



Report to: Development Services Committee

Report Date: May 8, 2017

SUBJECT:	RECOMMENDATION REPORT Applications for a Draft Plan of Subdivision and Zoning By-law Amendment by 1696913 Ontario Inc. to facilitate the creation of 26 single detached lots for the subject property known legally as Block 79, Plan 65M-4033 (Ward 2)
FILE NO'S:	SU/ZA 16 177627
PREPARED BY:	Daniel Brutto, Planner I, West District
REVIEWED BY:	Dave Miller, M.C.I.P., R.P.P., Development Manager, West District

RECOMMENDATIONS:

- 1) THAT the staff report dated May 8, 2017 titled “RECOMMENDATION REPORT, Applications for a Draft Plan of Subdivision and Zoning By-law Amendment by 1696913 Ontario Inc. to facilitate the creation of 26 single detached lots for the subject property known legally as Block 79, Plan 65M-4033”, be received;
- 2) THAT the record of the Public Meeting held on September 20, 2016, regarding the proposed Draft Plan of Subdivision and Zoning By-law Amendment by 1696913 Ontario Inc. to facilitate the creation of 26 single detached lots for the subject property known legally as Block 79, Plan 65M-4033, be received;
- 3) THAT the application submitted by 1696913 Ontario Inc. to amend Zoning By-law 177-96, as amended, be approved and the Draft Zoning By-law amendment attached as Appendix A be finalized and enacted without further notice;
- 4) THAT Draft Plan of Subdivision 19TM-16001 be approved, subject to the conditions set out in Appendix B of this report, being finalized prior to approval;
- 5) THAT the Director of Planning and Urban Design or his designate, be delegated authority to issue draft plan approval, subject to the draft conditions set out in Appendix B, as may be amended by the Director of Planning and Urban Design or his designate;
- 6) THAT the draft plan approval for Plan of Subdivision 19TM-16001 will lapse after a period of three (3) years from the date of issuance in the event that a subdivision agreement is not executed within that period;
- 7) THAT servicing allocation for 26 units be assigned to Draft Plan of Subdivision 19TM-16001;
- 8) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

1696913 Ontario Inc. has submitted applications for a Draft Plan of Subdivision and Zoning By-law Amendment to facilitate the creation of 26 single detached lots on the subject property known legally as Block 79, Plan 65M-4033.

The subject property represents the north block of lands initially set aside for the York Region Catholic District School Board (Y.C.D.S.B.) as a school site (see Figure 1 – Location Map). In June 2015 the York Catholic District School Board notified the City that they did not intend to acquire the school site to build a school. The City did not make an offer to purchase the surplus school site and the Trustee for the developers group released the surplus school site back to the original Owners.

A statutory Public Meeting was held by the Development Services Committee on September 20, 2016 based on the original proposal (see Figure 4 – Original Draft Plan of Subdivision). A number of area residents and Committee members identified issues with the original proposal, including but not limited to: preserving the existing hedgerow, traffic and congestion in the area, consideration for alternative land uses, parkland supply, provision and implementation of public art and the implementation of the West Cathedral architectural control guidelines.

In response to the matters raised at the Public Meeting and those outlined in Staff's preliminary report dated May 24, 2016, the Owner submitted a revised proposal (see Figure 5 – Revised Draft Plan of Subdivision).

The revised proposal, as detailed in this report, appropriately addresses the matters raised by members of DSC, the public and staff. Staff are of the opinion that the revised proposal and implementing Zoning By-law amendment are consistent with City policy and align with the direction of the Cathedral Community Secondary Plan. Staff recommend approval of the draft by-law attached as Appendix A and Draft Plan of Subdivision subject to the conditions attached as Appendix B. The conditions attached as Appendix B are to be finalized prior to being forwarded to Council for approval.

PURPOSE:

This report provides an overview, evaluation and recommendation respecting applications for a Zoning By-law Amendment and Draft Plan of Subdivision to facilitate the creation of 26 single detached lots on the subject property known legally as Block 79, Plan 65M-4033.

Process to date

- The applications were deemed complete on March 16, 2016
- Preliminary report presented to Development Services Committee (DSC) on May 24, 2016
- Statutory Public Meeting held on September 20, 2016

Next steps

- Approval of Draft Plan of Subdivision subject to conditions
- Enactment of Zoning By-law Amendment

BACKGROUND:

Block 79, Plan 65M-4033 (the “subject property”), consists of approximately 1.38 hectares (3.41 acres) located west of Prince Regent Street, north of Reflection Road, within the Cathedral Community Secondary Plan area (see Figure 1 – Location Map).

The subject property represents the north block of lands initially set aside for the York Region Catholic District School Board (Y.C.D.S.B.) as a school site (the “school site”). The balance of the school site is comprised of the abutting property to the south which is under separate ownership (the “south block”). In June 2015 the York Catholic District School Board notified the City that they did not intend to acquire the school site to build a school. The City did not make an offer to purchase the surplus school site and the Trustee for the developers group released the school site back to the original Owners.

The surrounding low density subdivision was developed in the late 2000’s. The subject property is undeveloped. The most significant vegetation is a line of mature trees along the south property line (the “existing hedgerow”) (see Figure 2 – Aerial Photo).

Surrounding uses include (see Figure 3 – Area Context/Zoning):

- To the north are low density single-detached dwellings;
- To the west are low density single detached dwellings;
- To the south is an undeveloped property (also part of the former school site) owned by 2473330 Ontario Ltd. which is subject to separate re-zoning and draft plan of subdivision applications to facilitate the creation of 13 single detached lots and 8 rear lane townhouse units on 2 townhouse blocks (File No’s. SU/ZA 16 114903); and,
- To the east across Prince Regent Street are the Arboretum Park and Heritage Orchard and Victoria Square Park.

PROPOSAL:

The original draft plan of subdivision and zoning by-law amendment applications were submitted to facilitate the creation of 25.5 single detached lots (the “original proposal”) (see Figure 4 – Original Draft Plan of Subdivision).

In February 2017, having regard for input received at the Public Meeting, the Owner submitted revised applications for Draft Plan of Subdivision and Zoning By-law to facilitate the creation of 26 single detached lots, a public road with a 17 metre right-of-way and a 2 metre wide environmental buffer parallel to the south property line (the “revised proposal”) (see Figure 5 – Revised Draft Plan of Subdivision). Table 1 below summarizes the revised Draft Plan of Subdivision statistics.

Table 1: Revised Draft Plan of Subdivision Statistics

Land Use	Lot/Block No.	No. of Units	Gross Land Area - Hectares (Acres)
Single Detached Residential	1-26	26	1.036 (2.561)
Buffer	27	-	0.028(0.070)
Road Reserve	28	-	0.001(0.0001)
Public Road	-	-	0.321(0.792)
Total	28	26	1.386(3.423)
Net Land Area - Hectares (Acres)			1.036(2.56)
Net Density - Units per Hectare (Units per Acre)		25.09(10.1)	

The proposed lots have minimum lot frontages of approximately 13.3 metres (43'-7"), minimum lot depths of approximately 26.54 metres (87') and minimum lot areas of 356 m² (3,837 ft²). The lots front onto John Anthony Drive, which is a proposed public road which will have a 17 metre wide right-of-way that connects through the proposed development to the south, to Reflection Road. All the lots have been designed to accommodate double car garages.

The Zoning By-law Amendment application proposes to re-zone the subject property from 'Open Space Two (O2)' to 'Residential Two (R2) and Open Space One (OS1)' under By-law 177-96, as amended, including site specific zone standards. The OS1 applies to the environmental buffer block which will be conveyed to the City (Block 27). Appendix A contains a draft copy of the implementing by-law.

Public Consultation

A Public Meeting was held by the Development Services Committee (DSC) on September 20, 2016. Matters with respect to the original Draft Plan of Subdivision were identified through written submissions and comments made by members of the Committee and the public. The following is a summary of the matters raised:

- Desire to have the existing hedgerow preserved
- Concerns that the proposal would exacerbate existing traffic/parking concerns as a result of patrons attending the adjacent parks
- Alternative land uses were suggested (i.e. private school and community centre)
- Desire to have more parkland within the community
- Community input was requested should any development application in the future result in public art
- Expectation the proposal would adhere to the Cathedral Community Design Plan guidelines

OFFICIAL PLAN AND ZONING:**Existing Zoning**

The subject property is zoned 'Open Space Two (O2)' under By-law 177-96, as amended which permits a limited number of uses, including: art galleries, day nurseries, libraries, museums, community centers, public parks and public schools.

Current Official Plan

The subject property is designated 'Urban Residential' in the in-force Official Plan (1987 Revised), as amended.

Cathedral Community Secondary Plan (PD 39 -1)

The subject property is designated 'Urban Residential – Low Density' in the Cathedral Community Secondary Plan, as amended, which includes a symbol denoting an intended location for a Separate Elementary School site. The proposed net density is 25.09 units per hectare (10.1 units per acre) which falls within the net density of 17.0 to 37.0 units per hectare (6.9 to 14.9 units per acre) as required by the Cathedral Secondary Plan.

2014 Official Plan (as partially approved on October 30, 2015)

The subject property is designated "Residential Low Rise" in the 2014 Official Plan (as partially approved on October 30, 2015). It is subject to site-specific policy 9.5.6, which is part of an area wide appeal by Cathedral Town Limited, relating to whether the policies in Section 9.5 are appropriate and consistent with the policies of the Cathedral Community Secondary Plan.

DISCUSSION:

The subject property is being developed comprehensively with the balance of the surplus school site to the south. As a result, many of the matters discussed herein are shared between the two properties. Figure 6 shows the joint development proposal.

Staff's preliminary report based on the original proposal, dated May 24, 2016 identified a number of matters to be addressed in a final report to Committee. The following is a summary of those matters identified and other matters which have been identified through the application review and public consultation process:

Existing hedgerow to be preserved to the extent possible

The public, members of DSC and staff requested that the applicant retain the existing hedgerow. In response the Owner submitted the revised proposal and an accompanying arborist report. The revised proposal provides a 2 metre (6'-5") wide environmental block (see Block 27 Figure 5 – Revised Draft Plan of Subdivision) to preserve the existing hedgerow, except for a cluster of vegetation abutting Prince Regent Street and the vegetation which conflicts with Street 'A' (see Figure 7 – Tree Inventory and Preservation Plan). This block will be combined with a 4 metre (13'-1") wide environmental buffer block on the land to the south, both of which will be conveyed to the City.

Traffic Brief concludes the proposal will have a negligible impact upon the existing network

At the Public Meeting concerns were expressed that the proposal would exacerbate traffic/parking concerns which already exist as a result of patrons from outside the Cathedral community attending the adjacent parks (Arboretum Park and Heritage Orchard and Victoria Square Park).

The applicant is working with the City to finalize a Traffic Brief (TB) submitted in support of the proposal. As part of its conclusion the TB states:

“Based on our assessment of the two (2) land uses, it is evident that the proposed residential development will generate a small fraction of the trips the subject site was expected to generate when it was zoned for an Elementary School. Therefore, it is our opinion that the proposed development will have a negligible impact upon the existing network.”

The findings of the TB are generally acceptable to City staff. Prior to final Draft Plan of Subdivision approval, the TB will need to be finalized to the satisfaction of the City of Markham and Region of York staff. This requirement is reflected in draft plan condition 6 (see Appendix B – Conditions of Draft Plan of Subdivision Approval).

Alternative land uses considered at the discretion of the Owner

At the Public Meeting members of DSC and the public questioned why the surplus school site wasn't considered for an alternative land use (i.e. private school, park and community centre). School sites are held in “trust” for the school boards in case they need them for schools. If the school board decides they don't require a site and the City does not acquire it, the lands are returned to the original Owner who can then proceed to make planning applications to develop the property. The City makes recommendation on those applications based on the merits of the applications submitted. While other uses may be preferable to area residents, the City can't compel a private land owner to make applications for such alternate uses.

Parkland obligations are being met

At the Public Meeting members of DSC and the public expressed a desire to have parkland secured on the subject property. The revised draft plan of subdivision is comprised of 26 single detached units and does not include parkland.

At the City's discretion, parkland dedication requirements can be satisfied through land dedication, cash-in-lieu, or a combination of land dedication and cash in lieu of the value of land. Staff have reviewed the inventory of existing parks in the immediate area and have concluded sufficient park space exists in close proximity to serve the proposal (i.e. Arboretum Park and Heritage Orchard and Victoria Square Park which are located across Prince Regent Street from the subject property). A review with respect to the amount of park space available within the West Cathedral Community was also completed which demonstrates there exists no shortage of park space at the current time in the West Cathedral Community.

Given parkland is not provided in the revised proposal, the Owner is required to provide cash in lieu of the value of land. Therefore, the cash in lieu requirement is equal to the value of 0.052

hectares, which is based on the requirement of 1 hectare per 500 units, in accordance with the requirements of the *Parkland Dedication By-law 195-90 and the The Planning Act, R.S.O. 1990, c.P.13, as amended*. This requirement is reflected in draft plan condition 17.2 (see Appendix B – Conditions of Draft Plan of Subdivision Approval).

Public Art contribution required

The City of Markham is permitted to collect a Public Art contribution by the Owner in accordance with Section 37 of the Planning Act, as amended. The Owner has agreed to make a contribution. This is reflected in draft plan condition 17.3 (see Appendix B – Conditions of Draft Plan of Subdivision Approval).

In 2012 the City of Markham adopted a Public Art Policy which provides for community input. The policy established guidelines for the selection of Public Art and resulted in the establishment of a Selection Panel and the Markham Public Art Advisory Committee. The Selection Panel includes representation from the community in which public art projects are sited. The Markham Public Art Advisory Committee meets in public monthly and among other responsibilities, advises Council on Staff and Selection Panel recommendations.

The West Cathedral Community Design Plan architectural control guidelines will be implemented

The public and staff noted the proposal should reflect the criteria outlined in the approved West Cathedral Community Design Plan. The Owner will be required to retain a design consultant to prepare architectural control guidelines to the satisfaction of the City prior to execution of the subdivision agreement. The architectural control guidelines will ensure that the future single detached elevations are designed in a manner that incorporates the requirements and criteria of the approved West Cathedral Community Design Plan to 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. This requirement is reflected in draft plan condition 14 (see Appendix B – Conditions of Draft Plan of Subdivision Approval).

Sustainable design features required

The Owner has committed to a list of sustainable design features which will be incorporated into the development. Prior to registration of the subdivision, the list of sustainable initiatives will be finalized to the satisfaction of the Commissioner of Development Services.

Owner required to become a member in good standing with the West Cathedral Developers Group

The Owner has been advised that they are required to become a member in good standing with the area's developer's group. This requirement is reflected in draft plan condition 19 (see Appendix B – Conditions of Draft Plan of Subdivision Approval).

Municipal servicing is available

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

Final approval of the Functional Servicing Report, to the satisfaction of the Director of Engineering has been made a condition of draft plan approval. This requirement is reflected in draft plan condition 5 (see Appendix B – Conditions of Draft Plan of Subdivision Approval).

CONCLUSION:

The Owner has submitted a revised proposal to facilitate the creation of 26 single detached lots, a public road and an environmental buffer block parallel to the south property line.

Based on the discussion above staff are of the opinion that the revised proposal and implementing Zoning By-law amendment are consistent with City policy and align with the direction of the Cathedral Community Secondary Plan. The revised Draft Plan of Subdivision appropriately addresses the matters raised by members of DSC, the public and staff.

Staff recommends approval of the draft by-law attached as Appendix A and Draft Plan of Subdivision subject to the conditions attached as Appendix B. The conditions attached as Appendix B are to be finalized prior to being forwarded to Council for approval.

FINANCIAL CONSIDERATIONS:

Not applicable.

HUMAN RESOURCE CONSIDERATIONS:

Not applicable.


ALIGNMENT WITH STRATEGIC PRIORITIES:

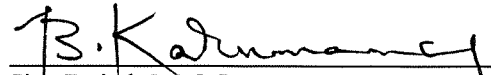
The proposal aligns with the City's strategic priorities of Growth Management, Transportation, Municipal Services and the Environment.

BUSINESS UNITS CONSULTED AND AFFECTED:

The proposal was circulated to internal City departments and external agencies. Requirements of the City and external agencies have been reflected in the conditions of draft plan of subdivision approval and the implementing zoning by-law amendment (see Appendix A and B - Draft Zoning By-law Amendment and Conditions of Draft Plan of Subdivision Approval).

RECOMMENDED BY:


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


Jim Baird, M.C.I.P., R.P.P.
Commissioner, Development Services

ATTACHMENTS:

Figure 1: Location Map

Figure 2: Aerial Photo

Figure 3: Area Context/Zoning

Figure 4: Original Draft Plan of Subdivision

Figure 5: Revised Draft Plan of Subdivision

Figure 6: Combined Draft Plan of Subdivision

Figure 7: Tree Inventory and Preservation Plan

APPENDICES:

Appendix A: Draft Zoning By-law Amendment

Appendix B: Conditions of Draft Plan of Subdivision Approval

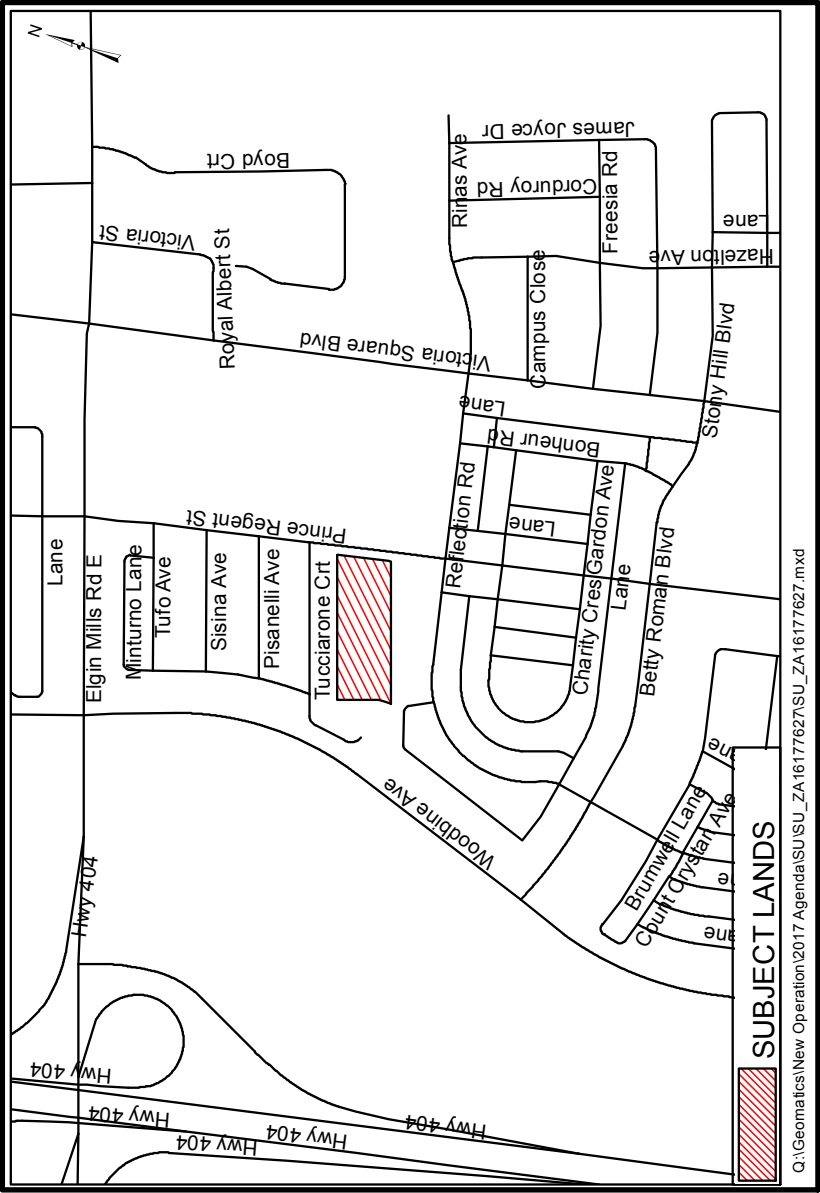
APPLICANT/AGENT:

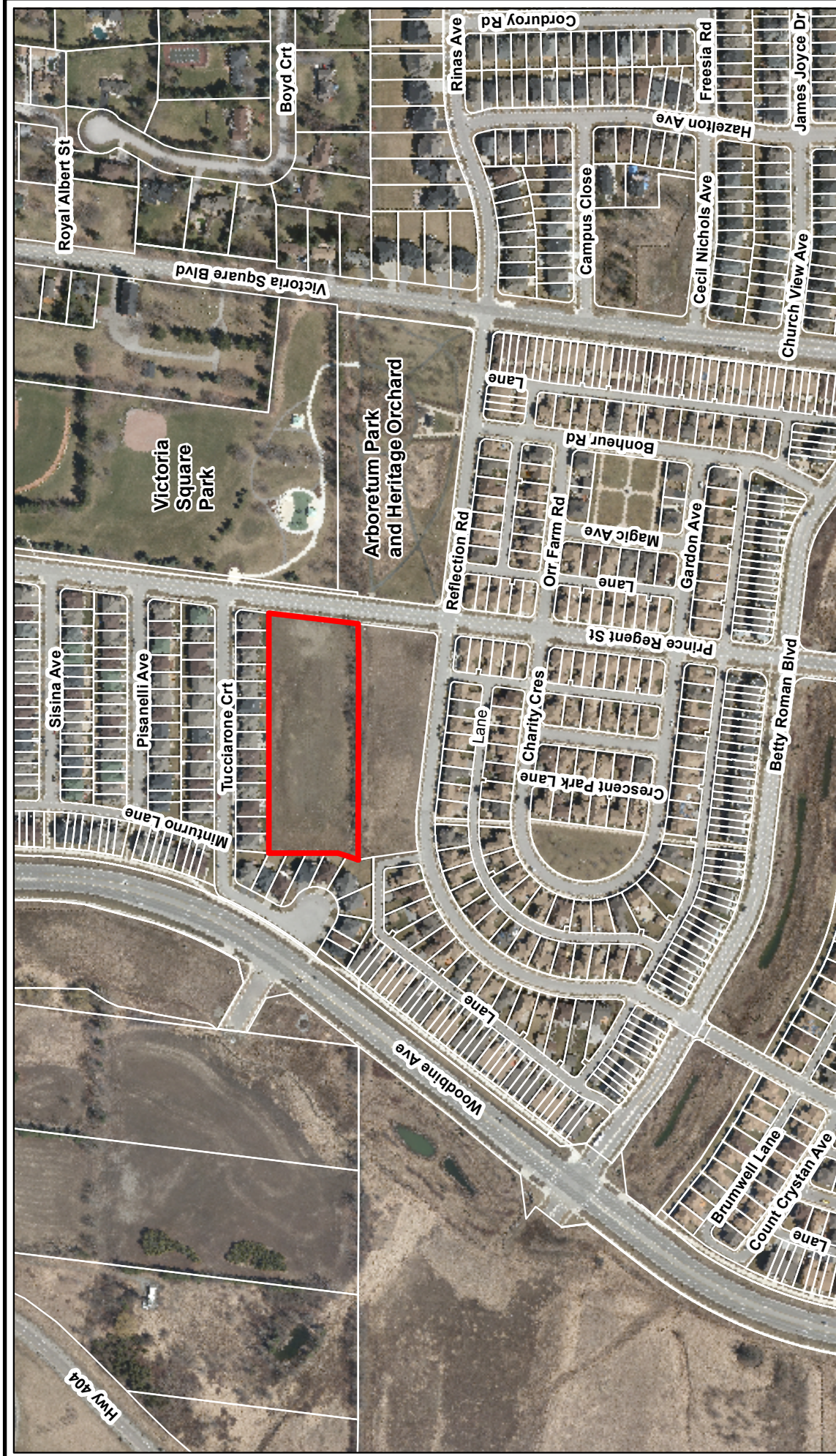
Sandra Wiles

28 Brookbank Court

Markham, Ontario L3P 6K8

Tel: (416) 458-2257






AERIAL PHOTO 2016

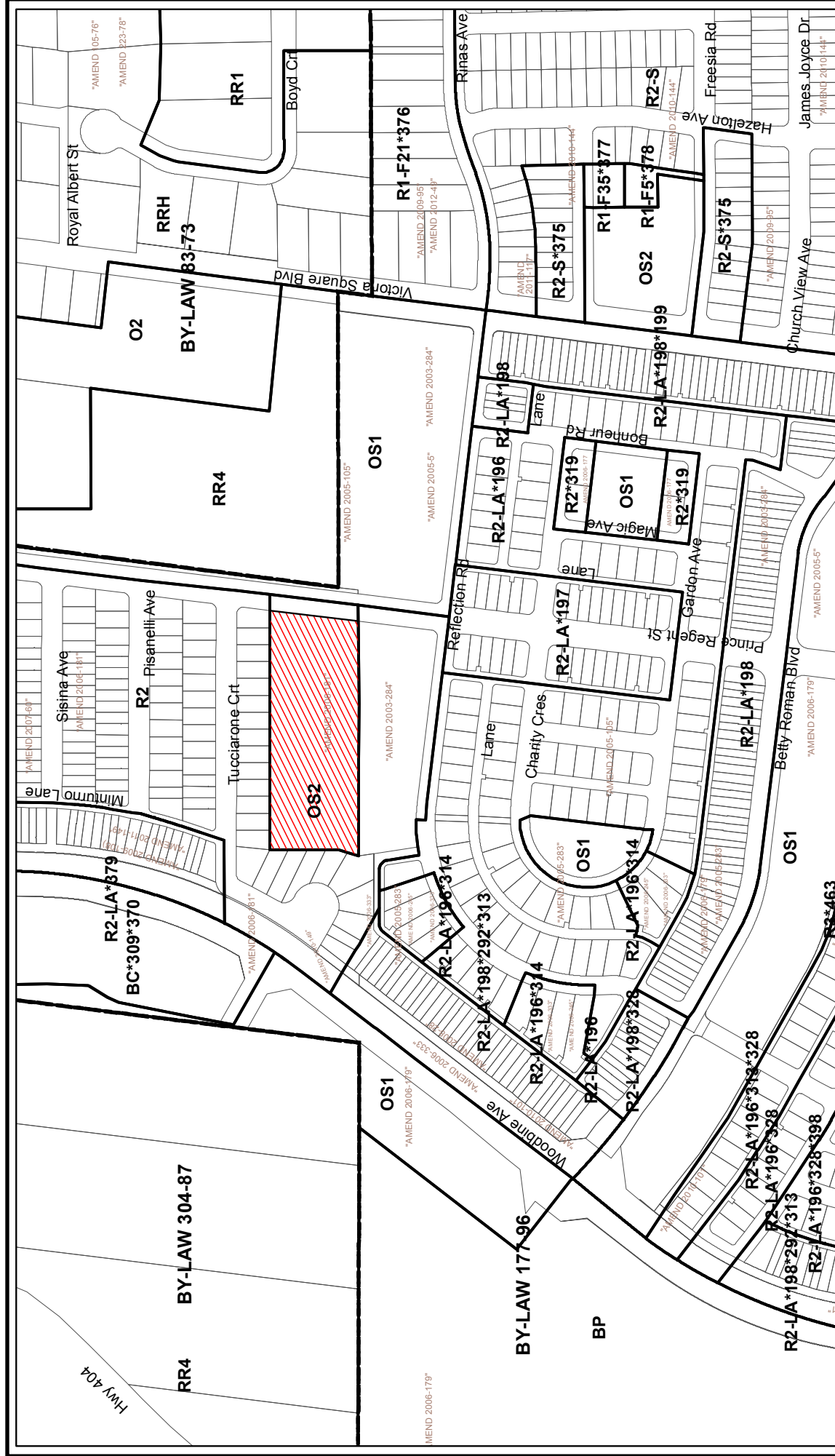
APPLICANT: 1696913 ONTARIO INC.
BLOCK 79, PLAN 65M-4033

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 SUBJECT LANDS





AREA CONTEXT / ZONING

APPLICANT: 1696913 ONTARIO INC.

BLOCK 79, PLAN 65M-4033

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WARKHAM
DEVELOPMENT SERVICES COMMISSION

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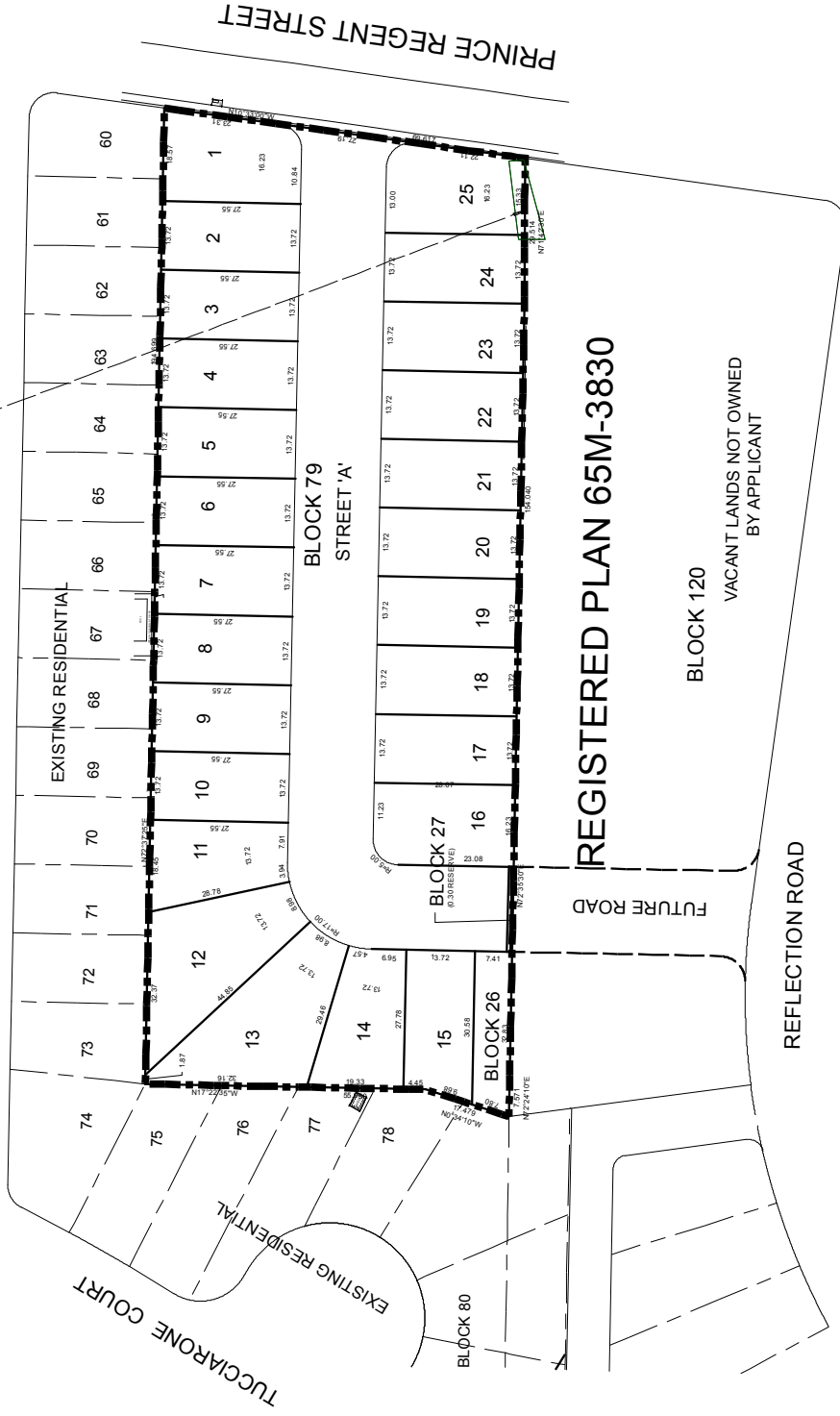
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FIGURE No.3

 SUBJECT LANDS

REGISTERED PLAN 65M-4033

TUCCIARONE COURT



ORIGINAL DRAFT PLAN OF SUBDIVISION

APPLICANT: 1696913 ONTARIO INC.

BLOCK 79, PLAN 65M-4033

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MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: DB

DATE: 06/03/2017

FIGURE No.4

REGISTERED PLAN 65M-4033

TUCCIARONE COURT



REVISED DRAFT PLAN OF SUBDIVISION

APPLICANT: 1696913 ONTARIO INC.
BLOCK 79, PLAN 65M-4033

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SUBJECT LANDS

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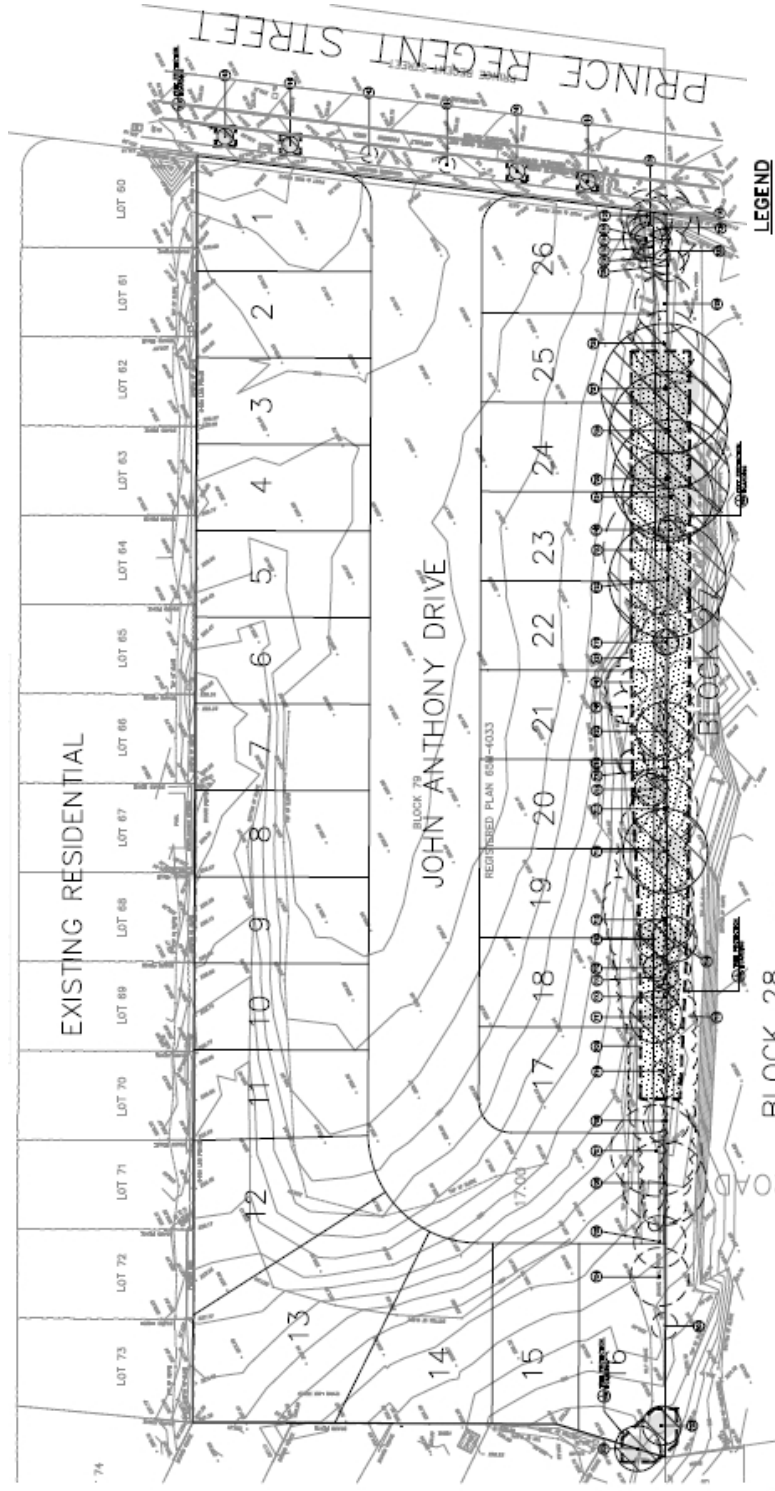
COMBINED DRAFT PLAN OF SUBDIVISION

APPLICANT: 1696913 ONTARIO INC.
BLOCK 79, PLAN 65M - 4033

FILE No. SU_ZA 16177627 (DB)

 SUBJECT LANDS

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TREE INVENTORY AND PRESERVATION PLAN

APPLICANT: 1696913 ONTARIO INC.
BLOCK 79, PLAN 65M-4033

FILE No. SU_ZA 16177627 (DB)

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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 zoning the lands outlined on Schedule 'A' attached hereto as follows:

**Residential Two*572 (R2*572) Zone;
Residential Two*573 (R2*573) Zone; and
Open Space One (OS1) Zone.**

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

Exception 7.572	1696913 Ontario Inc. South of Elgin Mills Road and west of Victoria Square Boulevard	Parent Zone R2
File ZA 16 177627		Amending By-law 2017-____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *572 on the schedules to this By-law.		
7.572.1 Only Permitted Uses		
The following are the only permitted uses:		
a)	Single Detached Dwellings	
b)	Home Occupations	
c)	Home Child Care	
7.572.2 Special Zone Standards		
The following special zone standards shall apply:		
a)	Minimum Rear Yard – 6.5 metres	

Exception 7.573	1696913 Ontario Inc. South of Elgin Mills Road and west of Victoria Square Boulevard	Parent Zone R2
File ZA 16 177627		Amending By-law 2017-_____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *573 on the schedules to this By-law.		
7.573.1 Only Permitted Uses		
The following are the only permitted uses:		
a)	Single Detached Dwellings	
b)	Home Occupations	
c)	Home Child Care	
7.573.2 Special Zone Standards		
The following special zone standards shall apply:		
a)	Minimum Rear Yard – 5.5 metres	

2. SECTION 37 CONTRIBUTION

- 2.1 A contribution by the Owner to the City for the purposes of public art, in the amount of \$39,000.00 in 2017 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 and first, second and third time and passed on _____, 2017.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW 2017-_____

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

1691913 Ontario Inc.

South of Elgin Mills Road and west of Victoria Square Boulevard

Plan 65M-4033, Block 79

Lands Affected

The proposed by-law amendment applies to approximately 1.38 hectares (3.41 acres) of land known legally as Plan 65M-4033, Block 79. The lands are located west of Prince Regent Street, north of Reflection Road, within the Cathedral Community.

Existing Zoning

The subject land is zoned Open Space Two (OS2) Zone by By-law 177-96, as amended.

Purpose and Effect

The purpose and effect of this by-law amendment is to rezone the subject lands into the following zone categories:

**Residential Two*572 (R2*572) Zone;
Residential Two*573 (R2*573) Zone; and
Open Space One (OS1) Zone,**

in order to facilitate the development of 26 single detached dwellings.

Note 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.

Draft Conditions of Draft Plan of Subdivision Approval

CONDITIONS OF THE CITY OF MARKHAM TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TM-16001 (1696913 ONTARIO INC.) ARE AS FOLLOWS:

1. General

- 1.1 Approval shall relate to a draft plan of subdivision prepared by Guido Papa Surveying, identified as File 15-436, Reference No. 15-18-436-00, dated January 24, 2017.
- 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 ----- unless extended by the City upon application by the Owner.
- 1.3 The Owner shall enter into a subdivision agreement with the City agreeing to satisfy all conditions of the City and Agencies, financial and otherwise, prior to final approval.
- 1.4 The Owner 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 (or site plan) and that are required to service the proposed development, to the satisfaction of the Director of Engineering and the City Solicitor.
- 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, Traffic Impact Study, Internal Functional Traffic Design Study, Transportation Demand Management Plan, Stormwater Management Study (Environmental Master Drainage Plan), Functional Servicing Study, Noise Impact Study, confirmation of alignment of roads with the locations shown in the draft approved plan, 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 allowance within the draft plan shall be named to the satisfaction of the City and York Region.
- 2.2 The road allowance 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 highway 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 a 0.3m reserve at the side of John Anthony Drive 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 a temporary turning circle 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 circle, 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 temporary turning circles at the end of John Anthony Drive and shall grant required easements upon registration of the plan of subdivision.

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 the Region of York. 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 the Region of York.

4. Stormwater Management

- 4.1 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.

- 4.2 The Owner shall covenant and agree in the subdivision agreement to undertake the monitoring of watercourse temperatures which may be affected by storm drainage from its development, subject to consultation with, and to the satisfaction of the City.
- 4.3 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.

5. Municipal Services

- 5.1 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.
- 5.2 Prior to final approval of the draft plan, the Owner shall covenant and agree in the subdivision agreement to pay for external sanitary sewer upgrades. The proposed sanitary design flow exceeds the original allocated flow, therefore; a financial contribution from the proposed development for the proportionate share towards downstream system upgrade will be determined upon finalizing the Master Servicing Study results by the City.

In the event that the Master Servicing Study is not completed by the City, the Owner shall make alternative arrangements in the subdivision agreement to secure this obligation.

- 5.3 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).
- 5.4 Prior to final approval of the draft plan, detailed engineering drawings shall be provided in accordance with the City's Design Criteria, 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).

5.5 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.

6. Traffic Impact Study / Internal Functional Traffic Design Study

Prior to final approval of the draft plan, the Owner shall prepare, in consultation with the Owners of other lands within the Cathedral Secondary Plan area, a Traffic Impact Study / Internal Functional Traffic Design Study to the satisfaction of the City and the Region of York. The Owner shall incorporate the requirements and criteria of the Traffic Impact Study into the draft approved plan and subdivision agreement.

7. Easements

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 shall be satisfactory to, and dedicated to, the City.

8. Utilities

8.1 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.

8.2 The Owner shall covenant and agree in the subdivision agreement to enter into any agreement or agreements required by any applicable utility companies, including PowerStream, Enbridge, telecommunications companies, etc.

8.3 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.

8.4 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 Owner will

further be responsible for notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sale.

- 8.5 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.
- 8.6 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.
- 8.7 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.

9. Environmental Clearance:

- 9.1 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.
- 9.2 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.
- 9.3 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.

- 9.4 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.

10. Well Monitoring Program and Mitigation Plan

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.

11. Municipal Infrastructure:

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

Local Roads:	XXXX m
Sidewalks:	XXXX m
Streetlights:	XXXX
Watermain:	XXXX m
Sanitary Sewers:	XXXX m
Storm Sewers:	XXXX m

12. Streetlight Types:

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

13. Tree Inventory and Tree Preservation Plans

- 13.1 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.
- 13.2 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.
- 13.3 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.
- 13.4 The Owner shall submit for approval, as part of the tree inventory and tree preservation plan, in accordance with the City of Markham Streetscape Manual a tree compensation schedule detailing replacement and enhancement planting or the replacement value based on the following:
 - a) Trees between 20cm and 40cm diameter at breast height (DBH) shall be replaced at a ratio of 2:1
 - b) All trees over 40cm DBH shall have an individual valuation submitted to the City by an ISA certified Arborist in accordance with the Council of Tree and Landscape Appraisers (CTLA) Guide for Plant Appraisal (2000)
 - c) Where a site does not allow for the 2:1 replacement, the City will negotiate a credit for tree planting on alternate sites
 - d) The requirement for the replacement or equivalent economic value following unauthorized tree removal or damage shall be determined by the City.

14. Community Design

- 14.1 The Owner shall implement and incorporate all requirements of the approved West Cathedral Community Design Plan into all landscape plans, architectural control guidelines, engineering plans and any other required design documents.
- 14.2 The Owner shall retain a design consultant to prepare architectural control guidelines to be submitted to the Director of Planning and Urban Design for approval prior to execution of the subdivision agreement
- 14.3 The Owner shall retain a design consultant to implement the Architectural Control Guidelines.

14.4 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.

14.5 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.

15. Parks and Open Space

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

15.2 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.

15.3 The Owner shall convey Block 27 (buffer), to the Town, free of all costs and physical and title encumbrances, and in a condition which is satisfactory to the Director of Planning and Urban Design, upon registration of the plan of subdivision.

15.4 Prior to making alterations to the site within the area of the draft plan, the Owner shall submit for review and approval a Natural Features Management and Preservation Plan prepared by a qualified person to the satisfaction of the Director of Planning and Urban Design.

15.5 The Owner shall submit grading, servicing and survey plans by a qualified person for Block 17 to 26 to the satisfaction of the Director of Planning and Urban Design.

16. Landscape Works

16.1 Prior to execution of the subdivision agreement, the Owner shall submit landscape plans based on the approved Cathedral West Community Design Plan into all landscape works, to the satisfaction of the Director of Planning and Urban Design

- a) Street tree planting in accordance with the City of Markham Streetscape Manual dated June 2009
- b) 1.8m high wood screen corner lot fencing
- c) Noise attenuation fencing as required
- d) 1.8m high chain link fencing for open space block

e) Any other landscaping as determined by the Community Design Plan and the Environmental Master Drainage Plan.

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

16.3 The Owner shall not permit their builders to charge home purchasers for the items listed in Condition 16.1.

16.4 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)
- 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, OPEN SPACE 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.”

17. Financial

17.1 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.

17.2 The Owner shall provide a Land Appraisal Report to the Manager of Real Property for the purpose of determining the required cash-in-lieu contribution for

the under-dedicated portion of the required parkland dedication. The Land Appraisal Report is subject to the City's terms of reference and conformance with the *Parkland Dedication By-law 195-90* and with the *Planning Act*.

- 17.3 The Owner shall provide public art contribution to the satisfaction of the Director of Planning and Urban Design prior to the execution of the subdivision agreement.

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

19. Fire

- 19.1 Fire break lots shall be designated within the *subdivision/site plan* agreement, to the satisfaction of the Fire Chief or his designee.
- 19.2 The adequacy and reliability of water supplies for firefighting purposes are subject to the review and approval of the Fire Chief or his designee.
- 19.3 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 two remote accesses for firefighting equipment is available.

20. Other City Requirements

- 20.1 Prior to final approval of the draft plan or any phase thereof, the Owner shall enter into a Developers Group Agreement(s) to ensure the provision of community and common facilities such as school sites, municipal services, parks and public roads in the Cathedral Community Secondary Plan area, to the satisfaction of the City (Commissioner of Development Services and City Solicitor), and a certificate confirming completion of such agreement(s) shall be provided to the City by the Developers Group Trustee to the satisfaction of the City Solicitor.
- 20.2 Prior to final approval, the Trustee of the Cathedral Community Developers' Group agreement shall deliver a release to the City indicating the Owner has satisfied all conditions of the Group agreement and the Trustee has no objection to the registration of this draft plan of subdivision.

20.3 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
- overnight street parking will not be permitted unless an overnight street parking permit system is implemented by the City

20.4 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 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.

21. Region of York

Prior to final approval, the owner shall satisfy all Region of York requirements, as outlined in the Region of York letter to the City dated June 24, 2016.

22. Toronto and Region Conservation Authority

Prior to final approval, the owner shall satisfy all TRCA requirements, as outlined in the TRCA letter to the City dated March 8, 2017.

23. External Clearances

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 Regional Municipality of York Transportation and Community Planning Department shall advise that Condition 21 has been satisfied; and,
- b) The Toronto and Region Conservation Authority (TRCA) shall advise that Condition 22 has been satisfied.

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