: NATIONAL HOMES (OLD KENNEDY) INC.
146 OLD KENNEDY ROAD

FILE No. SU/ZA.16138057 (SB)

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 SUBJECT LANDS





DRAFT PLAN OF SUBDIVISION

APPLICANT: NATIONAL HOMES (OLD KENNEDY) INC.
146 OLD KENNEDY ROAD

FILE No. SU/ZA.16138057 (SB)

 SUBJECT LANDS

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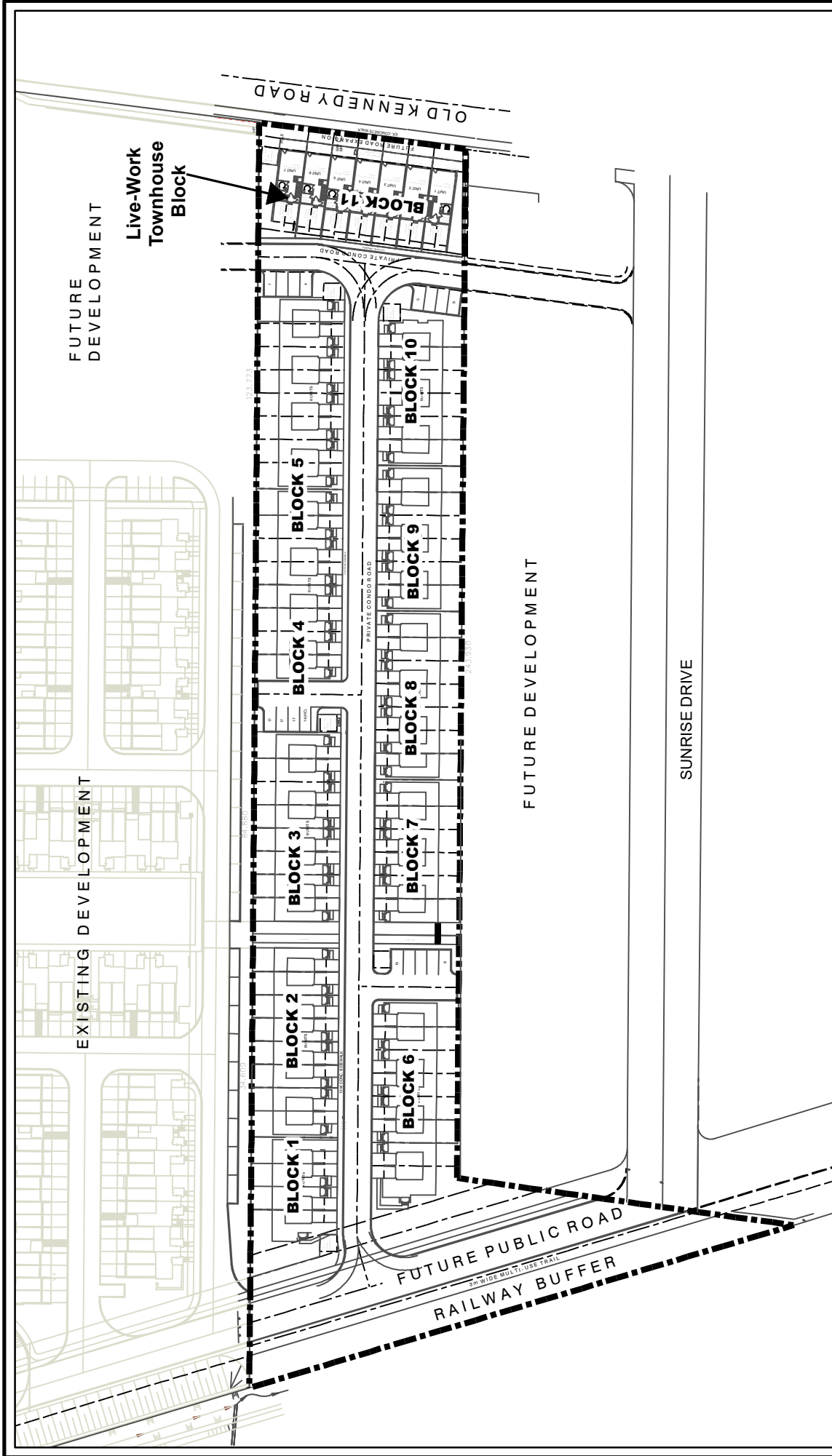
DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SB

DATE: 12/10/2017

FIGURE No. 4



CONCEPTUAL SITE PLAN

APPLICANT: NATIONAL HOMES (OLD KENNEDY) INC.

FILE No. SU/ZA 16138057

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Townhomes internal to site



CONCEPTUAL ELEVATIONS

APPLICANT: NATIONAL HOMES (OLD KENNEDY) INC.

FILE No. SU/ZA 16138057 (SB)

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Drawn By: CPW

Checked By: SB

DATE: 12/10/2017

FIGURE No. 6



Live - Work Units fronting Old Kennedy Road



CONCEPTUAL ELEVATIONS

APPLICANT: NATIONAL HOMES (OLD KENNEDY) INC.

FILE No. SUZA 16138057 (SB)

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APPENDIX ‘A’
RECOMMENDED CONDITIONS OF DRAFT APPROVAL
PLAN OF SUBDIVISION 19TM-16012
NATIONAL HOMES (OLD KENNEDY) INC.

1. General

- 1.1 Approval shall relate to a draft plan of subdivision prepared by KLM Planning Partners Inc., identified as Project Number P-2540, DWG No. - 16:1, dated November 2, 2016, incorporating the following redline revisions:
- Show dimensions of road widening block
 - Provide 0.3 m reserve on the south side of Block 3
 - Remove ‘By Others’
 - Provide R-Plan for balance of road (external to the Plan of Subdivision)
- 1.2 This draft approval shall apply for a maximum period of three (3) years from date of issuance by the City, and shall accordingly lapse on XXXX 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 external agencies, financial and otherwise, prior to final approval.
- 1.4 The Owner acknowledges and understands that prior to final approval of this draft plan of subdivision, an amendment to Zoning By-law 177-96, as amended, to implement the plan shall have come into effect in accordance with the provisions of the Planning Act.
- 1.5 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, Transportation Impact Study, Functional Traffic Design Study, Stormwater Management Study (Environmental Master Drainage Plan), Functional Servicing Report, Noise Impact Study, safety barrier and acoustical barrier, landscaping and lighting design plan, confirmation of alignment of roads with the locations shown on 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, and balance of road external to the Plan of Subdivision, 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 at the south end of Block 3 to the City, 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, if 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 uses, shall be addressed in the subdivision agreement to the satisfaction of the City.
- 2.6 The Owner shall covenant and agree in the subdivision agreement to remove the existing temporary turning circle on Sunrise Drive at their cost and restore the street to its normal condition to the satisfaction of the City (Commissioner of Development Services).
- 2.7 The Owner shall covenant and agree in the subdivision agreement that construction access will be restricted to Old Kennedy Road.
- 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 are proposed on City owned lands.

3. Public Access Easement

- 3.1 The Owner covenants and agrees to ensure that Block 1 has a public access agreement, if required by the City, registered on title, for pedestrian access within the private condo development with a minimum 9 m width to connect adjacent developments to the north and south of this subdivision. The Owner shall further agree in the subdivision agreement to provide and maintain tree planting and landscaping within the 9 m to the satisfaction of City, and to provide a Letter of Credit to the City for the construction and registration of mutual access agreements on title, if required by the City (Commission of Development Services). The Owner agrees to submit a copy of the registered mutual agreements (for Block 1) for record, if requested by the City. The Owner shall further agree in the subdivision agreement to restrict fencing or barricading the 9 m pedestrian connection that would preclude public access to the north and south.

4. Parks and Open Space

- 4.1 The Owner shall provide a specialized depth (300 mm) of topsoil in the entire municipal boulevard to appropriately plant boulevard trees to the satisfaction of the Director of Planning and Urban Design. The Owner shall further provide other streetscape enhancements as determined through updates to the Milliken Secondary Plan process and/or streetscape studies, to the satisfaction of the Director of Planning and Urban Design.
- 4.2 The Owner covenants and agrees to provide a soil report for approval in accordance with the City's Streetscape Manual to the satisfaction of the Director of Planning and Urban Design prior to the installation of any soil for any of the planting trenches.
- 4.3 The Owner and City covenants and agrees that cash-in-lieu of parkland dedication is required in accordance with the applicable provisions of Section 42 of the Planning Act, as amended.

5. Landscape Works

- 5.1 Prior to execution of the subdivision agreement, the Owner shall submit landscape plans prepared by a Landscape Architect, member in good standing with the O.A.L.A., to the satisfaction of the Director of Planning and Urban Design:
 - a) Street tree planting in accordance with the City of Markham Streetscape Manual dated June 2009
 - b) 1.8 m wood privacy fencing for the lots abutting the north and south property boundaries to the satisfaction of the Director of Planning and Urban Design
 - c) Streetscape plan including street trees for Old Kennedy Road and future north-south public road
 - d) Noise attenuation fencing as noted in the approved noise study
 - e) Any other landscaping as required, including but not limited to along the multi-use path adjacent to the GO Rail Corridor as outlined in Condition 13, by the Director of Planning and Urban Design
- 5.2 The Owner shall covenant and agree that the detailed design and construction of all landscaping shall be at the Owner's expense and at no cost to the City and in accordance with the provisions of the approved landscape/streetscape plans.
- 5.3 The Owner shall covenant and agree in the subdivision agreement to obtain written approval of the City prior to the removal of any trees within the area of the draft plan.

- 5.4 The Owner shall not permit their builders to charge home purchasers for the items listed in Condition 5.1.
- 5.5 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 THESE LOTS ARE LOCATED, THE CITY OF MARKHAM HAS REQUIRED THE DEVELOPER TO UNDERTAKE AND BEAR THE COST OF THE FOLLOWING ITEMS:

- STREET TREES
- CORNER LOT FENCING
- REAR LOT LINE FENCING
- TREE PLANTING IN FRONT YARDS AND REAR YARDS
- NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY
- SAFETY BARRIER AND LANDSCAPING
- STREET AND PEDESTRIAN LIGHTING
- BUFFER PLANTING FOR WALKWAY 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.”

6. Tree Inventory and Preservation Plans

- 6.1 The Owner shall submit for approval a tree inventory and tree preservation plan to the satisfaction of the Director of Planning and Urban Design in accordance with the City of Markham Streetscape Manual dated 2009, as amended from time to time.
- 6.2 The Owner shall submit a site grading plan showing the trees to be preserved based on the approved Tree Preservation Plan prior to the issuance of a Top Soil Stripping Permit to the satisfaction of the Director of Planning and Urban Design.
- 6.3 The Owner shall obtain written approval from the Director of Planning and Urban Design prior to the removal of any trees or destruction or injury to any part of a tree within the area of the draft plan.

- 6.4 The Owner shall submit for approval, as part of the tree inventory and tree preservation plan, in accordance with the City of Markham Streetscape Manual, a tree compensation schedule detailing replacement and enhancement planting or the replacement value based on the following:
- a) Trees between 20 cm and 40 cm diameter at breast height (DBH) shall be replaced at a ratio of 2:1
 - b) All trees over 40 cm DBH shall have an individual valuation submitted to the City by an ISA certified Arborist in accordance with the Council of Tree and Landscape Appraisers (CTLA) Guide for Plant Appraisal (2000)
 - c) Where a site does not allow for the 2:1 replacement, the City will negotiate a credit for tree planting on alternate sites
 - d) The requirement for the replacement or equivalent economic value following unauthorized tree removal or damage shall be determined by the City.
- 6.5 The Owner covenants and agrees to apply the tree preservation methods identified in the approved Tree Preservation Plan in order to preserve existing trees, to the satisfaction of the Director of Planning and Urban Design.

7. Financial

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

8. Noise Impact Study

- 8.1 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 rail and road traffic and by any other identified noise sources, to the satisfaction of the City, in consultation with York Region and Metrolinx. 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.
- 8.2 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 and Metrolinx.

9. Stormwater Management

- 9.1 Prior to final approval of the draft plan, the Owner shall submit a stormwater management study (in conformity to the Secondary Plan MESP), prepared by a qualified engineer, detailing the provision of water quality and quantity management facilities, hydraulic gradelines, overland flow routes, and erosion and siltation controls for the draft plan for approval by the City and the Toronto and Region Conservation Authority. The Owner acknowledges and agrees that they will be required to construct the proposed stormwater management facilities and overland routes, provide any easements or lands for stormwater and overland flow purposes, and to revise the draft plan accordingly, as may ultimately be required.
- 9.2 The Owner shall covenant and agree in the subdivision agreement to obtain approval of Site Alteration Plans in accordance with the City's standards prior to proceeding with any on-site works and more particularly topsoil stripping.

10. Municipal Services

- 10.1 The subject site is located within the Milliken Centre Secondary Plan Area and the Master Environmental Servicing Plan (MESP) for the Secondary Plan is underway. The Owner covenants and agrees that the proposed development shall comply with the MESP recommendations as approved and/or modified by the City. The Owner further covenants and agrees to share the cost of downstream sanitary sewer upgrade, including any other municipal servicing upgrades, identified by the MESP.
- 10.2 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 (in conformity to the Secondary Plan MESP) to determine the infrastructure required for all municipal services internal to the subdivision and potential upgrades to municipal infrastructure downstream of the subdivision from this development. Any requirements resulting from this Report shall be incorporated into the draft plan and provided for in the subdivision agreement.
- 10.3 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).
- 10.4 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).

- 10.5 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.

11. Subdivision Grading

- 11.1 The Owner covenants and agrees to submit a grading plan taking into consideration the grading on adjacent lands to the north and south, to the satisfaction of the Director of Engineering and Director of Planning and Urban Design.

12. Public Road outside of the plan of subdivision (the “External Lands”)

- 12.1 Prior to final approval of the draft plan, the Owner shall make necessary arrangements with the landowner (Neamsby Investments Inc.) of the property to the south (130 Old Kennedy Road) to dedicate to the City the External Lands required to complete the extension of the future north-south public road and convey these lands at no cost to the City, to the satisfaction of the City (Commissioner of Development Services).

13. GO Railway Line Safety Barrier, Landscaping, Lighting and Acoustical Barrier east of the Go Rail Corridor

- 13.1 Prior to final approval of the draft plan of subdivision, the Owner shall covenant and agree to provide a detailed design for the safety barrier, landscaping, lighting and acoustical barrier, to the satisfaction of Metrolinx and the City (Commissioner of Development Services), generally in accordance with, but not limited to, the following:
- a) A 3 m multi-use path and a 1 m coloured concrete buffer adjacent to the retaining wall shall be provided on the west side of the future north-south public road adjacent to the GO rail corridor
 - b) Outside of the multi-use path, the berm shall be landscaped with indigenous trees, shrubs and plants, including pollinator species
 - c) Trees shall be required at increments of maximum 10 m in accordance with the City’s Streetscape Manual

- d) The detailed design shall demonstrate that the minimum 7 m setback for tree canopy from the most easterly track can be maintained and/or managed without long-term damage to the trees
- e) Street and pedestrian lighting shall be designed in accordance with Engineering standards to provide appropriate light levels for both pedestrians and vehicles. Pedestrian scale lighting shall be required along the multi-use path which will be designed to create a consistent design theme for the entire corridor to the satisfaction of the City (Commissioner of Development Services).

14. Transportation Impact Study/Functional Traffic Design Study

- 14.1 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.
- 14.2 The Owner shall provide a revised Transportation Impact Study and Transportation Demand Management (TDM) plan as per the comments provided by the City staff dated June 25, 2017 and July 24, 2017 to the satisfaction of the Director of Engineering.
- 14.3 The Owner shall covenant and agree in the subdivision agreement to provide the City a TDM Letter of Credit in an amount to be approved by the Director of Engineering to ensure compliance with the recommendations in the TDM plan.

15. Easements

- 15.1 The Owner shall grant required easements to the appropriate authority for public utilities, drainage purposes or turning circles, upon registration of the plan of subdivision. Any off-site easements and works necessary to connect watermains, storm and sanitary sewers to outfall trunks and stormwater management facilities, and mutual access drives to adjacent landowners to the north and south, shall be satisfactory to, and, if required, dedicated to the City.
- 15.2 The Owner covenants and agrees to make necessary arrangements with the landowners to the north and south to obtain mutual access along the north-south private road to the satisfaction of the Director of Engineering.

16. Utilities

- 16.1 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.

- 16.2 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 (formerly known as Powerstream), Enbridge, telecommunications companies, etc.
- 16.3 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 telecommunications service 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.

17. Environmental Clearance

- 17.1 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.
- 17.2 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.
- 17.3 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.

- 17.4 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, councillors, 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.

18. Well Monitoring Program and Mitigation Plan

- 18.1 Prior to any site alteration activities, the Owner shall check if there are any active wells within 500 m 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.

19. Recoveries to the Upfronting Developers

- 19.1 Upon execution of the subdivision agreement, the Owner shall submit a Letter of Release from the Upfronting Developers (see details below), in a form satisfactory to the City Solicitor, confirming that the Owner has satisfied all the Best Effort Recoveries to these Developers for the up-fronted costs of the municipal infrastructures.

Cedarland Properties Ltd. and Arrowdale Developments

Area - R76: For Clayton Drive Extension - Road, Hydro, Channel, Signal and Illumination Works

Cedarland Properties Ltd.

Area - R78 (A to D): For Denison Street - CNR Crossing, Land Acquisition, Road Construction, and CNR Easements

605298 Ontario Ltd.

Area - R78 (F): For Old Kennedy Road Sanitary Sewer

20. Development Charges

- 20.1 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.

- 20.2 The Owner shall pay all fees and development charges as set out in the subdivision agreement.

21. Developers Group

- 21.1 That the Owner covenants and agrees to provide written clearance from the Trustee of the Milliken Main Street Landowner Group Inc. respecting all of the lands within the draft plan, prior to registration of the draft plan for the proposed development or any portion of the subject lands within the draft plan, to the satisfaction of the Director of Planning and Urban Design.

22. Municipal Infrastructure:

- 22.1 The Owner and the City acknowledge that this subdivision, when fully constructed, will tentatively include the following City's municipal infrastructure (lengths and widths):

- Local Roads: 110 m
- Sidewalks: 110 m
- M.U.P.: 135 m
- Streetlights: 06 nos.
- Watermain: 135 m
- Sanitary Sewers: 135 m (if connected on future north-south public road, alternatively only through a control MH on Kennedy Road)
- Storm Sewers: 135 m

23. Streetlight Types

- 23.1 The Owner agrees to contact the City's Engineering staff prior to commencing the design for Streetlight to confirm the type(s).

24. Heritage

- 24.1 Prior to final approval of the draft plan of subdivision or any phase thereof, the Owner 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 further to mitigate any identified adverse impacts to significant heritage resources to the satisfaction of the City (Commissioner of Development Services) and the Ministry of Culture (Heritage Branch). No demolition, grading, filling or any form of soil disturbances shall take place on the lands within the draft plan prior to the issuance of a letter from the Ministry of Culture (Heritage Branch) to the City

indicating that all matters relating to heritage resources have been addressed in accordance with licensing and resource conservation requirements.

- 24.2 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 Culture (Heritage Branch).

25. Other City Requirements

- 25.1 The Owner covenants 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.
- 25.2 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. The Owner shall further covenant and agree that fire protection sprinklers (if required) are installed to the satisfaction of the Fire Chief or his designate.
- 25.3 The Owner acknowledges and agrees that the adequacy and reliability of water supplies for firefighting purposes are subject to review and approval of the Fire Chief or his designate.
- 25.4 The Owner shall covenant and agree in the subdivision agreement to include warning clauses in Agreements of Purchase and Sale for all units with single car garages advising purchasers of the following:
- the City's parking by-law requires a minimum of two parking spaces, one in the driveway and one in the garage;
 - the City's zoning by-law restricts the width of the driveway, this width does not allow two cars to park side by side; and,
 - overnight street parking will not be permitted unless an overnight street parking permit system is implemented by the City
- 25.5 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:

Park, 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 site by type; commercial site 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 sidewalk, walkway and bike route locations; City approved postal box and utility furniture locations or possible locations if prior to approval; City lot grading standards.

All display plans shall be reviewed and approved at the sales office by City staff, prior to the opening of the sales office.

- 25.6 The Owner covenants and agrees to purchase from the City two (2) recycling containers, one (1) green bin and one (1) kitchen collector per residence and per live-work unit so that each purchaser may participate in the City's waste diversion program. Further the Owner shall ensure that the recycling containers, green bins, kitchen collectors and educational material are deposited in each home and live-work unit on or before the date of closing.
- 25.7 The Owner covenants and agrees to contact the City at least four (4) 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.
- 25.8 The Owner covenants and agrees to pay to the City the cost of recycling containers, green bins and kitchen collectors and to provide said recycling collectors, green bins and kitchen collectors to purchasers at the same cost as paid to the City.
- 25.9 The Owner covenants and agrees that during the construction phase of the development, unobstructed roadway access to a width of no less than 6 m 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.
- 25.10 The Owner shall agree in the subdivision agreement to installing a plaque commemorating the former bowling alley on the site, Club 300 Bowl. The Owner will work with City staff and the Local Ward Councillor on the design and placement of the commemorative plaque, to the satisfaction of the Director of Planning and Urban Design.
- 25.11 The Owner shall agree in the subdivision agreement to implement sustainability measures within the subdivision to the satisfaction of the Director of Planning and Urban Design.

26. York Region

- 26.1 The road allowances within the draft plan shall be named to the satisfaction of the City of Markham and York Region.
- 26.2 Prior to final approval, York Region shall confirm that adequate water supply and sewage servicing capacity are available and have been allocated by the City of Markham for the development proposed within this draft plan of subdivision or any phase thereof.
- 26.3 The Owner shall agree in the subdivision agreement that the Owner shall save harmless the City of Markham and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
- 26.4 Prior to final approval, and 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 for review and record.
- 26.5 Prior to final approval, the Owner shall provide direct shared pedestrian/cycling facilities and connections from the proposed development to Old Kennedy Road to support active transportation and public transit, where appropriate. A drawing showing the conceptual layout of active transportation facilities and connections internal to the site shall be provided.
- 26.6 Prior to final approval, the Owner shall provide an updated Transportation Demand Management (TDM) Plan to the Community Planning and Development Services branch for review. The TDM Plan shall address the following:
 - a. A TDM checklist that identifies the programs/measures, associated costs, the applicant's responsibility and specific actions to carry out the TDM implementation. For more information and guidance, refer to Chapter 3 and Table 13 of the Transportation Mobility Plan Guidelines [November 2016].
 - b. A TDM communication strategy, to assist the Region and the City of Markham to effectively deliver the Information Packages and pre-loaded PRESTO Cards to residents. This strategy shall also include a physical location for distribution of the Information Packages and pre-loaded PRESTO Cards.
- 26.7 Prior to the final approval, the Owner shall provide a copy of the Executed subdivision agreement to the Community Planning and Development Services branch, outlining all requirements of the Community Planning and Development Services branch.

- 26.8 The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges in effect at the time Regional Development Charges, or any part thereof, are payable.
27. Ministry of Natural Resources (MNR)
- 27.1 The Owner shall agree in the subdivision agreement to satisfy all requirements of the Ministry of Natural Resources (MNR) with respect to the endangered species and any potential impacts on the draft plan of subdivision and to provide written confirmation that it has consulted with MNR in this respect, to the satisfaction of the Commissioner of Development Services.
28. Enbridge Gas Distribution
- 28.1 The Owner covenants and agrees in the subdivision agreement:
- a) To contact Enbridge Gas Distributions Customer Connections department by emailing SalesArea30@enbridge.com for service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.
 - b) If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phase construction, all costs are the responsibility of the Owner.
 - c) In the event that easement(s) are required to service this development, the Owner will provide the easement(s) to Enbridge Gas Distribution at no cost.
 - d) The Owner will grade all road allowances to as final elevation as possible, provide necessary field survey information and all municipal road cross sections, identifying all utility locations prior to the installation of the gas piping.
29. Canada Post
- 29.1 The Owner covenants and agrees in the subdivision agreement to comply with the following conditions:
- a) The Owner/Developer agrees to include on all offers of purchase and sale, a statement that advises the prospective purchaser that mail delivery will be from a designated Community Mailbox.
 - b) The Owner/Developer will be responsible for notifying the purchaser of the exact Community Mailbox locations prior to the closing of any unit sale.

- c) The Owner/Developer will consult with Canada Post Corporation to determine suitable locations for the placement of Community Mailboxes and to indicate these locations on the appropriate servicing plans.
- d) The Owner/Developer will provide the following for each Community Mailbox site and include these requirements in the appropriate servicing plans:
 - i) An appropriately sized sidewalk section (concrete pad) to place the Community Mailboxes on;
 - ii) Any required walkway across the boulevard; and,
 - iii) Any required curb depressions for wheelchair access.

29.2 The Owner/Developer further agrees to determine and provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to the new homes as soon as they are occupied.

30. Bell

30.1 The Owner/Developer shall agree in the subdivision agreement, in words satisfactory to Bell Canada, that it will grant Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

30.2 The Owner/Developer covenants and agrees that prior to commencing any work, the Owner/Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is available. In the event that such infrastructure is unavailable, the Owner/Developer shall be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the Owner/Developer elects not to pay for the above noted connection, then the Developer will be required to demonstrate to the satisfaction of the Municipality that sufficient alternative communication/telecommunication will be provided to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e. 911 Emergency Services).

31. External Clearances

31.1 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) The Ministry of Culture (Heritage Branch) shall advise that Condition 24 has been satisfied.
- b) The Regional Municipality of York Planning Department shall advise that Condition 26 has been satisfied.
- c) Enbridge Gas Distribution shall advise that Condition 28 has been satisfied.
- d) Canada Post shall advise that Condition 29 has been satisfied.
- e) Bell shall advise Condition 30 has been satisfied.

Dated: XXXX, 2017

Ron Blake, Senior Development Manager



BY-LAW 2017-_____

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

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

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

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

from:

**Community Amenity One*279 (Hold)*280 [CA1*279(H)*280] Zone
Community Amenity Two*283 (Hold)*280 [CA2*283(H)*280] Zone; and
Community Amenity One*281 (CA1*281) Zone**

to:

**Community Amenity One*585 (CA1*585) Zone; and
Community Amenity One*585*586 (CA1*585*586) Zone**

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

Exception 7.585	National Homes (Old Kennedy) Inc. 146 Old Kennedy Road	Parent Zone CA1
File ZA 16 138057		Amending By-law 2017-____
Notwithstanding any other provisions of By-law,177-96 the following provisions shall apply to the lands shown on Schedule “A” attached to By-law 2017-____ and denoted by the symbol *585.		
7.585.1 Only Permitted Uses		
The following are the only permitted uses:		
a)	Townhouse Dwellings	
b)	Home Occupations	
c)	Home Child Care	
7.585.2 Special Zone Standards		
The following special zone standards shall apply:		
a)	For the purposes of this By-law, all lands zoned CA1*585 shall be deemed to be one lot	
b)	For the purposes of this By-law, the lot line abutting Old Kennedy Road shall be deemed to be the front lot line	
c)	For the purposes of this By-law, the provisions of Table B7 do not apply	
d)	Minimum front yard – 2.4 metres	
e)	Minimum setback of a townhouse dwelling from private street – 3 metres	

f)	Minimum setback of a wall not containing any doors used to access the <i>main building</i> from a <i>private street</i> – 0.6 metres
g)	Minimum setback of an attached <i>private garage</i> from a <i>private street</i> – 5.8 metres
h)	Minimum <i>interior side yard</i> – 5 metres
i)	Minimum <i>rear yard</i> – 5 metres
j)	Minimum separation distance between end walls of separate blocks of <i>townhouse dwellings</i> – 1.2 metres
k)	Minimum width of a <i>townhouse dwelling</i> – 5.5 metres
l)	Maximum <i>Floor Space Index (FSI)</i> – 1.25
m)	Maximum <i>height</i> – 11 metres
n)	<i>Decks</i> that have a height greater than 1 metre above the lowest ground surface at any point around the perimeter of the platform are permitted to extend from the wall closest to the <i>interior side lot lines</i> a maximum of 2 metres provided that the floor of the <i>deck</i> is not higher than the floor level of the second <i>storey</i> of the <i>townhouse dwelling</i>
o)	Architectural features such as sills, belt courses, cornices, eaves, chimney breasts, pilasters, roof overhangs, balconies and awnings may project up to 0.5 metres from the any wall of a <i>townhouse dwelling</i>
p)	Minimum number of <i>parking spaces</i> for visitor and non-residential uses – 17 (to be confirmed)
q)	Maximum number of <i>dwelling units</i> – 76

Exception 7.586	National Homes (Old Kennedy) Inc. 146 Old Kennedy Road	Parent Zone CA1
File ZA 16 138057		Amending By-law 2017-____
Notwithstanding any other provisions of By-law,177-96 the following provisions shall apply to the lands shown on Schedule “A” attached to By-law 2017-____ and denoted by the symbol *586.		
7.586.1 Only Permitted Uses		
The following are the only permitted uses:		
a)	Multiple Dwellings	
b)	Townhouse Dwellings	
c)	Home Occupations	
d)	Home Child Care	
e)	Art Galleries	
f)	Business Offices	
g)	Personal Service Shops	
h)	Repair Shops	
i)	Retail Stores	
j)	Commercial Schools	
7.586.2 Special Zone Standards		
The following special zone standards shall apply:		
a)	Minimum interior side yard setback – 2 metres	
b)	Minimum width of a unit – 6 metres	
c)	Maximum height – 12.5 metres	

d)	Minimum setback of a <i>balcony, carport or outdoor amenity space</i> from a <i>private street</i> – 2 metres
e)	Notwithstanding Section 6.9, <i>loading spaces</i> are not required.
f)	Residential uses are not permitted within the ground floor of any building with the exception of mechanical features and utilities, carports and garages accessed from a <i>private street</i> , interior vestibules containing closets and storage areas, and stairways leading to <i>dwelling units</i> above the ground floor.
g)	Non-residential uses are permitted only within the ground floor of any <i>building</i>
h)	The establishment of a <i>drive-through service facility</i> is not permitted

Read and first, second and third time and passed on _____, 2017.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

Amanda File No. ZA 16 138057



EXPLANATORY NOTE

BY-LAW 2017-____

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

National Homes (Old Kennedy) Inc.

146 Old Kennedy Road

West side of Old Kennedy Road and north of Sunrise Drive

ZA 16 138057

Lands Affected

The proposed by-law amendment applies to a parcel of land with an approximate area of 1.55 hectares (3.83 acres), which is located on the west side of Old Kennedy Road and north of Sunrise Drive, municipally known as 146 Old Kennedy Road.

Existing Zoning

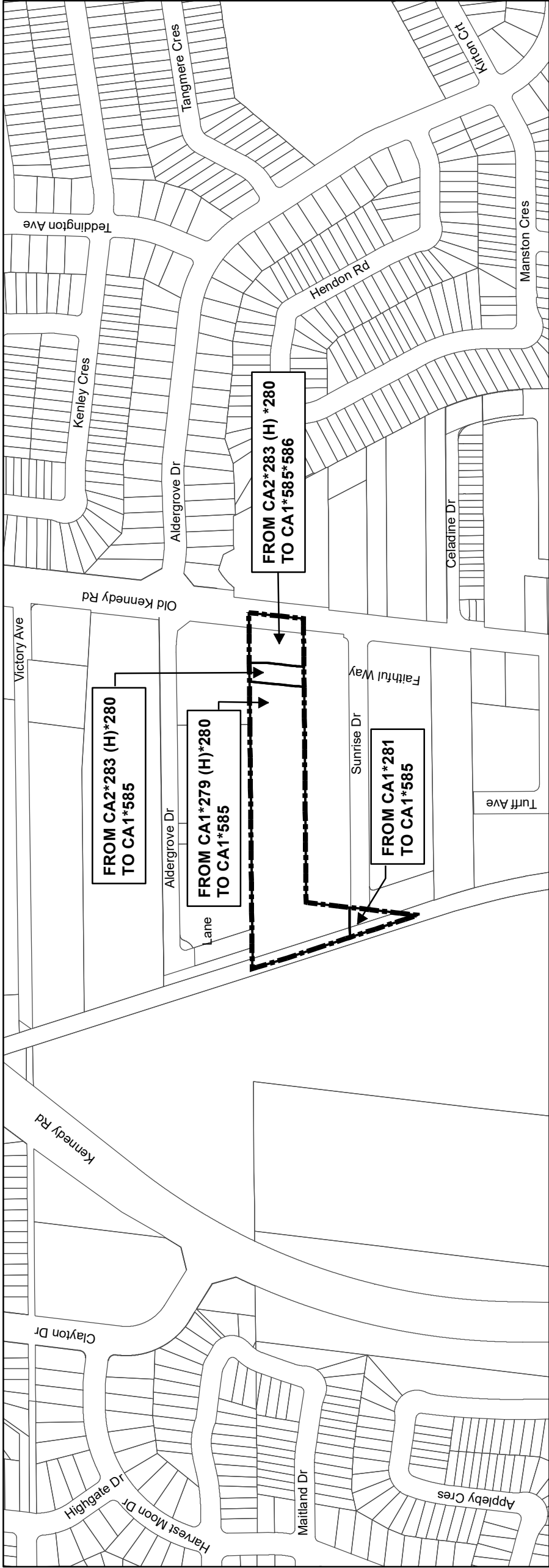
The subject lands are zoned Community Amenity One*279 (Hold)*280 [CA1*279(H)*280], Community Amenity Two*283 (Hold)*280 [CA2*283(H)*280] and Community Amenity One*281 (CA1*281) under By-law 177-96, as amended.

Purpose and Effect

The purpose and effect of this By-law is to amend the above-noted Zoning By-law in order to rezone the subject lands to Community Amenity One*585 (CA1*585) and Community Amenity One*585*586 (CA1*585*586) and to implement site specific development standards for the site. The effect of this By-law is to permit the lands to be developed with townhouses and some live-work units.

Note Regarding Further Planning Applications on this Property

The *Planning Act* provides that no person shall apply for a minor variance from the provisions of this by-law before the second anniversary of the day on which the by-law was amended, unless the Council has declared by resolution that such an application is permitted.



SCHEDULE "A" TO BY-LAW

AMENDING BY-LAW 177-96 DATED

 BOUNDARY OF AREA COVERED BY THIS SCHEDULE

 BOUNDARY OF ZONE DESIGNATION(S)

CA1

COMMUNITY AMENITY ONE

CA2

COMMUNITY AMENITY TWO

*No.

EXCEPTION SECTION NUMBER

(H)

HOLDING PROVISION

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