

SUBJECT: RECOMMENDATION REPORT
2431988 Ontario Ltd. (C.P. Capital Investment Group Inc.)
Proposed Draft Plan of Subdivision 19TM-16003, Official
Plan Amendment and Zoning By-law Amendment
applications for mixed use, mid/high rise buildings and
stacked townhouses on the north side of Highway 7, west of
Bur Oak Avenue

FILES: SU 16 159916, OP 16 159916 and ZA 16 159916

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

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

RECOMMENDATION:

- 1) That the report entitled "RECOMMENDATION REPORT, 2431988 Ontario Ltd. (C.P. Capital Investment Group Inc.) Proposed Draft Plan of Subdivision 19TM-16003, Official Plan Amendment and Zoning By-law Amendment applications for mixed use, mid/high rise buildings and stacked townhouses on the north side of Highway 7, west of Bur Oak Avenue, Files SU/OP/ZA 15 1599916", be received;
- 2) That the record of the Public Meeting held on September 6, 2016, regarding the applications for Draft Plan of Subdivision 19TM-16003, Official Plan and Zoning By-law Amendment, be received;
- 3) That the Official Plan Amendment application submitted by C.P. Capital Investment Group Inc. to amend the Cornell Secondary Plan (2008) be approved, and that the draft Official Plan Amendment attached as Appendix 'A' be finalized and enacted without further notice;
- 4) That the City Clerk advise the Region of York that the Official Plan Amendment application submitted by C.P Capital Investment Group has been approved, and that the City has no objection to the Region of York removing the subject lands from Deferral 2 Area in the Cornell Secondary Plan (2008);
- 5) That the Zoning By-law Amendment application submitted by C.P. Capital Investment Group Inc., to amend Zoning By-laws 304-87 and 177-96, both as amended, be approved, and that the draft Zoning By-law Amendment attached as Appendix 'B' be finalized and enacted without further notice;

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- 6) That in accordance with the provisions of subsection 45(1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended, the owner shall, through this resolution, be permitted to apply to the Committee of Adjustment for a variance from the provisions of the zoning by-law (Appendix 'B') within two years of its approval by Council;
 - 7) That Draft Plan of Subdivision 19TM-16003 submitted by C.P. Capital Investment Group Inc., be draft approved subject to the conditions outlined in Appendix 'C';
 - 8) That the Director of Planning and Urban Design, or his designate be delegated authority to issue draft approval, subject to the conditions set out in Appendix 'C' as may be amended by the Director of Planning and Urban Design;
 - 9) That the draft plan approval for Plan of Subdivision 19TM- 16003 will lapse after a period of three (3) years from the date of Council approval in the event that a subdivision agreement is not executed within that period;
 - 10) That the Mayor and Clerk be authorized to execute Construction Agreements and enter into access and utility easements with C.P. Capital Investment Group Inc., York Region Rapid Transit Corporation and 605918 Ontario Ltd., as necessary, to construct and dedicate the surrounding street network in advance of registration of the plan of subdivision; and
 - 11) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

This report recommends approval of applications submitted by C.P. Capital Investment Group Inc. ("CP Capital") for a draft plan of subdivision (19TM-16003) and implementing official plan and zoning by-law amendments for lands within Cornell Centre, located north of Highway 7 and west of Bur Oak Avenue (See Figures 1, 2 & 3).

Approval of the draft plan of subdivision (Figure 4) will establish a street and block pattern that is envisioned for Cornell Centre, as reflected in the 2008 Cornell Secondary Plan, Cornell Centre Precinct Plan (2012) and Draft Cornell Secondary Plan released to the public and Development Services Committee (DSC) in September of 2015. The draft plan proposes the creation of three development blocks, anticipated to be developed with mixed-use apartment buildings at the north and south ends of the site, with stacked townhouses in the central portion of the site. The proponents have submitted a concept plan (Figure 5) showing the potential development of the subject lands containing approximately 825 apartment units and 268 stacked townhouse units. Notwithstanding this concept plan, each development block will be subject to future site plan control applications that will assess the detailed components of each block, and which will likely be refined and reconfigured through the site plan review process. The approval authority for the site plan applications is DSC and future staff recommendation reports will be

required to assess the technical aspects of each development, such as access, circulation, parking, built form, snow storage, amongst other matters upon submission of site plan applications.

This report also recommends that the City be authorized to enter into construction agreements with the applicant and abutting landowners, which includes the York Region Rapid Transit Corporation (YRRTC), Markham Stouffville Hospital and 605918 Ontario Ltd. This will assist with the delivery of the surrounding street network in advance of final subdivision approval, which is required to meet the YRRTC target opening date for the Cornell bus terminal (west of the subject lands) in early 2018. Construction agreements will ensure that the roads and service infrastructure are constructed in accordance with City standards, and implement any required service and access easements.

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

Staff are satisfied with the proposed block pattern and street and lane configuration, and are of the opinion that the implementing Official Plan and Zoning By-law amendments are consistent with City policy and align with the direction of the proposed update to the Cornell Secondary Plan and therefore recommend approval of the applications.

PURPOSE:

This report recommends approval of Draft Plan of Subdivision 19TM-16003, and implementing Official Plan and Zoning By-law Amendments, submitted by CP Capital, to permit a mixed use development containing approximately 268 stacked townhouse dwellings and approximately 825 apartment units on the subject lands. The report also seeks authorization for the City to enter into a construction agreement with CP Capital in order that a new public road can be constructed and conveyed to the City in advance of plan registration in order to facilitate the opening of the adjacent York Region Rapid Transit Corporation bus terminal.

PROPOSAL

Applications have been submitted for a proposed development containing multi-storey mixed use mid rise and high rise buildings and stacked townhouses. The draft plan (See Figure 4) proposes three development blocks containing a total of 1093 dwelling units across the site. The Draft Plan also includes sections of public roads and a new public street to implement the fine street network envisioned for Cornell Centre, as well as a block to be conveyed to the Region of York to accommodate the Region's required Highway 7 road right of way width. The details of each block proposed on the draft plan are summaries in the Table below. A concept site plan of the potential development is shown in Figure 5, and conceptual block elevations are shown in Figure 6.

Block No.	Site Location	Proposed Conceptual Development
1	North portion	<ul style="list-style-type: none"> - 12-storey mixed use building containing approximately 259 apartment units and commercial uses at grade; - Parking to be predominantly provided underground - Proposed Floor Space Index (FSI) of 7.23
2	Central portion	<ul style="list-style-type: none"> - Multiple 4-storey stacked townhouses buildings, containing approximately 268 units; - Parking to be predominantly provided underground - Proposed Block FSI of 1.5
3	South portion (adjacent to Hwy 7)	<ul style="list-style-type: none"> - Buildings with 6-storey podiums and two highrise towers for a total height ranging between 18 to 24 storeys, and containing approximately 566 apartment units with commercial uses at grade of the building fronting Hwy 7; - Parking to be predominantly provided underground; - Proposed FSI of 5.86
Block No.	Proposed Street Network and Road Widening	
4	East/West Road	Section of Rustle Woods Avenue that will provide a connection through adjacent development in Cornell Centre, ultimately linking 9 th Line to Donald Cousens Parkway
5	North/South Road	New street connecting Highway 7 to Rustle Woods Avenue. Will provide access to site and to the adjacent York Region Rapid Transit Corporation (YRRTC) transit terminal east of the site (See additional comments below).
6	East/West Road	Section of Arthur Bonner Avenue that will provide a connection through adjacent development in Cornell Centre, ultimately linking 9 th Line to Cornell Rouge Boulevard (east of Bur Oak Avenue)
7	Road Widening	A strip of land approximately 6.6 m to 7.0 m in width along the south portion of the subject lands will be conveyed to the Region of York to accommodate the required Regional Right of Way width of 49.0 m.

In addition to servicing the subject lands, the north/south road (Block 5, Figure 4), connecting Highway 7 to Rustle Woods Avenue will provide access to the future York Region Rapid Transit Corporation (YRRTC) bus terminal, which will open in early 2018. To facilitate the bus terminal opening the local road network shall be built and dedicated as public highway in advance of final registration of this draft plan and in advance of the proposed draft plan of subdivision on abutting lands to the west (submitted by 605918 Ontario Ltd. - File SU 16 117108). To meet the targeted opening date, construction of the road and related utilities needs to commence in the spring/summer of 2017. To assist in achieving this, Staff have been working with YRRTC and surrounding landowners, including C.P. Capital Inc., Markham Stouffville Hospital and 605918 Ontario Ltd, to ensure that this road network can be delivered prior to the YRRTC facility being open.

The City will need to enter construction agreements with the above mentioned adjacent land owners to ensure that the roads and service infrastructure are constructed in accordance with City standards, and to implement the required service and access easements. Accordingly, a Council resolution authorizing the City to enter into construction agreements with these abutting landowners has been recommended by staff.

BACKGROUND:

The 3.03 ha (7.5 ac) subject property is located within Cornell Centre, on the north side of Highway 7, west of Bur Oak Avenue (See Figure 1, 2 and 3).

Surrounding land uses include:

- Markham Stouffville Hospital and the Cornell Community Centre and Library to the north;
- Stacked townhouses under construction to the south (across Highway 7); and vacant lands to the east and west which are anticipated to be developed with mid and high rise mixed use developments in accordance with the Cornell Secondary Plan.
- The adjacent site to the west is also anticipated to be developed with a York Region Rapid Transit Corporation bus terminal.

Official PlanIn-force Official Plan (Revised 1987)

- The majority of the subject lands are designated 'Urban Residential'
- The south portion of the site abutting Highway 7 is designated 'Commercial - Community Amenity Area'.

Current 2008 Cornell Secondary Plan (OPA 168), as amended

- The subject lands are within an area identified as 'Deferral 2' in the current Cornell Secondary Plan (2008). Consequently, the policies of the Cornell Secondary Plan are deferred and the policies of the 1995 Cornell Secondary Plan (OPA 20) continue to apply.

Underlying land use designations in the current secondary plan that are deferred are as follows:

- 'Residential Neighbourhood – Cornell Centre' which contemplates stacked townhouses and apartment dwellings, within buildings that range in height between 4 – 6 storeys with a minimum Floor Space Index (FSI) of 1.5; and
- 'Avenue 7 Corridor – Mixed Residential' which contemplates high density mixed use development, within buildings ranging in height between 5 and 8 storeys, and with a minimum FSI of 2.0.

1995 Cornell Secondary Plan (OPA 20)

Provides for the following uses on the subject lands:

- 'Neighbourhood General', which contemplates low density housing, with a net site density range of 17.0 to 37.0 units per hectare (6.9 to 14.9 units per acre); and

- 'Community Amenity Area – Corridor', which contemplates medium density residential, office and institutional uses, within buildings ranging between 2 to 6 storeys with a maximum FSI of 1.5.

2014 Official Plan (partially approved by the OMB October 2015 and May 2016)

The partially approved 2014 Official Plan provides that until an updated secondary plan is approved for the Cornell Centre Secondary Plan Area, the provisions of the In-force Official Plan (Revised 1987), as amended, including the secondary plan policies currently in effect, continue to apply.

Update to the Cornell Secondary Plan

An update to the secondary plan is currently underway, which will apply only to the lands known as Cornell Centre. A draft amendment was released and provided to DSC in September 2015 proposing the following designations on the subject lands:

- 'Community Amenity Area – Mixed Use 9th Line', applies to the north portion of the site (Block 1). This provides for apartment buildings, stacked townhouses (not fronting Rustle Woods Avenue), multi-storey non-residential or mixed use buildings and single-storey community facility buildings. Building heights are between 4 to 12 storeys, with a minimum FSI of 2.0;
- 'Residential High Rise', applies to the central and southern portions of the subject lands (Blocks 2 and 3). This designation provides for stacked townhouses (not fronting Highway 7) and apartment dwellings. 2.0 fsi applies to the central portion of the site and 2.5 fsi applies to the south portion adjacent to Highway 7. Building heights provide for a range of 4 to 12 storeys for the central portion of the site and 8 to 12 storeys for apartment buildings adjacent to Highway 7 and up to 18 storeys for apartment buildings with a podium/tower built from.

Proposed Official Plan Amendment

In advance of the secondary plan update being approved, the applicant has submitted an Official Plan Amendment for the subject lands which requests that the 'Deferral 2' designation be replaced by the policies of the proposed secondary plan update with respect to land uses and built form.

The Region of York has retained its approval authority with respect to the 'Deferral 2' designation, but has delegated approval of the site specific Official Plan Amendment application to the City. Should the Official Plan Amendment be approved, staff recommend a Council resolution advising that the City has no objection to removing the subject lands from the Deferral 2 area be forwarded to the Region.

Approval of the proposed Official Plan Amendment (Appendix 'A') will implement the land uses and built form policies generally contemplated in draft Cornell Secondary Plan update of September 2015. An exception is required to permit taller buildings of up to 24 storeys adjacent to Highway 7, whereas a maximum of 18-storeys was previously considered in the draft 2015 update. Staff are of the opinion that this will achieve an appropriate concentration of height and building mass abutting Highway 7 transitioning

to lower building heights on the north side of the block towards the stacked townhouse development contemplated north of the future extension of Arthur Bonner Avenue (Block 2, Figure 4). In supporting the proposed distribution of height and building type staff also support a site specific exception for the stacked townhouse block whereby the area of additional public and private streets and lanes is excluded from the floor space index (FSI) calculation. A similar approach has been applied to other stacked townhouse developments in Cornell Centre, which ensures that the desired stacked townhouse built form is achieved at an appropriate density for this particular building type.

Zoning

The subject lands are zoned Rural Residential Four (RR4) under By-law 304-87, as amended, which permits one single detached dwelling on a large rural lot (See Figure 2).

The Zoning By-law amendment (Appendix 'B') proposes to incorporate the subject lands into Community Amenity Two (CA2) and Residential Three (R3) zone categories in By-law 177-96, as amended to permit mixed-use apartment buildings and stacked townhouses. Site specific development standards will apply to each development block to regulate details such as maximum building heights and Floor Space Index (FSI) requirements.

Holding Provisions

The zoning by-law amendment (Appendix 'B') includes holding provisions applicable to each development block, which will require the proponent to:

- Enter into Section 37 agreements, including provisions for public art, in relation to rezoning the subject lands to permit mid and high rise development;
- Confirm the availability of servicing allocation for each development block from the City in conjunction with the review of future site plan control applications.
- Provide hydrogeological assessments to the satisfaction of the Toronto Region Conservation Authority.

Bill 73 and Amendments to the Planning Act

The Planning Act, R.S.O. 1990, c.P.13, was amended on July 1, 2016 through the enactment of Bill 73, to no longer allow an application for a variance from the provisions of the zoning by-law within two years of a zoning amendment being approved, unless Council has declared by resolution that such an application is permitted. Given that detailed site plan applications have not been submitted to establish the precise building locations and site configurations, staff recommend a Council resolution to permit a variance application to be submitted within this two year period if required by the applicant to implement a detailed site plan on either of the development blocks. This will provide the proponent flexibility with respect to the detailed site design by allowing for the submission of a variance if necessary and where appropriate.

Application Process and Next Steps

- Draft Plan of Subdivision, Official Plan and Zoning By-law Amendment applications were submitted on March 24, 2016 and deemed complete on April 26, 2016.

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- A preliminary report was provided to DSC in advance of the Statutory Public Meeting held on September 6, 2016.
 - Site Plan Control applications are required to facilitate development on each block within the draft plan. The approval authority for each of the future site plan applications is DSC.
 - Site plan approval can only occur after the applicant has cleared the conditions of draft subdivision approval (Appendix 'C') and registered the plan of subdivision.

Public Input

At the September 6, 2016 Public Meeting a deputation was made on behalf of the adjacent landowner to the east, citing concern that a public park is not proposed on the subject lands, whereas the Cornell Secondary Plan identifies it as a potential park location. The concern was that the park could be required on their adjacent lands, which will encumber the development potential of their lands.

The Cornell Secondary Plan depicts parkland symbolically as a potential location, which is ultimately determined through the approval of specific developments, and in accordance with the land area requirements in the Cornell Master Parks Agreement. While a public park is not proposed specifically on the subject lands, the delivery of parks within Cornell Centre will comply with the Cornell Master Parks Agreement and each landowner (including C.P. Capital Investment Group Inc. and the adjacent land owner) will be required to either convey parkland in appropriate locations, and/or contribute financially to an equitable share for the delivery of parkland within Cornell Centre.

OPTIONS/ DISCUSSION:**Fine Street & Block Pattern Achieved**

Approval of the draft plan, and any necessary construction agreements between the City, the applicant and surrounding land owners will implement the finer grid street network envisioned in the current Cornell Secondary Plan, Cornell Centre Precinct Plan (2012) and draft secondary plan update (September 2015). Staff are satisfied with the proposed street and block pattern, which results in shorter more walkable blocks and a range of routes to encourage alternative modes of travel.

Appropriate Access and Parking Locations

The ultimate location of each development block access point and provision for parking will be determined through the detailed site plan review. Generally however, access to each block is anticipated to be provided from interior streets and lanes. Parking for each development block will be predominantly located below grade.

Land Use, Height and Density consistent with the vision for Cornell Centre,

As noted in the Official Plan subsection of this report, the proposed mixed-use residential land uses with increased density on each development block is generally consistent with the Draft Cornell Secondary Plan Amendment released in September 2015. This supports the role of Cornell Centre as a key development area along the Highway 7 rapid

transit corridor and ensures the 2014 OP principles for sustainable community development are achieved, including the creation of compact and complete communities that achieve transit supportive densities.

Municipal Servicing

While Staff has confirmed that there is sufficient servicing allocation available from the current allocation reserve to accommodate the proposed development shown on the concept plan (Figure 5); servicing allocation will be assigned for mid and high rise development at the site plan stage. This ensures that any assigned allocation reflects the precise number of units proposed on a particular development block. The zoning amendment (Appendix 'B') includes holding provisions for the confirmation of servicing allocation for each development block on the site.

Final approval of the Functional Servicing Report, to the satisfaction of the Director of Engineering will be a condition of draft plan approval (Appendix 'C').

Parkland Dedication and Private Open Space

No parkland is proposed to be dedicated to the City on the subject lands, however the applicant is required to be a member in good standing of the Cornell Landowners Group and through the group's Cost Sharing Agreement the applicant will pay his equitable financial share for the delivery of community infrastructure, including parkland to serve Cornell Centre in accordance with the Cornell Master Parks Agreement.

While CP Capital will contribute towards the delivery of parkland in accordance with the Cornell Master Parks Agreement, it should be noted that parkland dedication for lands along the Highway 7 corridor was not accounted for in the Cornell Master Parks Agreement, as residential densities for this corridor were unconfirmed at the time. However, the agreement does acknowledge that alternative parkland delivery is required for the Highway 7 corridor. Consequently, CP Capital will be required to provide cash-in-lieu of parkland to the City for the Highway 7 block (Block 3, Figure 5), which will be collected at the site plan stage when the precise unit count is confirmed.

Parkland to be Delivered on Adjacent Lands

It is anticipated that a 0.43 ha (1.06 acre) parcel of parkland, as required by the Cornell Master Parks Agreement, will be dedicated through the draft plan of subdivision proposed on adjacent lands to the west submitted by 605918 Ontario Ltd., which will satisfy the landowner's group obligation. This arrangement has been confirmed via a letter dated March 7, 2017 by the planning consultant representing the Owner of the subject lands, and authorized by the owner of the abutting lands to the west, 605918 Ontario Ltd (See Appendix 'D'). Notwithstanding the future public park on lands to the west of the subject development, Planning and Urban Design staff anticipate that additional public parkland will be achieved as part of the development of the vacant lands to the east of the subject development.

Urban Open Space and Parkland Obligations

Additionally, through the site plan process, staff will work with CP Capital to ensure adequate private amenity space is provided on the subject lands. This has been reflected in the draft zoning by-law amendment (Appendix 'B') and on the conceptual site plan (Figure 5) which shows potential locations for private open space in the form of an 'urban Square' on Block 3 and a green space connection through the stacked townhouse block linking the site to abutting future development to the east. The provision of private open space areas provides for tree planting opportunities, as compensation will be required for tree removals on the subject property in line with requirements of the Streetscape Manual, as amended. Staff will work with the applicant to achieve a combination of tree compensation plantings on-site, as feasible and cash-in-lieu contribution to the City's Trees for Tomorrow initiative.

Place of Worship Site

The 2008 Cornell Secondary Plan identified five locations within Cornell for potential place of worship sites, including the subject lands. This was also reflected in the Draft Cornell Secondary Plan Amendment (September 2015). Accordingly, a potential place of worship site is shown symbolically on the subject lands in the proposed Official Plan Amendment (Appendix 'A') and provisions within the Official Plan Amendment and zoning by-law amendment (Appendix 'B') permit places of worship within mixed-use buildings as opposed to reserving an independent site for single worship use.

The provision to permit a place of worship within mixed-use buildings is consistent with the 2008 Cornell Secondary Plan, which encourages alternative locations for a place of worship such as a location in a mixed-use/shared development. Recognizing that Cornell Centre is an intensification area and envisioned to be developed as a regional sub-centre with a range of mid and high rise mixed use buildings, staff are of the opinion that provisions to include a place of worship as part of a mixed-use development allows for greater flexibility in built form and a more efficient use of land that better achieve the vision for Cornell Centre. Provisions to permit a place of worship within mixed use buildings on the subject lands are included in the secondary plan and zoning by-law amendments (See Appendix A and B, respectively).

Toronto Region Conservation Authority

Draft Plan of Subdivision conditions had not been received from Toronto Region Conservation Authority (TRCA) at the time this report was finalized. In an email dated February 28, 2017, the TRCA indicated that the following items need to be addressed by the applicant:

- Clarification of existing and proposed drainage patterns cited in the Functional Servicing Report (FSR), including how the Storm Water Management (SWM) criteria conforms to the Cornell Master Environmental Servicing Plan (MESP) currently being finalized and flow and capacity calculations for the proposed system;
- A preliminary hydrogeological assessment based on the assumed development parameters of the site including information on existing groundwater conditions and proposed construction methods.

As noted, construction of the street network is critical to ensure the YRRTC bus terminal facility can function upon opening day, targeted for early 2018. Approval of the draft plan will create development blocks and establish a fine street grid network, which together with approval of the official plan and zoning by-law amendments align with the policies proposed in the Draft Cornell Secondary Plan update (September 2015). Staff consider that the outstanding items noted above can be required to be addressed to the satisfaction of the TRCA as a condition of draft plan approval, ensuring that these matters are dealt with prior to final registration of the plan of subdivision. Should the development applications be approved, staff propose a draft condition be included requiring TRCA matters are satisfactorily addressed (Appendix 'C') and that the wording of this condition be revised if required by the TRCA prior to final issuance by the City of draft plan approval. The zoning by-law amendment (Appendix 'B') includes Holding provisions, one of which requires TRCA approval of a hydrogeological study prior to removal of the holding provision. Planning staff are of the opinion that the TRCA interests are protected whilst allowing the street and block pattern to be established and construction of the north south road to advance in order to facilitate the bus terminal opening.

Region of York

As noted the approval authority of the Official Plan Amendment has been delegated to the City by the Region of York. The Region has indicated that they do not have any objections to approval of the Draft Plan of Subdivision, subject to their conditions which have been included in Appendix 'C'. A Council resolution is included in the recommendations to advise the Region that the City has no objection to the subject lands being removed from the Deferral 2 area of the 2008 Cornell Secondary Plan (OPA 168) following approval of the Official Plan Amendment.

Cornell Landowners Group Obligations

As noted the applicant is required to enter into and be a participant in good standing of the Cornell Cost Sharing Agreement. A clearance letter from the Trustee of the Cornell Landowners Group is required as a condition of draft plan approval (Appendix 'C') to advise that any outstanding obligations, financial or otherwise, have been addressed prior to final plan registration.

Matters to be addressed in Future Site Plan Applications for each Block

Each block will be subject of future site plan control applications under Section 41 of the Planning Act and will require further consideration, staff recommendation reports and the approval of DSC. The site plan applications will initiate the technical review of proposed development on each block, to assess:

- Site access and configuration for internal traffic circulation;
- Configuration and function of fire access routes and municipal waste collection operations;
- Detailed building siting and exterior elevations, including building materials and determining the appropriate placement of high rise towers on the Highway 7 block;

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- Provision for an appropriate amount of outdoor amenity space, including private open space or urban squares;
 - Pedestrian and cycling connectivity to adjacent development within Cornell Centre;
 - Traffic impacts, mitigation measures and Transit Demand Management (TDM) initiatives;
 - Adequacy of onsite parking;
 - Provision for snow storage and removal;
 - Conformity with Councils LEED silver policy for mid and high rise development, or other equivalent sustainability measures to be incorporated into each development;
 - Provision for Section 37 Community Benefits, including Public Art.
 - Confirmation of servicing allocation and the configuration of internal site servicing;
 - Conformity to the City's Bird Friendly Guidelines.

CONCLUSION

While a number of outstanding matters need to be assessed through the detailed site plan review for each development block, staff support approval of the development applications. Approval of the Draft Plan of Subdivision will establish the street and block pattern envisioned for Cornell Centre. Approval of the Official Plan and Zoning By-law amendments will implement land use and development criteria policies which generally align with the Draft Cornell Secondary Plan released to DSC and the public in September of 2015. Staff recommend approval of the draft plan of subdivision subject to the conditions in Appendix 'C', and approval of the draft official plan and zoning by-law amendments in Appendix 'A' and 'B'.

FINANCIAL CONSIDERATIONS:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

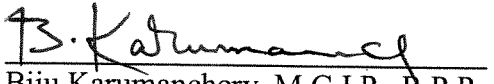
ALIGNMENT WITH STRATEGIC PRIORITIES:

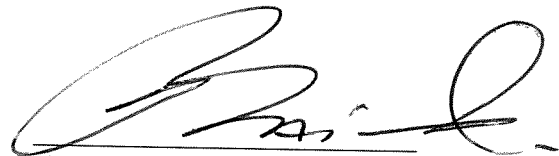
The proposed applications will align with the City's strategic priorities of managing growth and municipal services to ensure safe and sustainable communities by implementing the proposed development in coordination with available servicing allocation.

BUSINESS UNITS CONSULTED AND AFFECTED:

These applications have been circulated to various departments and external agencies. The requirements of the City and external agencies are reflected in this recommendation report and the associated draft conditions of approval in Appendix 'C' attached hereto.

RECOMMENDED BY:


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

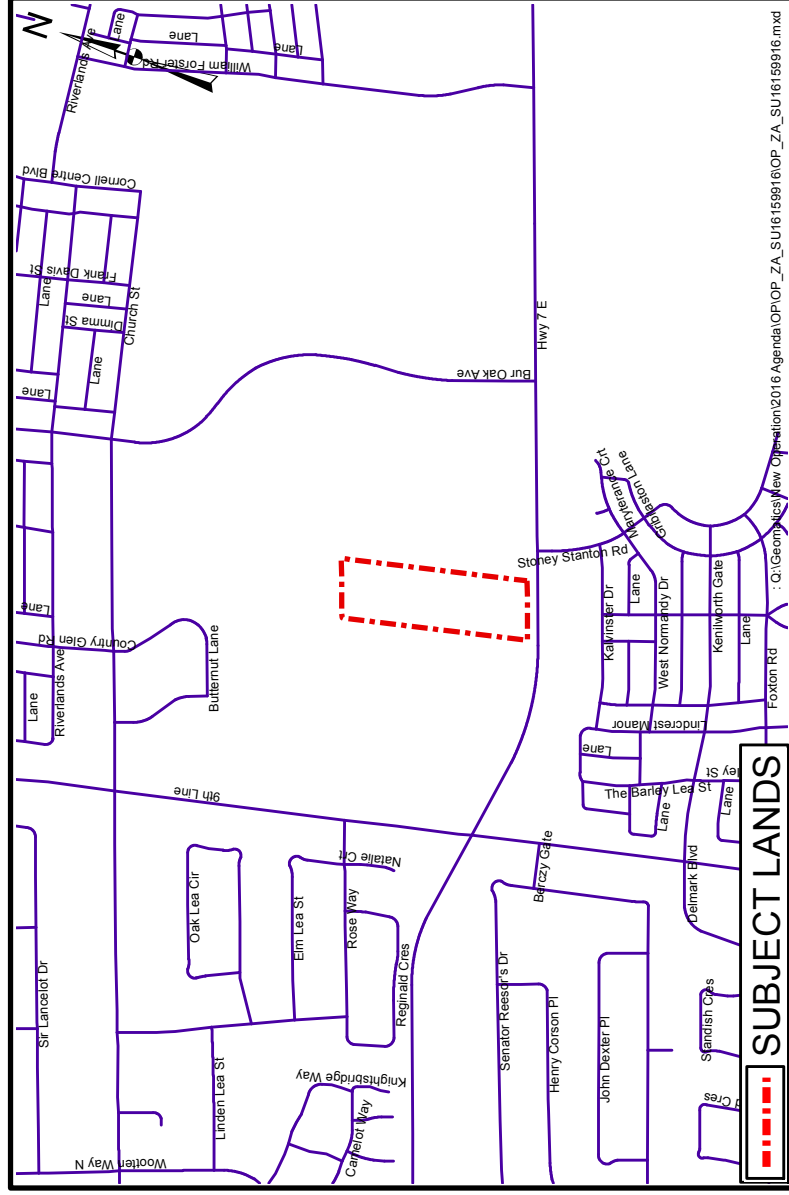

Jim Baird, MCIP, RPP
Commissioner of Development Services

ATTACHMENTS:

Figure 1 – Site Location
Figure 2 – Area Context
Figure 3 –Aerial Photo
Figure 4 – Proposed Draft Plan of Subdivision
Figure 5 – Conceptual Site and Block Plan
Figure 6 – Conceptual Block Elevations
Appendix A – Draft Cornell Secondary Plan Amendment
Appendix B – Draft Zoning By-law Amendment
Appendix C – Draft Conditions of Subdivision Approval
Appendix D –Letter Regarding Parkland Arrangements

OWNER/AGENT:

File path: Amanda\File 16 159916\Documents\Recommendation Report





DRAFT PLAN OF SUBDIVISION

APPLICANT: 2431988 ONTARIO LTD.
NORTH SIDE OF HIGHWAY 7, EAST OF 9th LINE

 SUBJECT LANDS

FILE No. OP,ZA,SU16159916 (SC)

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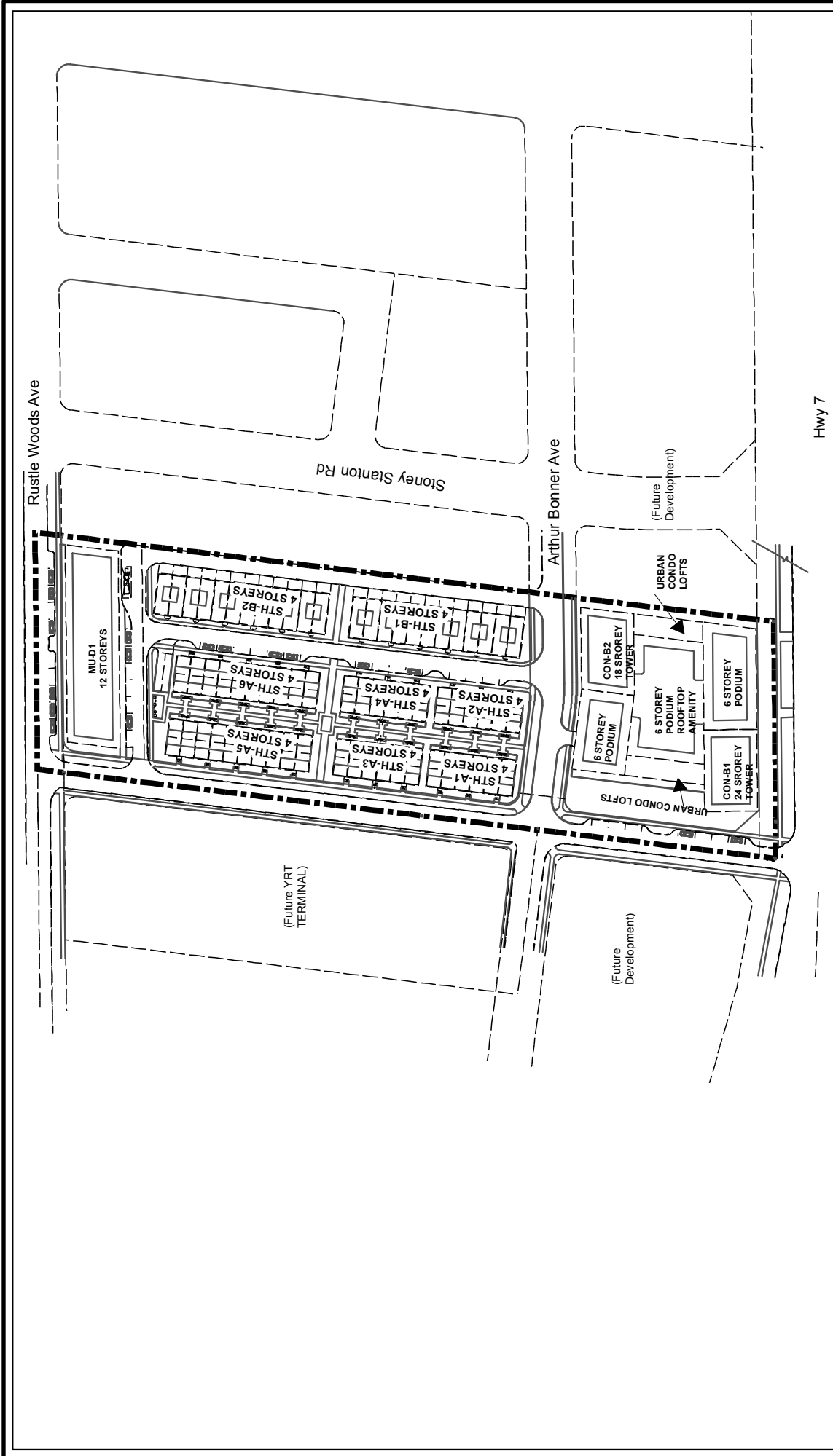
 DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SC

DATE: 23/02/2017


FIGURE No.4



CONCEPT PLAN

APPLICANT: 2431988 ONTARIO LTD.

NORTH SIDE OF HIGHWAY 7, EAST OF 9th LINE

 SUBJECT LANDS

FILE No. OP, ZA, SU16159916 (SC)

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CONCEPTUAL BLOCK ELEVATION PLAN (LOOKING NORTHEAST FROM HWY. 7)

APPLICANT: 2431988 ONTARIO LTD.
NORTH SIDE OF HIGHWAY 7, EAST OF 9th LINE

FILE No. OP.ZA.SU16159916 (SC)

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

To amend the Official Plan (Revised 1987), as amended, and to incorporate Amendment No. 9 to the Cornell Secondary Plan (PD 29-1), as amended, for the Cornell Planning District (Planning District No. 29).

(C.P. Capital Investment Group Inc.)

(March, 2017)

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

To amend the Official Plan (Revised 1987), as amended, and to incorporate Amendment No. 9 to the Cornell Secondary Plan (PD 29-1), as amended, for the Cornell Planning District (Planning District No. 29).

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. 2017 - ____ in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on _____, 2017.

KIMBERLY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

THE CORPORATION OF THE CITY OF MARKHAM

BY-LAW NO. 2017 - _____

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

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

1. THAT Amendment No. XXX to the City of Markham Official Plan (Revised 1987), as amended, attached hereto, is hereby adopted.
2. THAT this by-law shall come into force and take effect on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED ON _____, 2017.

KIMBERLY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

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PART I - INTRODUCTION

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

PART I - INTRODUCTION

1.0 GENERAL

- 1.1** PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2** PART II - THE OFFICIAL PLAN AMENDMENT constitutes Official Plan Amendment No. XXX to the Official Plan (Revised 1987), as amended, and is required to enact Amendment No. 9 to the Cornell Secondary Plan (PD 29-1), as amended, for the Cornell Planning District (Planning District No. 29). Part II is an operative part of this Official Plan Amendment.
- 1.3** PART III - THE SECONDARY PLAN AMENDMENT including Schedules “A” and “B” attached thereto, constitutes Amendment No. 9 to the Cornell Secondary Plan (PD 29-1), as amended, for the Cornell Planning District (Planning District No. 29). This Secondary Plan Amendment may be identified by the symbol PD 29-1-9. Part III is an operative part of this Official Plan Amendment.

2.0 LOCATION

This Amendment to the Official Plan (Revised 1987), as amended, and to the Cornell Secondary Plan (PD 29-1), as amended, applies to a parcel of land having an approximate area of 3.03 ha, located on the north side of Highway in the Cornell Planning District, as shown on the Key Map attached to Part I of this Official Plan Amendment, and more specifically on Schedule “A” attached to Part III of this Official Plan Amendment.

3.0 PURPOSE

The purpose of this Official Plan Amendment is to permit residential and mixed use developments with a range of building heights and densities on the subject lands. More specifically, the Official Plan Amendment permits multiple dwelling buildings and apartment buildings which range from 4 storeys to 24 storeys in height. It is anticipated that the apartment buildings will include non-residential uses at grade, including retail, restaurant, service and office uses.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

The subject lands are located within the Deferral 2 area in the Cornell Secondary Plan (PD 29-1), as amended. The policies of the previous 1995 Cornell Secondary Plan (OPA 20) remain applicable until the lands are removed from the ‘Deferral 2’ area.

The applicant has submitted an Official Plan Amendment requesting that the subject lands be brought into the current 2008 Cornell Secondary Plan (PD 29-1), to facilitate a mixed use development containing multiple unit buildings and apartment buildings comprised of various heights and densities. To reflect the emerging City-led comprehensive review of the secondary plan policies for Cornell Centre and the September 2015 draft Cornell Secondary Plan presented to Development Services Committee, three new land use designations are proposed for the subject lands, as follows:

- Mixed Use High Rise Rustle Woods Avenue;
- Residential High Rise I; and
- Residential High Rise II.

Approval of the Official Plan Amendment to designate the subject lands as noted above will facilitate residential and mixed use development that aligns with the use permissions outlined in the draft Cornell Secondary Plan (September 2015). With respect to built form, the proposed development generally conforms to this emerging policy framework with the exception of modifications to building height adjacent to Highway 7 from a maximum of 18 storeys to a maximum of 24 storeys. This is reflected as a site specific policy for these lands. Staff support the proposal and are of the opinion that it reflects the anticipated vision for Cornell Centre, and that the Official Plan Amendment constitutes good land use planning principles and is in the public interest.

While the Region of York has delegated approval authority for the Official Plan Amendment to the City of Markham, the Region has retained its approval authority with respect to the Deferral 2 area in the current Cornell Secondary Plan (PD 29-1). Following Council adoption of the Official Plan Amendment, the City will request the Region remove the subject lands from the Deferral 2 area.

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

PART II - THE OFFICIAL PLAN AMENDMENT

1.0 THE OFFICIAL PLAN AMENDMENT

- 1.1** Section 1.1.2 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.
- 1.2** Section 1.1.3(c) of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments listed in the second sentence of the bullet item dealing with the Cornell Secondary Plan (PD 29-1), as amended, for the Cornell Planning District, to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.3** Section 9.2.13 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.4** No additional changes to the text or schedules of the Official Plan (Revised 1987), as amended, are being made by this Amendment. This Amendment is being made to the text of the Cornell Secondary Plan (PD 29-1), as amended, for the Cornell Planning District (Planning District No. 29). These changes are outlined in Part III, which comprises Amendment No. 9 to the Cornell Secondary Plan (PD 29-1).

2.0 IMPLEMENTATION AND INTERPRETATION

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

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

This Amendment to the Official Plan (Revised 1987), as amended, is exempt from the approval by the Region of York in so far as it affects this amending document. The Region has retained its approval authority with respect to the Deferral 2 area in the Cornell Secondary Plan (PD 29-1). Following adoption, the City will request the region to remove the subject lands from the Deferral 2 area. Notice of Council’s decision will

be given in accordance with the Planning Act, and the decision of Council is final once the Region approves the removal of the subject lands from the Deferral 2 area, and proved that a notice of appeal is not received before or on the last day for filing an appeal.

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

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PART III - THE SECONDARY PLAN AMENDMENT (PD 29-1-9)
(This is an operative part of Official Plan Amendment No. XXX)

PART III - THE SECONDARY PLAN AMENDMENT (PD 29-1-9)

1.0 THE SECONDARY PLAN AMENDMENT

(Amendment No. 9 to the Cornell Secondary Plan PD 29-1)

The Cornell Secondary Plan (PD 29-1) for the Cornell Planning District is hereby amended as follows:

- 1.1 Section 6.1.1 b) of the Cornell Secondary Plan (PD 29-1) is hereby amended by adding the following land use designations:
 - ‘Mixed Use High Rise Rustle Woods Avenue’
 - ‘Residential High Rise I’
 - ‘Residential High Rise II’
- 1.2 The Cornell Secondary Plan (PD 29-1) is hereby amended by adding Sections 6.3.8 Mixed Use High Rise Rustle Woods Avenue; 6.3.9 Residential High Rise I; and 6.3.10 Residential High Rise II, as follows, and by adding Figure 29-1-9 as shown on Schedule “A” attached hereto, to be appropriately placed on the first page following Section 6.3.8.

“6.3.8 Mixed Use High Rise Rustle Woods Avenue

The ‘Mixed Use High Rise Rustle Woods Avenue’ designation applies to lands on the south side of Rustle Woods Avenue, as shown on Figure 29-1-9. This designation provides for office, commercial and high density residential uses in proximity to the Cornell Community Centre, the Regional Transit Terminal and Health Care Campus. Development fronting onto Rustle Woods Avenue is to exhibit a secondary main street built form that ensures commercial uses are provided for on the ground floor of the multi-storey mixed use building built form.

6.3.8.1 Uses

Subject to Section 6.3.8.4 Development Criteria, lands within this designation may be zoned to permit the following in mixed use multi-storey buildings:

- a) banquet hall, within a hotel or trade and convention centre;
- b) commercial fitness centre;
- c) commercial school;
- d) community college or university;
- e) day care centres, subject to the provisions of Section 6.7.6;
- f) dwelling units, including home occupations;
- g) financial institution;
- h) hotel;
- i) office;
- j) place of entertainment;
- k) place of worship, subject to the provisions of Section 6.7.5

- l) private club;
- m) private school;
- n) restaurant;
- o) retail;
- p) service uses, with the exception of motor vehicle service stations and commercial storage facilities;
- q) shared housing; and
- r) trade school;

6.3.8.2 Building Types

The following building types are provided for:

- a) multi-storey mixed use building

6.3.8.3 Heights and Densities

- a) The minimum height of buildings shall be four (4) storeys and the maximum height shall be twelve (12) storeys.
- b) The minimum Floor Space Index of a mixed use building shall be 2.0.

6.3.8.4 Development Criteria

In addition to the urban design policies in Section 7.0, the following policies apply:

- a) Individual retail premises shall generally not exceed a gross floor area of 850.0 square metres;
- b) Notwithstanding Section 6.7.5, a place of worship may be located on the first and second storey of a mixed use building;
- c) Any residential uses or accessory residential uses on the ground floor of a mixed use building shall not exceed 25%, and no case shall exceed 45% of the ground floor gross area.
- d) Dwelling units shall not be located on the first storey of a mixed use building.
- e) Buildings should generally be placed on a site to have a continuous street frontage with a consistent setback in order to provide for continuity in built form along a public street.
- f) Development shall address and animate the Rustle Woods Avenue frontage, including the provision of primary building entrances and facades on this street.

- g) Building placement and articulation of the building facade will be provided in accordance with the urban design policies of this Plan, and as further articulated in the Precinct Plan.
- h) Structured parking and/or underground parking shall be encouraged in place of surface parking.
- i) Surface parking shall not be permitted adjacent to Rustle Woods Avenue.
- j) Vehicular access to buildings shall be restricted to interior streets or lanes.
- k) Loading and parking facilities shall be screened from public view and buffered so as to reduce impacts on adjacent residential uses.”

“6.3.9 Residential High Rise I

The ‘Residential High Rise I’ designation applies to lands on the north side of Arthur Bonner Avenue, as shown on Figure 29-1-9. This designation anticipates high density residential development in proximity to the Cornell Community Centre, the Regional Transit Terminal, Health Care Campus and mixed use designations along Rustle Woods Avenue. It provides for stacked townhouses and apartment buildings, with provisions to permit non-residential uses on the ground floor or apartment buildings.

6.3.9.1 Uses

Subject to Section 6.3.9.4 Development Criteria, lands within this designation may be zoned to permit dwelling units, including home occupations and shared housing. The lands within this designation may also be zoned to permit the following on the ground floor of an apartment building:

- a) commercial fitness centre;
- b) commercial school;
- c) day care centres, subject to the provisions of Section 6.7.6;
- d) financial institution;
- e) office;
- f) private school;
- g) place of worship, subject to the provisions of Section 6.7.5;
- h) retail; and
- i) service uses, with the exception of motor vehicle service stations and commercial storage facilities; and
- j) trade school.

6.3.9.2 Building Types

The following building types are provided for:

- a) stacked townhouse; and
- b) apartment building

6.3.9.3 Heights and Densities

- a) The minimum height of buildings shall be four (4) storeys and the maximum height shall be twelve (12) storeys. For the purpose of this section, stacked townhouse buildings shall be deemed to meet a minimum four (4) storey requirement provided habitable space is located below grade.
- b) The minimum Floor Space Index of residential building shall be 2.0.
- c) Notwithstanding Section 6.1.e) ii), the area of internal local public roads, private roads, public lanes or private lanes shall not be included in the calculation of Floor Space Index.

6.3.9.4 Development Criteria

In addition to the urban design policies in Section 7.0, the following policies apply:

- a) Individual retail premises shall generally not exceed a gross floor area of 850.0 square metres;
- b) Any residential uses or accessory residential uses on the ground floor of an apartment building shall not exceed 25%, and no case shall exceed 45% of the ground floor gross area.
- c) Dwelling units shall not be located on the first storey of an apartment building.
- d) Buildings should generally be placed on a site to have a continuous street frontage with a consistent setback in order to provide for continuity in built form along a public street.
- e) Development shall address and animate public street frontages, including the provision of primary entrances and facades on these streets.
- f) Building placement and articulation of the building facade will be provided in accordance with the urban design policies of this Plan, and as further articulated in the Community Design Plan.
- g) Structured parking and/or underground parking shall be encouraged in place of surface parking.
- h) Surface parking shall not be permitted adjacent to public streets.

- i) Access shall be restricted to interior streets or lanes.
- j) Loading and parking facilities shall be screened from public view and buffered so as to reduce impacts on adjacent residential uses.”

“6.3.10 Residential High Rise II

The ‘Residential High Rise II’ designation applies to lands on the north side of Highway 7 East and south side of Arthur Bonner Avenue, as shown on Figure 29-1-9. This designation anticipates high density residential development in proximity to the Cornell Community Centre, the Regional Transit Terminal, Health Care Campus and the future Highway 7 transit way. It provides for high rise apartment buildings containing retail, restaurant and service uses at grade.

6.3.10.1 Uses

Subject to Section 6.3.10.4 Development Criteria, lands within this designation may be zoned to permit dwelling units, including home occupations and shared housing. The lands within this designation may also be zoned to permit the following on the ground floor of an apartment building:

- a) commercial fitness centre;
- b) commercial school;
- c) day care centres, subject to the provisions of Section 6.7.6;
- d) financial institution;
- e) office;
- f) private school;
- g) place of worship, subject to the provisions of Section 6.7.5;
- h) retail; and
- i) service uses, with the exception of motor vehicle service stations and commercial storage facilities; and
- j) trade school.

6.3.10.2 Building Types

The following building types are provided for:

- a) Apartment buildings

6.3.10.3 Heights and Densities

- a) The minimum height of buildings shall be six (6) storeys and the maximum height shall be twenty-four (24) storeys.
- b) The minimum Floor Space Index of a mixed use building shall be 2.5.

6.3.10.4 Development Criteria

In addition to the urban design policies in Section 7.0, the following policies apply:

- a) Individual retail premises shall generally not exceed a gross floor area of 850.0 square metres;
- b) Notwithstanding Section 6.7.5 , a place of worship may be located on the first and second storey of a mixed use building;
- c) Any residential uses or accessory residential uses on the ground floor of a mixed use building shall not exceed 25%, and no case shall exceed 45% of the ground floor gross area.
- d) Dwelling units shall not be located on the first storey of an apartment building.
- e) Buildings should generally be placed on a site to have a continuous street frontage with a consistent setback in order to provide for continuity in built form along a public street.
- f) Development shall address and animate the Highway 7 frontage, including the provision of primary entrances and facades on this street.
- g) Building placement and articulation of the building facade will be provided in accordance with the urban design policies of this Plan, and as further articulated in the Community Design Plan.
- h) Structured parking and/or underground parking shall be encouraged in place of surface parking.
- i) Surface parking shall not be permitted adjacent Highway 7.
- j) Access shall be restricted to interior streets or lanes.
- k) Loading and parking facilities shall be screened from public view and buffered so as to reduce impacts on adjacent residential uses.
- l) The tower portion of buildings above eight (8) storeys shall have a maximum floor plate of 800 square metres.”

1.3 Schedules ‘AA’ – DETAILED LAND USE, ‘CC’ – DEVELOPMENT BLOCKS and Appendix 3 – DEVELOPMENT BLOCKS of the Cornell Secondary Plan (PD 29-1) are hereby amended by redesignating the subject lands, as shown on Schedule “B” attached hereto, as follows:

- a) From ‘Residential Neighbourhood – Cornell Centre’
To ‘Mixed Use High Rise Rustle Woods Avenue’;

- b) From 'Residential Neighbourhood – Cornell Centre'
To 'Residential High Rise I;
- c) From 'Avenue 7 Corridor – Mixed Residential'
To 'Residential High Rise II'

2.0 IMPLEMENTATION AND INTERPRETATION

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

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

This Amendment to the Official Plan (Revised 1987), as amended, is exempt from the approval by the Region of York in so far as it affects this amending document. The Region has retained its approval authority with respect to the Deferral 2 area in the Cornell Secondary Plan (PD 29-1). Following adoption, the City will request the region to remove the subject lands from the Deferral 2 area. Notice of Council's decision will be given in accordance with the Planning Act, and the decision of Council is final once the Region approves the removal of the subject lands from the Deferral 2 area, and provided that a notice of appeal is not received before or on the last day for filing an appeal.

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

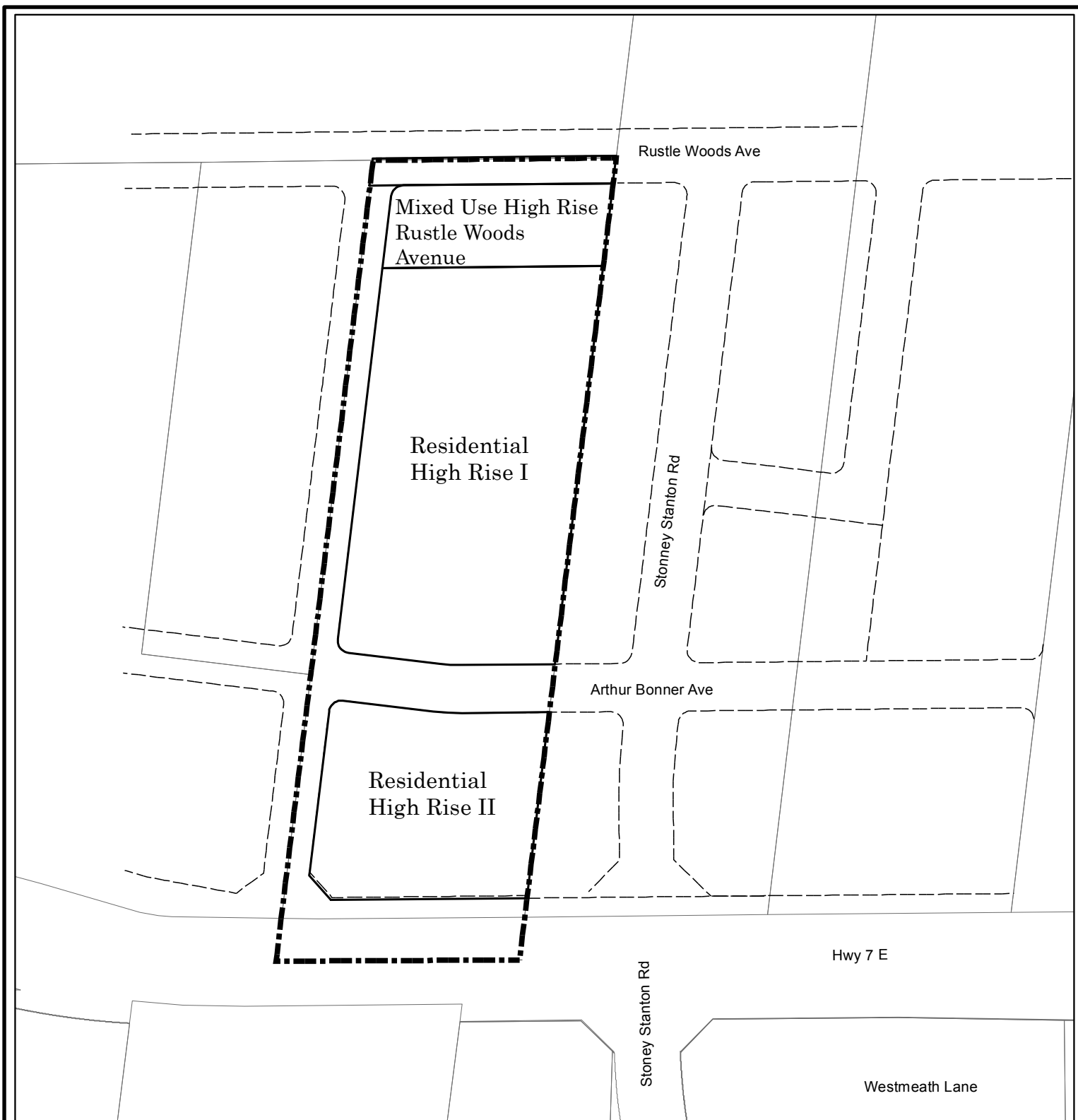


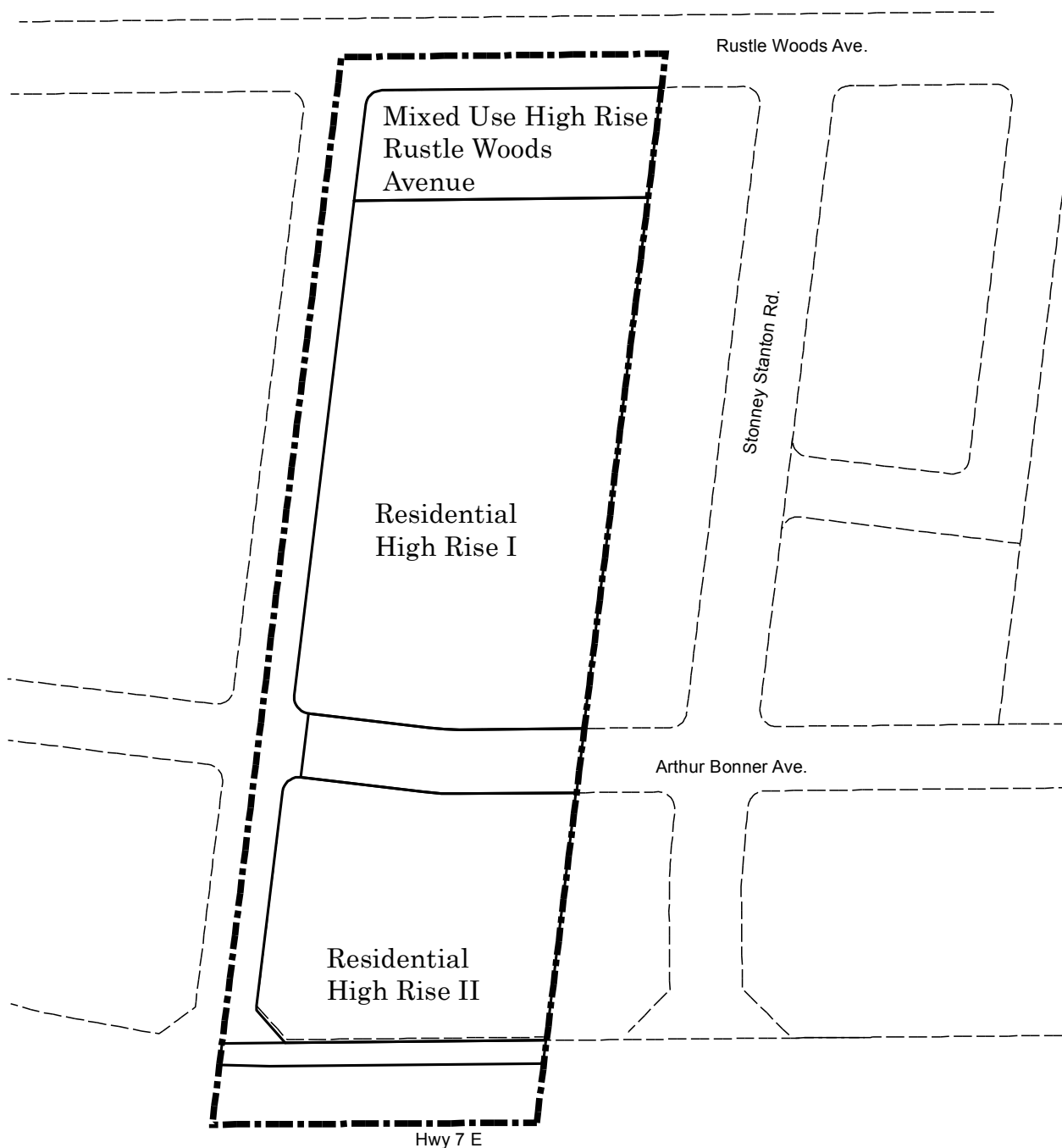
FIGURE No. 29-1-9
to the Cornell Secondary Plan (PD - 29-1)



Boundary of area covered by this Amendment
and subject to the policies in sections 6.3.8, 6.3.9 and 6.3.10

Land use designations : Mixed Use Rustle Woods Avenue; Residential High Rise I ;
Residential High Rise II





AMENDMENT TO SCHEDULES 'AA' - DETAILED LAND USE,
 "CC" - DEVELOPMENT BLOCKS, and APPENDIX 3 - DEVELOPMENTS BLOCKS
 OF THE CORNELL SECONDARY PLAN (PD 29-1) FOR THE CORNELL PLANNING DISTRICT
 (PLANNING DISTRICT No.29)

--- BOUNDARY OF AREA COVERED BY THIS AMENDMENT

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DEVELOPMENT SERVICES COMMISSION

SCHEDULE "B" TO OPA No. XXX

PD 29-1-9

Drawn By: CPW
 Checked By: SC

SCALE: NTS
 DATE: 08/03/2017



BY-LAW 2017-____

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

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

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

Community Amenity Two*569 Holding [(CA2*569)(H)] Zone
Residential Three*570 Holding [(R3*570)(H)] Zone
Community Amenity Two*571 Holding [(CA2*571)(H)] Zone

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

Exception 7.569	CP Capital Inc. North of Highway 7 and west of Bur Oak Avenue	Parent Zone CA2
File ZA 16 159916		Amending By-law 2017-____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *569 on the schedules to this By-law.		
7.569.1 Only Permitted Uses		
The following are the only permitted uses:		
a)	Apartment Dwellings	
b)	Art Galleries within the first two storeys of a building containing apartment dwellings and on any floor of an office building	
c)	Business Offices within the first two storeys of a building containing apartment dwellings and on any floor of an office building	
d)	Commercial Fitness Centres within the first two storeys of a building containing apartment dwellings and on any floor of an office building	
e)	Child Care Centre within the first storey of a building containing apartment dwellings or an office building	
f)	Financial Institutions within the first two storeys of a building containing apartment dwellings and on any floor of an office building	
g)	Home Occupations	
h)	Medical Offices within the first two storeys of a building containing apartment dwellings and on any floor of an office building	
i)	Non-Profit Fitness Centres within the first two storeys of a building containing apartment dwellings and on any floor of an office building	
j)	Personal Service Shops within the first two storeys of a building containing apartment dwellings and on any floor of an office building	
k)	Places of Worship within the first two storeys of a building containing apartment dwellings and on any floor of an office building	
l)	Private Clubs within the first two storeys of a building containing apartment dwellings and on any floor of an office building	
m)	Home Childcare	
n)	Repair Shops within the first two storeys of a building containing apartment dwellings and on any floor of an office building	
o)	Restaurants within the first two storeys of a building containing apartment dwellings and	

	on any floor of an <i>office building</i> ;
p)	<i>Schools, Commercial</i> within the first two storeys of a <i>building</i> containing <i>apartment dwellings</i> and on any floor of an <i>office building</i>
q)	<i>Trade and Convention Centres</i> within the first two storeys of <i>building</i> containing apartment dwellings or an <i>office building</i>
7.569.2 Special Zone Standards	
The following special zone standards shall apply:	
a)	<i>Minimum Building</i> setback from a <i>streetline</i> – 3.0 metres
b)	<i>Minimum Building</i> setback from the south and east <i>lot lines</i> – 6.0 metres
c)	<i>Minimum Building Height</i> – 12.0 metres
d)	<i>Maximum Building Height</i> – 40.0 metres
e)	<i>Minimum number of storeys</i> – 4
f)	<i>Maximum number of storeys</i> – 12
g)	The provisions of Table B7 (Part 2 of 4) are not applicable
h)	<i>Driveway access</i> is not permitted onto Rustle Woods Avenue
i)	<i>Minimum</i> setback for an underground <i>parking garage</i> to any <i>lot line</i> – 0.5 m

Exception 7.570	CP Capital Inc. North of Highway 7 and west of Bur Oak Avenue	Parent Zone R3
File ZA 16 159916		Amending By-law 2017-____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *570 on the schedules to this By-law.		
7.570.1 Only Permitted Uses		
The following are the only permitted uses:		
a)	Multiple Dwellings	
b)	Home Occupations	
c)	Home Childcare	
7.570.2 Special Zone Standards		
The following special zone standards shall apply:		
a)	Minimum Lot Frontage – Not Applicable	
b)	Minimum Building setback to the west lot line – 3.0 metres, except that: i) porches and landings are permitted to encroach provided they are setback a minimum of 0.6 metres from a streetline; and ii) stairs accessing a porch or landing are permitted to encroach provided they are setback a minimum of 0.3 metres from a streetline	
c)	Minimum Building setback from the east lot line – 6.0 metres	
d)	Minimum distance between buildings above established grade - 3.0 metres	
e)	Minimum Front Yard – 2.4 metres	
f)	Minimum Rear Yard – Not Applicable	
g)	Minimum Building Height – 12 metres	
h)	A minimum area of 700 m ² is required as accessory outdoor amenity space excluding balconies and rooftop areas	
i)	Maximum number of dwelling units – 270	
j)	Minimum setback for an underground parking garage to any lot line – 0.5 m	

Exception 7.571	CP Capital Inc. North of Highway 7 and west of Bur Oak Avenue	Parent Zone CA2
File ZA 16 159916		Amending By-law 2017-____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *571 on the schedules to this By-law.		
7.571.1 Only Permitted Uses		
The following are the only permitted uses:		
a)	<i>Apartment Dwellings</i>	
b)	<i>Art Galleries</i> within the first two storeys of a <i>building</i> containing <i>apartment dwellings</i> and on any floor of an <i>office building</i>	
c)	<i>Business Offices</i> within the first two storeys of a <i>building</i> containing <i>apartment dwellings</i> and on any floor of an <i>office building</i>	
d)	<i>Commercial Fitness Centres</i> within the first two storeys of a <i>building</i> containing <i>apartment dwellings</i> and on any floor of an <i>office building</i>	
e)	<i>Child Care Centre</i> within the first storey of a <i>building</i> containing <i>apartment dwellings</i> or an <i>office building</i>	
f)	<i>Financial Institutions</i> within the first two storeys of a <i>building</i> containing <i>apartment dwellings</i> and on any floor of an <i>office building</i>	
g)	<i>Home Occupations</i>	
h)	<i>Medical Offices</i> within the first two storeys of a <i>building</i> containing <i>apartment dwellings</i> and on any floor of an <i>office building</i>	

i)	<i>Non-Profit Fitness Centres</i> within the first two storeys of a <i>building</i> containing <i>apartment dwellings</i> and on any floor of an <i>office building</i>
j)	<i>Personal Service Shops</i> within the first two storeys of a <i>building</i> containing <i>apartment dwellings</i> and on any floor of an <i>office building</i>
k)	<i>Places of Worship</i> within the first two storeys of a <i>building</i> containing <i>apartment dwellings</i> and on any floor of an <i>office building</i>
l)	<i>Private Clubs</i> within the first two storeys of a <i>building</i> containing <i>apartment dwellings</i> and on any floor of an <i>office building</i>
m)	<i>Home Childcare</i>
n)	<i>Repair Shops</i> within the first two storeys of a <i>building</i> containing <i>apartment dwellings</i> and on any floor of an <i>office building</i>
o)	<i>Restaurants</i> within the first two storeys of a <i>building</i> containing <i>apartment dwellings</i> and on any floor of an <i>office building</i>
p)	<i>Schools, Commercial</i> within the first two storeys of a <i>building</i> containing <i>apartment dwellings</i> and on any floor of an <i>office building</i>
q)	<i>Trade and Convention Centres</i> within the first two storeys of <i>building</i> containing <i>apartment dwellings</i> or an <i>office building</i>
7.571.2 Special Zone Standards	
The following special zone standards shall apply:	
a)	<i>Minimum Building</i> setback from a <i>streetline</i> – 3.0 metres
b)	<i>Minimum Building</i> setback from the east <i>lot line</i> – 6.0 metres
c)	<i>Minimum Building Height</i> – 20 metres
d)	<i>Minimum</i> number of storeys – 6
e)	<i>Maximum Building Height</i> – 80 metres, except the <i>Maximum Building Height</i> : i) within 6.0 metres of the Arthur Bonner Avenue <i>streetline</i> is 24 metres; and ii) between 6.0 metres to 40.0 metres of the Arthur Bonner <i>streetline</i> is 60.0 metres
f)	<i>Maximum</i> number of <i>storeys</i> – 24, except the <i>Maximum</i> number of <i>Storeys</i> : i) within 6.0 metres of the Arthur Bonner Avenue <i>streetline</i> is 8; and ii) between 6.0 metres to 40.0 metres of the Arthur Bonner Avenue <i>streetline</i> is 18
g)	The provisions of Table B7 (Part 2 of 4) are not applicable
h)	<i>Driveway access</i> is not permitted onto <i>Highway 7 East</i> ; and
i)	A <i>minimum</i> area of 1,000 m ² is required as <i>accessory outdoor amenity space</i> excluding balconies and rooftop areas
j)	<i>Minimum</i> setback for an underground <i>parking garage</i> to any <i>lot line</i> – 0.5 m

4. SECTION 37 CONTRIBUTION

- 4.1 A contribution by the Owner to the City of facilities, services, or matters in accordance with Section 37 of the Planning Act, as amended, shall be required. 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.

5. HOLDING PROVISION

- 5.1 For the purpose of this By-law, a Holding (H) provision is hereby established and is identified on Schedule ‘A’ attached hereto by the letter (H) in parenthesis following the zoning symbols.
- 5.2 No person shall hereafter erect or alter any building or structure on lands subject to the Holding (H) provision for the purpose permitted under this By-law until amendment(s) to this By-law to remove the letter (H) have come into effect pursuant to the provisions of Section 36 of the Planning Act.
- 5.3 A Zoning By-law Amendment to remove the Holding (H) symbol from the lands shown on Schedule “A” shall not be passed until the following conditions have been met:
- An agreement to secure the Section 37 contribution has been executed by the City and the Owner for that part of the lands shown on Schedule “A” from which the Holding (H) symbol is proposed to be removed;
 - The City has confirmed that servicing allocation for the number of residential units proposed is available ; and

- c) That a hydrogeological assessment to support development has been submitted and approved to the satisfaction of the City and Toronto Region Conservation Authority

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

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

AMANDA File No. ZA 16 159916

DRAFT



EXPLANATORY NOTE

BY-LAW 2017-____

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

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

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

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

C.P. Capital Inc.

North of Highway 7 and west of Bur Oak Avenue

ZA 16 159916

Lands Affected

The proposed by-law amendment applies to a parcel of land with an approximate area of 3.03. hectares, which is located north of Highway 7 and west of Bur Oak Avenue in the Cornell Community.

Existing Zoning

The subject lands are zoned Rural Residential Four (RR4) under By-law 304-87, as amended.

Purpose and Effect

The purpose and effect of this By-law is to remove the subject lands from the designated area of By-law 304-87, as amended, to be incorporated into the designated area of By-law 177-96, as amended by rezoning them into the following zone categories:

Community Amenity Two*569 Holding [(CA2*569)(H)] Zone

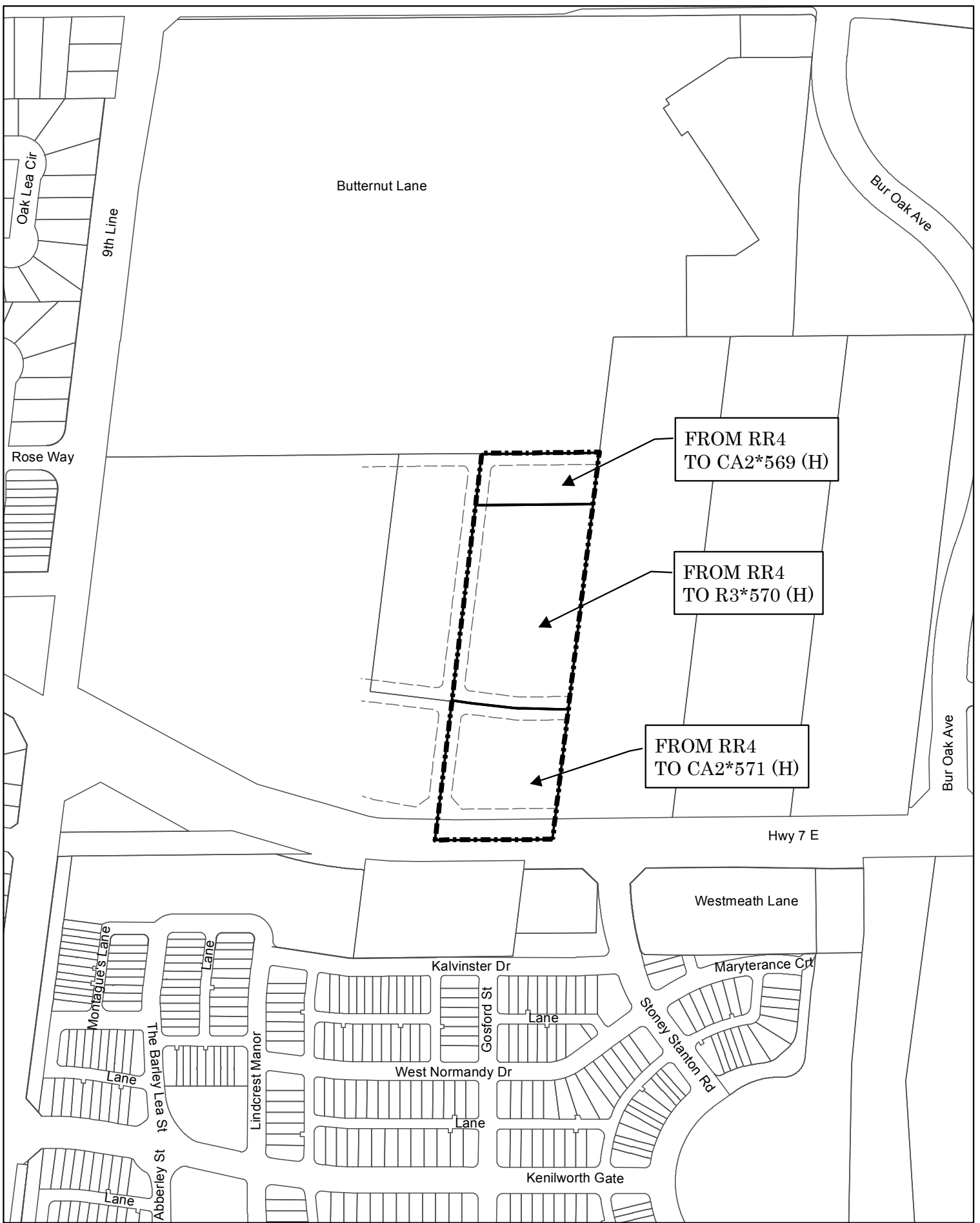
Residential Three*570 Holding [(R3*570)(H)] Zone

Community Amenity Two*571 Holding [(CA2*571)(H)] Zone

in order to permit the use of the lands for mixed use high rise apartment buildings on the lands zoned Community Amenity Two*569 and Community Amenity Two*571, and stacked townhouses on the lands zoned Residential Three*570.


Note Regarding Further Planning Applications on this Property

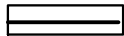
In accordance with Section 45(1.3) and 45(1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended on July 1, 2016 through the enactment of Bill 73, no person shall apply for a minor variance from the provisions of the by-law in respect of land, building or structure before the second anniversary of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



SCHEDULE "A" TO BY-LAW

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

 BOUNDARY OF AREA COVERED BY THIS SCHEDULE
TO BE DELETED FROM 304-87 AND ADDED TO 177-96

 BOUNDARY OF ZONE DESIGNATION(S)

CA2	Community Amenity Two	RR4	Rural Residential Four	(H)	Holding Provision
R3	Residential Three	*No.	Exception Section Number		

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

**THE CONDITIONS OF THE CITY OF MARKHAM TO BE SATISFIED PRIOR TO
RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TM-16003
(C.P. Capital Investment Group Inc.)**

1. General

- 1.1 Approval shall relate to a draft plan of subdivision prepared by prepared by Larkin + Land Use Planners, identified as, Drawing Number DPS 1.0, dated March 18, 2016, incorporating the following redline revisions:
- Provide 0.30m reserve at the east end of Block 6 and Block 4
 - Provide 0.30m reserve on Block 4 and 5 along the limits of Block 1
 - Block 6 should be called as Street “xxx”
 - Provide 0.30m reserves on Block 6 and Block 5 along the limits of Block 3.
 - Create separate blocks for lands (including daylight triangle) to be conveyed to Region of York (the “Region”)
 - Any other revisions to accommodate the requirements and or conditions of the Toronto Region Conservation Authority.
- 1.2 This draft approval shall apply for a maximum period of three (3) years from date of approval by the Council of the City of Markham, and shall accordingly lapse on March 21, 2020 unless extended by the City upon application by the Owner.
- 1.3 The Owner agrees to enter into a construction agreement and/or encroachment agreement or any other agreement deemed necessary to permit construction of services, roads, stormwater management facilities or any other services that are required external to the plan of subdivision and that are required to service the proposed development, to the satisfaction of the Director of Engineering and the City Solicitor.
- 1.4 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, Master Environment Servicing Plan (MESP), Transportation Impact Assessment Study, Functional Traffic Design Study, Stormwater Management Study, Functional Servicing Report, Noise Impact Study, Hydrogeological report, confirmation of alignment of roads with the locations shown in the draft approved plans, as well as any comments and conditions received from municipal departments and external agencies after draft approval is granted.
- 1.5 The Owner acknowledges and understands that prior to final approval of this draft plan of subdivision, amendments to Zoning By-laws 304-87 and 177-96, both as amended, shall have come into effect in accordance with the provisions of the Planning Act.

1.5 Prior to or concurrent with draft plan approval, the owner shall enter into an agreement with the City of Markham, which agreement shall be registered on title, committing the owner to:

- A. Not enter into any agreements of purchase and sale with end users (*) for the subject lands until such time as:
 - a. i. The Council of the City of Markham has allocated, within the limit of the Regional capacity assignment, adequate available water and wastewater servicing capacities to the subject development; and,
 - ii. York Region has advised in writing that it is no earlier than twelve (12) months prior to the expected completion of all water and wastewater infrastructure required to support the Region's capacity assignment pertaining to the City of Markham allocation used for the subject development;

or

- b. the City of Markham approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure;

or

- c. the Regional Commissioner of Environmental Services and the City of Markham confirm servicing capacity for this development by a suitable alternative method and the City of Markham allocates the capacity to this development.

AND

- B. Not enter into any agreements of purchase and sale with non-end users for the subject lands unless the agreement of purchase and sale contains a condition that requires the purchaser and any subsequent purchasers to enter into a separate agreement with the City of Markham. This agreement shall be registered on title, committing the owner to the same terms as set out in item A above.

1.6 Prior to registration of the draft plan the owner shall enter into an indemnity agreement with York Region. The agreement shall be registered on title, agreeing to save harmless York Region from any claim or action as a result of York Region releasing conditions and pre-conditions of draft approval as part of the draft approval of Plan of Subdivision 19T-16003 or any phase thereof by the City of Markham, including, but not limited to claims or actions resulting from, water or sanitary sewer service not being available when anticipated. The agreement shall include a provision that requires all subsequent purchasers of the subject lands, who are not end users, to enter into a separate agreement with York Region as a condition of the agreement of purchase and sale, agreeing to indemnify York Region on the same terms and conditions as the owner.

1.7 For all lands, the Holding (H) provisions of Section 36 of the *Ontario Planning Act* shall be used in conjunction with all residential zone categories in order to ensure that final plan approval and development of these lands does not occur until such time as the Holding (H) symbol is removed in accordance with the provisions of the *Ontario*

Planning Act. The Zoning Bylaw shall specify the terms under which Council may consider the removal of the Holding (H) symbol. Said terms shall include a minimum of the following:

- the City of Markham approves a transfer of servicing allocation to this development that is not dependent upon the completion of infrastructure; or,
- York Region has advised in writing that the required infrastructure to support the capacity assignment associated with this development will be completed within a time period acceptable to the Region (usually 6 months to 36 months depending on the complexity of the development) to permit the plan registration; or,
- the Regional Commissioner of Environmental Services confirms servicing allocation for this development by a suitable alternative method and the City of Markham allocates the capacity to this development.

(*) the term 'end users', for the purpose of the above-noted pre-conditions, is defined as the eventual homeowner who is purchasing a dwelling for the purpose of occupancy.

2. Roads

- 2.1 The road allowances within the draft plan shall be named to the satisfaction of the City and York Region.
- 2.2 The road allowances within the draft plan shall be dedicated as public highway, free of all costs and encumbrances.
- 2.3 The Owner shall covenant and agree in the subdivision agreement that the public highways shall be designed and constructed in accordance with established municipal standards to the satisfaction of the City (Commissioner of Development Services).
- 2.4 The Owner shall convey the following 0.3 m reserves to the City, free of all costs and encumbrances, upon registration of the plan of subdivision.
 - 0.30 m reserve at the east end of Block 6 and Block 4
 - 0.30 m reserve on Block 4 and 5 along the limits of Block 1
 - Provide 0.30 m reserves on Block 6 and Block 5 along the limits of Block 3
- 2.5 The Owner shall covenant and agree in the subdivision agreement to provide temporary turning circles where required at their cost and remove them and restore the streets to their normal condition at their cost when required by the City, to the satisfaction of the City (Commissioner of Development Services). The design of the temporary turning circles, and any implications on surrounding land use, shall be addressed in the subdivision agreement to the satisfaction of the City.
- 2.6 Prior to the final approval of the Plan, the Owner shall provide temporary turning circles at the end of Block 6 and shall grant required easements upon registration of the plan of subdivision.

- 2.7 Prior to the final approval of the draft plan, the Owner shall show the ROW rounding radius and/or daylight triangles of all road intersections, to the satisfaction of the City (Commissioner of Development Services).
- 2.8 The Owner shall covenant and agree in the subdivision agreement to implement the traffic calming measures identified in the Functional Traffic Study. The Owner shall further covenant and agree to implement additional traffic calming measures, prior to assumption of the plan of subdivision, if it is determined by the City that additional traffic calming measures are required.
- 2.9 The Owner will undertake, in accordance with Transportation Impact Assessment Study, functional design and approved drawings and, in coordination with York Region Transit (YRT)'s ongoing work on the Cornell Transit Terminal, road improvements for the following:
- Rustle Woods Avenue from its existing termination to the east limit of the subject site (legally described as Part 4, Plan 65R-31242, Block 4 in the Owners plan of subdivision and Part of Parts 3 and 4, Plan 65R-31271). The parts are illustrated in Figure 1.
 - Street C (Arthur Bonner Avenue) from the new north-south road to the east limit of the subject site.
 - Street D (the new north-south road along the west side of the subject site) from Rustle Woods Avenue to Highway 7.

As part of the road improvements work, the Owner will have to incorporate design requirements by YRT in its functional design and engineering submissions. These requirements include:

- The Cornell Transit Terminal access on Rustle Woods Avenue;
- Proposed westbound left-turn lane at the Rustle Woods Avenue / Street D intersection;
- Provisions of (10 x 10) sight triangles at the Rustle Woods Avenue / Street D intersection;
- Recommended pavement marking and signage plan for Rustle Woods Avenue, Street C, and Street D;

all to the satisfaction of the Director of Engineering.

- 2.10 Prior to final approval of the draft plan, the Owner shall prepare and submit to the City a functional design for Rustle Woods Avenue, Street C and Street D to the satisfaction of the Director of Engineering.
- 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 the above functional design and if required, the Owner shall agree to dedicate property to the City to facilitate these recommendations.

3. Noise Impact Study

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

4. 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. Alternatively, the Owner has the option to provide the City with cash-in-lieu of the monitoring program in the amount of \$200/ha for the total land area included in the plan of subdivision.
- 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.
- 4.4 Interim Pond in Block 3 (the "ISWMP"):

The Owner acknowledges that the ISWMP proposed in Block 3 is an interim pond and is to be commissioned after extension of the storm sewer to the east to future Stoney Stanton Road extension and, the extension of the existing 1800mm diameter storm sewer on Stoney Stanton Road south of Highway 7.

- (1) Prior to final approval of the draft plan, the Owner shall submit a detailed design report for the ISWMP prepared by a qualified consultant;

- (2) The Owner shall agree in the subdivision agreement to provide for the design and construction of the ISWMP in accordance with the approved plans and reports and to provide fees, letter of credits, insurance, indemnities and other assurances as may be required by the City consistent with the construction of the ISWMP;
- (3) The Owner shall agree in the subdivision agreement to maintain the ISWMP, outlet structure and all appurtenances in accordance with the approved ISWMP Maintenance Manual until the ISWMP is decommissioned to the satisfaction of the Director of Engineering;
- (4) Upon registration of the plan of subdivision, the Owner shall convey easements to the City, for the ISWMP and pond outlet purposes, free of all costs and encumbrances, to permit the City to maintain the ISWMP in the event the Owner fails to comply with its obligation to do so;
- (5) The Owner shall agree in the subdivision agreement to decommission the ISWMP upon development of adjacent lands to the east or when directed to do so by the City;
- (6) The Owner agrees that no building permits or conditional building permits will be issued for Block 3 until the ISWMP is decommissioned;
- (7) The Owner agrees to provide 0.30m reserves in Block 5 and 6 along the limits of Block 3. The reserves will be lifted by the City after ISWMP is decommissioned;

all at the Owners sole cost and to the satisfaction of the Director of Engineering.

5.0 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 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).
- 5.3 Prior to final approval of the draft plan, detailed engineering drawings shall be provided in accordance with the City's Design Criteria and Standards, by the Owner which will include, but not be limited to grading control plans, plan and profile drawings of all underground and aboveground services, general plans, drainage plans, composite utility plans, streetlighting design drawings, stormwater management detail plans, etc. to the satisfaction of the City (Commissioner of Development Services).

- 5.4 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Services has been advised by the Fire Chief that there is an adequate water supply for firefighting operations and acceptable access for firefighting equipment is available.
- 5.5 The Owner acknowledges that the existing Markham Stouffville Hospital access road from Ninth Line to the existing terminus (approximately 300m from the east property line of Ninth Line) (the “MSH Access Road”) is within lands owned by the Markham Stouffville Hospital and 605918 Ontario Limited legally described as Parts 3, 4, 5 and 6, Plan 65R-31270 and, Part of Parts 3 and 4, Plan 65R-31271 (the “Lands”) and that the Owner has no legal access to a municipal highway until such time that the Lands are conveyed to the City and Region as applicable. The Lands are indicated in enclosed Figure 1.
- 5.6 The Owner acknowledges that the Cornell Secondary Plan (the “CSP”) is being updated by the City. Prior to approval of development within the CSP area, the landowners group in the CSP area will be required to prepare and submit to the City for approval an updated Master Environmental and Servicing Plan (the “MESP”). The MESP will address the requirements for providing servicing to the updated CSP area. The Owner covenants and agrees to implement all recommendations of the MESP including financial contribution required for upgrades to the existing servicing infrastructures, at no cost to the City and revise the draft plan if required to the satisfaction of the Director of Engineering.
- 5.7 The Owner shall covenant and agree in the subdivision agreement to relocate the existing pressure reducing valve and appurtenances on the existing 400mm diameter watermain on Bur Oak Avenue, to just north of the proposed 300mm diameter watermain on Rustle Woods Avenue, to the satisfaction of the Director of Engineering. The Owner covenants and agrees to provide the City with securities to the satisfaction of the Director of Engineering for the relocation of the pressure reducing valve and its chamber.
- 5.8 The Owner acknowledges that the proposed sanitary and storm sewer and watermain (the “Services”) within Region of York road right-of-way and lands (the “Region Lands”) are subject to Region approval. The Owner agrees that in the event the Region does not accept the Services within the Region Lands, the Owner shall install the Services within the Owners lands and convey easements to the City free of all encumbrances at the Owners sole cost, to the satisfaction of the Director of Engineering.
- 6.0 Transportation Impact Assessment Study / Functional Traffic Design Study
- 6.1 Prior to final approval of the draft plan, the Owner will address all outstanding comments related to the Transportation Impact Study and Functional Traffic Design to the satisfaction of the City’s Director of Engineering. Further, the Owner agrees that the draft plan may require revisions, to the satisfaction of the Director of Engineering, to implement or integrate any recommendations from the Transportation Impact Study and

Functional Traffic Design and if required, the Owner will agree to dedicate property to the City to facilitate these recommendations.

- 6.2 The Owner agrees to implement as part of an overall Transportation Demand Management (TDM) Strategy, measures, which will consist of car-share, short and long-term bicycle parking, travel surveys, and transportation information package as part of the development of the subject site. Furthermore, the Owner agrees to provide a site specific TDM Plan with additional details for each multi-unit residential block at the site plan stage. The site specific TDM Plan shall conform to the overall TDM Strategy and provide detailed site information, including car-share, short and long-term bicycle parking, travel surveys, and transportation information package to the satisfaction of the Director of Engineering.

7.0 Easements

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

8.0 Utilities and Canada Post

- 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 Owners 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 shall covenant and agree in the subdivision agreement 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 shall 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 Prior to execution of Subdivision Agreement the Owner shall provide an environmental clearance 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 shall covenant and agree in the subdivision agreement 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 shall covenant and agree in the subdivision agreement 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 the Subdivision Agreement.

10. Well Monitoring Program and Mitigation Plan

- 10.1 Prior to any site alteration activities, the Owner shall check if there are any active wells within 500 meters of the Zone of Influence (ZOI). If any active wells are found within the ZOI, the Owner shall prepare and implement a Well Monitoring Program and Mitigation Plan, in accordance with the City's requirements to the satisfaction of the Director of Engineering.

11. Municipal Infrastructure

- 11.1 The Owner and the City acknowledge that this subdivision, when fully constructed, will tentatively have the following the City's municipal infrastructure:
- Local Roads: 110m
 - Minor/Major Collectors: 305m
 - Sidewalks: 950m
 - Streetlights: 25nos.
 - Watermain: 700m
 - Sanitary Sewers: 375m
 - Storm Sewers: 535m

12. Streetlight Types

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

13. Construction Agreement (the "Construction Agreement")

The following conditions relate to the construction of North-South Road from future Rustle Woods Avenue to Highway 7 and construction of future Rustle Woods Avenue from the existing termination of the MSH Access Road to the east limit of subdivision and construction of underground services and road within Block 5:

A. Construction of North-South Road from future Rustle Woods Avenue to Highway 7 (the “NS Road”):

- (1) The Owner agrees to enter into a Construction Agreement with the City to provide for the design (including streetlight, utilities, landscape plans), construction and maintenance of the NS Road, and to provide fees, letter of credits, insurance, indemnities and other assurances as may be required by the City consistent with the construction of the NS Road, all at the Owner’s sole cost.
- (2) The Owner acknowledges that Block 5 within draft plan 19TM-16003 constitutes the east half of the required 18.5m right-of-way for the NS Road. The Owner further acknowledges that the remaining parts of the required 18.5m right-of-way for the NS Road are owned by 605918 Ontario Limited and the Regional Municipality of York (the “Adjacent Owners”). The Owner agrees, upon execution of the Construction Agreement, to make necessary arrangements with the adjacent Owners to convey all lands required for the 18.5m right-of-way for the NS Road to the City free of costs and encumbrances, to the satisfaction of the City Solicitor. The required lands to be conveyed to the City for the Construction Agreement are indicated on Figure 2, attached.
- (3) Prior to final approval of the draft plan, the Owner agrees to revise the draft plan to exclude Block 5 from the plan of subdivision upon completion of construction of the NS Road or when directed to do so by the City.
- (4) The Owner agrees that prior to registration of the plan of subdivision, City will require the construction of the NS Road to be completed according to the terms and conditions of the Construction Agreement to the satisfaction of the Director of Engineering.
- (5) The Owner agrees to convey the daylight triangle at the intersection of Highway 7 and the NS Road to York Region when directed by the City. The Owner further agrees to obtain any necessary permit from York Region, if required, to construct services through the daylight triangle to the satisfaction of York Region.

all to the satisfaction of the Director of Engineering.

B. Construction of Rustle Woods Avenue from the existing termination of the MSH Access Road to the east limit of subdivision (the “RWA East”):

- (1) The Owner agrees to enter into a Construction Agreement with the City to provide for the design (including streetlight, utilities, landscape plans), construction and maintenance of the RWA East, and to provide fees, letter of credits, insurance, indemnities and other assurances as may be required by the City consistent with the construction of the RWA East, all at the Owner’s sole cost.

- (2) The Owner acknowledges that Block 4 within draft plan 19TM-16003 constitutes the south half of the required 22.0m right-of-way for the RWA East. The Owner acknowledges that the north part of the required 22.0m right-of-way for the RWA East, legally described as Part 4, Plan 65R-31242, is owned by the Markham Stouffville Hospital (the “MSH”), as indicated on Figure 1, attached. The Owner agrees to make necessary arrangements with the MSH to convey the lands required for the 22.0m right-of-way for the RWA East to the City upon execution of the Construction Agreement.
- (3) The Owner further acknowledges that the termination of the existing MSH Access Road is within lands legally described as Part of Part 3 and 4, Plan 65R-31271, owned by the MSH and the Region of York (“York Region”). The Owner agrees to make necessary arrangements with the MSH and York Region to convey the remaining parts of Part 3 and 4 to the City upon execution of the Construction Agreement, as indicated by the hatched area on Figure 1, attached.
- (4) Prior to final approval of draft plan, the Owner agrees to revise the draft plan to exclude Block 4 from the plan of subdivision upon completion of construction of the RWA East or when directed to do so by the City.
- (5) The Owner agrees that the City will require the construction of the RWA East to be completed prior to registration of the plan of subdivision.
- (6) The Owner agrees that no building permits will be issued for Block 1 until the provisions of B(1) to (3) above are satisfied.
- (7) The Owner agrees that the City may not accept for maintenance the RWA until the extension of RWA is completed to future Stoney Stanton Road and, the future Stoney Stanton Road is extended south to connect with Highway 7.

all to the satisfaction of the Director of Engineering.

C. Construction of roads and underground services within Block 6:

- (1) The Owner acknowledges that the City may permit construction of the underground services and road within Block 6 (the “Block 6 Works”) under the Construction Agreement. The Owner agrees to provide for the design and construction of the Block 6 Works, and to provide fees, letter of credits, insurance, indemnities and other assurances as may be required by the City consistent with the construction of the Block 6 Works to the satisfaction of the Director of Engineering. The Owner shall covenant and agree in the subdivision agreement to provide for the maintenance, assumption of the Block 6 Works and conveyance of Block 6 to the City to satisfaction of the Director of Engineering.

14.0 Tree Inventory and Preservation Plans

- 14.1 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.
- 14.2 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.
- 14.3 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.
- 14.4 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 equivalent replacement value based on the following:
- a) Trees between 20cm and 40cm diameter at breast height (DBH) shall be replaced at a ratio of 2:1.
 - b) All trees over 40cm DBH shall have an individual valuation submitted to the City by an ISA certified Arborist in accordance with the Council of Tree and Landscape Appraisers (CTLA) Guide for Plant Appraisal (2000).
 - c) Where a site does not allow for the 2:1 replacement, the City will negotiate a credit for tree planting on alternate sites in the form of cash-in-lieu payment.
 - d) The requirement for the replacement or equivalent economic value following unauthorized tree removal or damage shall be determined by the City.
15. Community Design Plan
- 15.1 The Owner shall implement and incorporate all requirements of the Cornell Community Design Plan prepared for the Cornell Landowners Group by The Planning Partnership, dated May 2011 and approved June 16, 2011 and have regard for the Cornell Centre Precinct Plan prepared by Urban Strategies dated December 2013 into all streetscape plans, architectural control guidelines, engineering plans and any other required design documents.
16. Parks and Open Space
- 16.1 The Owner shall provide a specialized depth (200mm) of topsoil in the entire municipal boulevard to appropriately plant boulevard trees including a continuous planting trench to the satisfaction of the Director of Planning and Urban Design.
- 16.2 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.

- 16.3 The Owner shall covenants and agree in the subdivision agreement to provide parkland dedication within the Cornell Community in accordance with the Cornell Master Parks Agreement.
- 16.4 Prior to registration of the plan of subdivision, the Owner shall provide an updated report indicating the total parkland dedication for the Cornell Community in accordance with the Cornell Master Parks Agreements given as of the date of registration.
- 16.5 Prior to final approval of the draft plan the Owner shall 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.
17. Streetscape Works
- 17.1 Prior to execution of the subdivision agreement, the Owner shall submit streetscape plans prepared by a qualified person based on the Public Realm Guidelines, Cornell Centre Precinct Plan and Community Design Plan into all streetscape works, to the satisfaction of the Director of Planning and Urban Design. The streetscape plans shall include, but shall not be limited to:
- a) Street tree planting in accordance with the City of Markham Streetscape Manual dated June 2009, as amended from time to time.
 - b) 1.8m high wood screen corner lot fencing, if required.
 - c) Streetscape plans for all Townhouse Blocks.
 - d) Any other landscaping as determined by the Community Design Plan, Precinct Plan and the Environmental Master Drainage Plan.
 - e) Noise attenuation fencing in accordance with the approved noise study.
 - f) Urban boulevard treatments in the public realm, such as raised concrete street tree planters, concrete pavers and other hard landscape treatments, as required by the Director of Planning and Urban Design.
 - g) Any other landscaping as determined by the Community Design Plan, Public Realm Guidelines, Precinct Plan, and Environmental Master Drainage Plan.
- 17.2 The Owner shall covenant and agree in the subdivision agreement that the detailed design and construction of all landscaping shall be at no cost to the City and in accordance with the provisions of the approved landscape/streetscape plans.
- 17.3 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.
- 17.4 The Owner shall not permit their builders to charge home purchasers for the items listed in Condition 17.1.
- 17.5 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 THIS UNIT OR LOT IS LOCATED, THE CITY OF MARKHAM HAS REQUIRED THE DEVELOPER TO UNDERTAKE AND BEAR THE COST OF THE FOLLOWING ITEMS:

- STREET TREES (TREES PLANTED IN THE CITY BOULEVARD **Or IN ADJACENT PUBLIC LANDS OR PRIVATE LOTS**
- CORNER LOT FENCING
- REAR LOT LINE FENCING AT LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
- TREE PLANTING IN REAR YARDS ADJOINING THE LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
- NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY
- FENCING OF SCHOOL, PARK, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS
- BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES
- SUBDIVISION ENTRY FEATURES AND DECORATIVE FENCING AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE CITY.

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

18. Financial

- 18.1 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.

19.0 Development Charges

- 19.1 The Owner shall covenant and agree in the subdivision agreement 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. Other City Requirements

- 20.1 The Owner acknowledges and agrees that the Development Blocks (Blocks 1, 2 and 3) on the Draft Plan are intended to be designed in conjunction with future development on abutting lands to the east. These blocks shall incorporate shared site access, to the extent possible, via public or private streets, lanes and pedestrian walkways. The Owner further

understands and agrees that the location of these features will be assessed through future site plan applications for each block.

- 20.2 The Owner shall provide and post display plans in all sales offices which clearly indicate the location of the following facilities in relation to the unit or 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; and City lot grading standards.

All display plans shall be reviewed and accepted by City staff, prior to the opening of the sales office, to the satisfaction of the Director of Planning and Urban Design or his designate.

- 20.3 Fire break lots shall be designated within the *subdivision/site plan* agreement, to the satisfaction of the Fire Chief or his designee.
- 20.4 The adequacy and reliability of water supplies for firefighting purposes are subject to the review and approval of the Fire Chief or his designee.
- 20.5 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 two remote accesses for firefighting equipment is available.
- Streets in the Blocks 4, 5 and 6 shall be completed in advance of any development for Fire Department access.
- 20.6 The Owner shall covenant and agree in the subdivision agreement to purchase from the City two recycling containers, one green bin and one kitchen collector per residence so that each purchaser may participate in the City's waste diversion program. Furthermore, the Owner shall ensure that the recycling containers, green bins, kitchen collectors and educational materials are deposited in each home on or before the date of closing.
- 20.7 The Owner agrees to contact the City at least four weeks prior to unit occupancy to arrange an appointment time in which the recycling containers, green bins, kitchen collectors and educational materials are to be collected by the Owner.

- 20.8 Prior to execution of the subdivision agreement the Owner agrees to pay to the City the cost for the recycling containers, green bins and kitchen collectors as outlined in Schedule “D” of the subdivision agreement and to provide said recycling containers, green bins and kitchen collectors to the purchasers at the same cost as paid to the City.
- 20.9 The City agrees to provide, at no cost to the Owner, all educational materials necessary to enable the purchaser to participate in the City’s waste diversion program.
- 20.10 The Owner shall covenant and agree in the subdivision agreement that during the construction phase of the development, unobstructed roadway access to a width no less than 6 metres will be provided for the safe passage of municipal waste and recycling collection vehicles on the designated collection day. Furthermore, if required, the Owner shall provide vehicle turning space that meets the City’s engineering design standards. The Owner agrees that at times when the above defined access cannot be provided, the Owner shall be responsible for moving all residential waste, recyclables and organics from the occupied units to an agreed upon centralized location at the Owner’s expense, for collection by the City.
- 20.11 The Owner acknowledges that all waste and recyclable materials will be collected municipally.
21. Toronto and Region Conservation Authority (TRCA)
- 21.1 Prior to execution of the subdivision agreement the Owner shall satisfy the comments and conditions required by the TRCA, including but not limited to, submitting a hydrogeological study(ies), updating the Functional Servicing Report and Storm Water Management documents, and/or submitting required materials related to the Master Environmental Servicing Plan (MESP) to the satisfaction of the TRCA.
- 21.2 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 TRCA, to implement or integrate any recommendations from studies required by the TRCA.
- 21.3 The Owner acknowledges that written confirmation in the form of a clearance letter from the TRCA will be required prior to the release of the plan for registration advising that all comments and conditions have been addressed to the satisfaction of the TRCA.
22. Region of York
- 22.1 The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the City of Markham and York Region.
- 22.2 York Region shall confirm that adequate water supply and sewage capacity are available and have been allocated by the City of Markham for the development proposed within this draft plan of subdivision or any phase thereof. Registration of the plan of subdivision shall occur in phases based on the availability of water supply and sewage servicing allocation.

- 22.3 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.
- 22.4 Prior to final approval, the engineering drawing showing the layout of the watermains and sewers shall be submitted to the Infrastructure Asset Management Branch for review and record.
- 22.5 The Owner shall agree in the subdivision agreement that any direct connection(s) to and/or the crossing(s) of a York Region water or wastewater system requires Regional approval prior to construction. Engineering drawings showing details of the connection(s) and/or crossing(s) shall be submitted to the Infrastructure Asset Management Branch for approval.
- 22.6 Prior to final approval, the Owner shall have prepared by a qualified professional transportation consultant, a functional transportation report/plan outlining the required road improvements for this subdivision. The report/plan, submitted to Development Engineering for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues.
- 22.7 The Owner shall agree in the subdivision agreement, in wording satisfactory to Development Engineering to implement the recommendations of the functional transportation report/plan as approved by Development Engineering.
- 22.8 Prior to final approval, the Owner shall submit detailed engineering drawings, to the Community Planning and Development Services Division for review and approval, that incorporate the recommendations of the functional transportation report/plan as approved by the Community Planning and Development Services Division. Additionally, the engineering drawings shall include the subdivision storm drainage system, erosion and siltation control plans, site grading and servicing, plan and profile drawings for the proposed intersections, construction access and mud mat design, utility and underground servicing location plans, pavement markings, electrical drawings for intersection and illumination design, traffic control/construction staging plans and landscape plans.
- 22.9 Prior to final approval, the Owner shall provide drawings for the proposed servicing of the site to be reviewed by the Engineering Department of the area municipality. Three (3) sets of engineering drawings (stamped and signed by a professional engineer), and MOE forms together with any supporting information, shall be submitted to the Community Planning and Development Services Division, Attention: Mrs. Eva Pulnicki, P.Eng.
- 22.10 Prior to final approval, the location and design of the construction access for the subdivision work shall be completed to the satisfaction of the Community Planning and Development Services Division and illustrated on the Engineering Drawings.

- 22.11 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Community Planning and Development Services Division, that all existing driveway(s) along the Regional road frontage of this subdivision will be removed as part of the subdivision work, at no cost to York Region.
- 22.12 The Owner shall agree prior to the development approval of any development blocks in this plan of subdivision, that direct vehicle access from any development lots or blocks to Hwy 7 will not be permitted. Access must be obtained through the internal road network.
- 22.13 Prior to final approval, the Owner shall demonstrate to the satisfaction of the Community Planning and Development Services Division, that direct shared pedestrian/cycling facilities and connections from the proposed development to Hwy 7 and the local roads are required to support active transportation and public transit, where appropriate.
- 22.14 Prior to final approval, the Owner shall submit drawings as applicable showing the conceptual plan for active transportation facilities and connections internal to the site and to the Regional and local roads to the satisfaction of York Region.
- 22.15 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Community Planning and Development Services Division, that elevations along the streetline shall be 0.2 metres above the centreline elevations of the York Region roadway, unless otherwise specified by the Community Planning and Development Services Division.
- 22.16 The Owner shall agree in the subdivision agreement in wording satisfactory to Development Engineering, that the public road as shown as “Block 5” on this plan of subdivision shall be restricted to right-in/right-out movements only at Highway 7.
- 22.17 The Owner shall agree in the subdivision agreement in wording satisfactory to Development Engineering, that the public road as shown as “Block 5” on this plan of subdivision will not be open to the public until it has been fully constructed to the satisfaction of the Community Planning and Development Services Division.
- 22.18 Prior to final approval, the Owner shall demonstrate, to the satisfaction of Development Engineering that the public road shown as “Block 5”, shall be designed to intersect Hwy 7 at a right angle, or on a common tangent.
- 22.19 Prior to final approval, the Owner shall submit drawings depicting the following to the satisfaction of York Region staff:
- a) All existing woody vegetation within the York Region road right of way,
 - b) Tree protection measures to be implemented on and off the York Region road right of way to protect right of way vegetation to be preserved,
 - c) Any woody vegetation within the York Region road right of way that is proposed to be removed or relocated. However, it is to be noted that tree removal within York Region

road right of way shall be avoided to the extent possible/practical. Financial or other compensation may be sought based on the value of trees proposed for removal.

- d) A planting plan for all new and relocated vegetation to be planted within the York Region road right of way, based on the following general guideline:

Tree planting shall be undertaken in accordance with York Region standards as articulated in Streetscaping Policy and using species from the York Region Street Tree Planting List. These documents may be obtained from the Forestry Section. If any landscaping or features other than tree planting (e.g. flower beds, shrubs) are proposed and included in the subdivision agreement, they will require the approval of the Town and be supported by a Maintenance Agreement between the Town and the Region for Town maintenance of these features; any such Maintenance Agreement should indicate that where the area municipality does not maintain the feature to York Region's satisfaction, the area municipality will be responsible for the cost of maintenance or removal undertaken by the Region.

- 22.20 Prior to final approval, the Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of the Community Planning and Development Services Division recommending noise attenuation features.

- 22.21 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Community Planning and Development Services Division, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of the Community Planning and Development Services Division.

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

- 22.23 The following warning clause shall be included in a registered portion of the subdivision agreement with respect to the lots or blocks affected:

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

- 22.24 Where noise attenuation features will abut a York Region right-of-way, the Owner shall agree in the subdivision agreement, in wording satisfactory to York Region's Community Planning and Development Services Division, as follows:

- a) that no part of any noise attenuation feature shall be constructed on or within the York Region right-of-way;

- b) that noise fences adjacent to York Region roads may be constructed on the private side of the 0.3 metre reserve and may be a maximum 2.5 metres in height, subject to the area municipality's concurrence;
 - c) that maintenance of the noise barriers and fences bordering on York Region right-of-ways shall not be the responsibility of York Region; and
 - d) that any landscaping provided on York Region right-of-way by the Owner or the area municipality for aesthetic purposes must be approved by the Community Planning and Development Services Division and shall be maintained by the area municipality with the exception of the usual grass maintenance.
- 22.25 Prior to final approval, the Owner shall agree that the following lands will be conveyed to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of York Region Solicitor:
- a) a widening across the full frontage of the site where it abuts Hwy 7 of sufficient width to provide a minimum of 24.5 metres from the centreline of construction of Hwy 7; and
 - b) a 10.0 metre by 10.0 metre daylight triangle at the intersection of Hwy 7 and Public Road "Block 5"; and
 - c) a 0.3 metre reserve across the full frontage of the site, except at the approved access location, where it abuts Hwy 7 adjacent to the above noted widenings.
- 22.26 Prior to final approval, in order to determine the property dedications (if any) required to achieve the ultimate rights-of-way width of Hwy 7 abutting the subject site, the applicant shall submit a recent plan of survey for the property that illustrates the existing centre line of construction of Hwy 7.
- 22.27 Prior to final approval, the Owner shall provide a solicitor's certificate of title in a form satisfactory to York Region Solicitor, at no cost to York Region with respect to the conveyance of the above noted lands to York Region.
- 22.28 The Region requires the Owner to submit, in general accordance with the requirements of the Environmental Protection Act and O. Reg. 153/04 Records of Site Condition Part XV.1 of the Act (as amended) ("O. Reg. 153/04"), a Phase I environmental site assessment ("Phase I ESA") of the Owner's lands that are the subject of the application, including the lands to be conveyed to the Region (the "Conveyance Lands"). The Phase I ESA cannot be more than 2 years old as of the actual date title to the Conveyance Lands is transferred to the Region. If the Phase I ESA is linked to different phases of development and there will be multiple conveyances of lands, the Phase I ESA prepared in respect of a specific conveyance and phase of development cannot be more than two years old as of the actual date of transfer of title to the Region. If a Phase I ESA is or would be more than two years old as of the actual date of transfer of title to the Region, the Phase I ESA will need to be either updated or a new Phase I ESA obtained by the

Owner in accordance with the requirements of this section. The Region, at its discretion, may require further study, investigation, assessment and delineation to determine whether any remedial or other action is required regardless of the findings or conclusions of the Phase I ESA. Any Phase II environmental site assessment required by or submitted to the Region must be prepared in general accordance with the requirements of O. Reg. 153/04 (as noted above). Reliance on the Phase I ESA and any subsequent environmental reports or other documentation prepared in respect of the environmental condition of the lands must be provided to the Region and: (i) will be addressed to "The Regional Municipality of York"; (ii) contain wording to the effect that the Region is entitled to rely on such reports or documentation in their entirety; and (iii) the terms and conditions of the reliance extended (including any wording seeking to limit liability) must be satisfactory to the Region.

The Owner shall also provide the Region's Development Engineering with a certified written statement from the Owner or the Owner's authorized representative that no contaminant, pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, on, in or under lands to be conveyed to the Region (including soils, substrata, surface water and groundwater, as applicable): (i) at the time of conveyance, at a level or concentration that exceeds the Environmental Protection Act O. Reg. 153/04 (as amended) full depth generic site condition standards applicable to the intended use of such lands by the Region or any other remediation standards published or administered by governmental authorities applicable to the intended land use; and (ii) in such a manner, condition or state, or is emanating or migrating from such lands in a way, that would contravene applicable environmental laws.

The preparation and delivery of the Phase I ESA, any subsequent environmental reports, other documentation, reliance and the Owner's certified written statement shall be provided at no cost to the Region.

- 22.29 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Community Planning and Development Services Division, to be responsible to decommission any existing wells on the owner's lands in accordance with all applicable provincial legislation and guidelines and to the satisfaction of the area municipality.
- 22.30 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Community Planning and Development Services Division, that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region's right-of-way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.
- 22.31 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Community Planning and Development Services Division that the Owner will be responsible for determining the location of all utility plants within York Region right-of-way and for the cost of relocating, replacing, repairing and restoring any appurtenances

damaged during construction of the proposed site works. The Owner must review, or ensure that any consultants retained by the Owner, review, at an early stage, the applicable authority's minimum vertical clearances for aerial cable systems and their minimum spacing and cover requirements. The Owner shall be entirely responsible for making any adjustments or relocations, if necessary, prior to the commencement of any construction.

- 22.32 Prior to final approval, the Owner shall satisfy the Regional Municipality of York Transportation Services Department that the services to be installed within or in conjunction with the Plan will provide for sidewalks on both sides of the roadways listed below, unless only one side of the street lies within the limits of the subject lands. The sidewalks shall meet the local municipality's standards, and be provided by the Owner along the subject lands' frontage onto roadways that will have transit services.

Existing YRT/Viva transit services operate on the following roadway in the vicinity of the subject lands:

- Highway 7

Future YRT/Viva transit services are planned for the following roadways or sections of:

- Block 4 (Rustle Woods Avenue)
- Block 5
- Block 6

- 22.34 Prior to final approval, the Owner shall satisfy the Regional Municipality of York Transportation Services Department and the area municipality that the services to be installed by the Owner within or in conjunction with the Plan will provide a concrete pedestrian access connection from the internal roadways to the Regional roadway as follows:

- From "Block 4 (Rustle Woods Avenue)" to "Ninth Line"
- From "Block 5" to "Highway 7"

The concrete pedestrian access connection shall meet the local municipality's standards for sidewalks and shall be owned and maintained by the area municipality.

- 22.35 The Owner shall agree in the subdivision agreement to convey lands to the local municipality to provide for such pedestrian access connection referred to in Condition 35 above.
- 22.36 Prior to final approval, the Owner shall submit drawings showing, as applicable, the sidewalk locations and concrete pedestrian access to the satisfaction of York Region.
- 22.37 "Blocks 4, 5 and 6" shall be designed to accommodate transit vehicles to the satisfaction of the area municipality and York Region Transit. The minimum pavement width for transit vehicles is 3.5 m. The minimum curb radius for transit vehicles is 15 m. These

standards are according to the Canadian Transit Handbook and the Ontario Urban Transit Association.

- 22.38 The Owner shall agree in the Subdivision Agreement to advise all potential purchasers of the existing and future introduction of transit services in this development as identified in Condition 34. This includes current and potential transit routes, bus stops and shelter locations. This shall be achieved through distribution of information/marketing materials (YRT/Viva route maps, Future Plan maps & providing YRT/Viva website contact information) at sales offices and appropriate notification clauses in purchase agreements. The YRT/Viva route maps and the Future Plan maps are available from YRT/Viva upon request.
- 22.39 The Owner shall satisfy the Regional Municipality of York Transportation Services Department that the services to be installed within or in conjunction with the Plan will include illumination in accordance with the local municipality's design standards along all streets which have or will have transit services, sidewalks, pedestrian access and bus stop location[s].
- 22.40 Prior to final approval, the Owner shall provide a copy of the Executed Subdivision Agreement to the Community Planning and Development Services Division, outlining all requirements of the Community Planning and Development Services Division.
- 22.41 The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable prior to final approval in accordance with By-law # 2012-36.
- 22.42 The Regional Community Planning and Development Services shall advise that Conditions 22.1 to 22.41 inclusive, have been satisfied.
23. Developers Group Agreement and Clearance
- 23.1 Prior to final approval of the draft plan, the Owner shall enter into a Developers Group Agreement to ensure the provision of community and all common facilities such as school sites, municipal services, parks and public roads, etc, in the Cornell Secondary Plan area are completed to the satisfaction of the City (Commissioner of Development Services and City Solicitor). A certificate confirming the completion of such agreement(s) shall be provided to the City by the Developers Group Trustee to the satisfaction of the City Solicitor.
- 23.2 The Owner shall covenant and agree in the subdivision agreement that the plan of subdivision shall not be released for registration by the City until the Owner delivers a release to the City from the Trustee of the Developers Group to the effect that all conditions of the Group Agreement have been met to the satisfaction of the Trustee.
24. Heritage

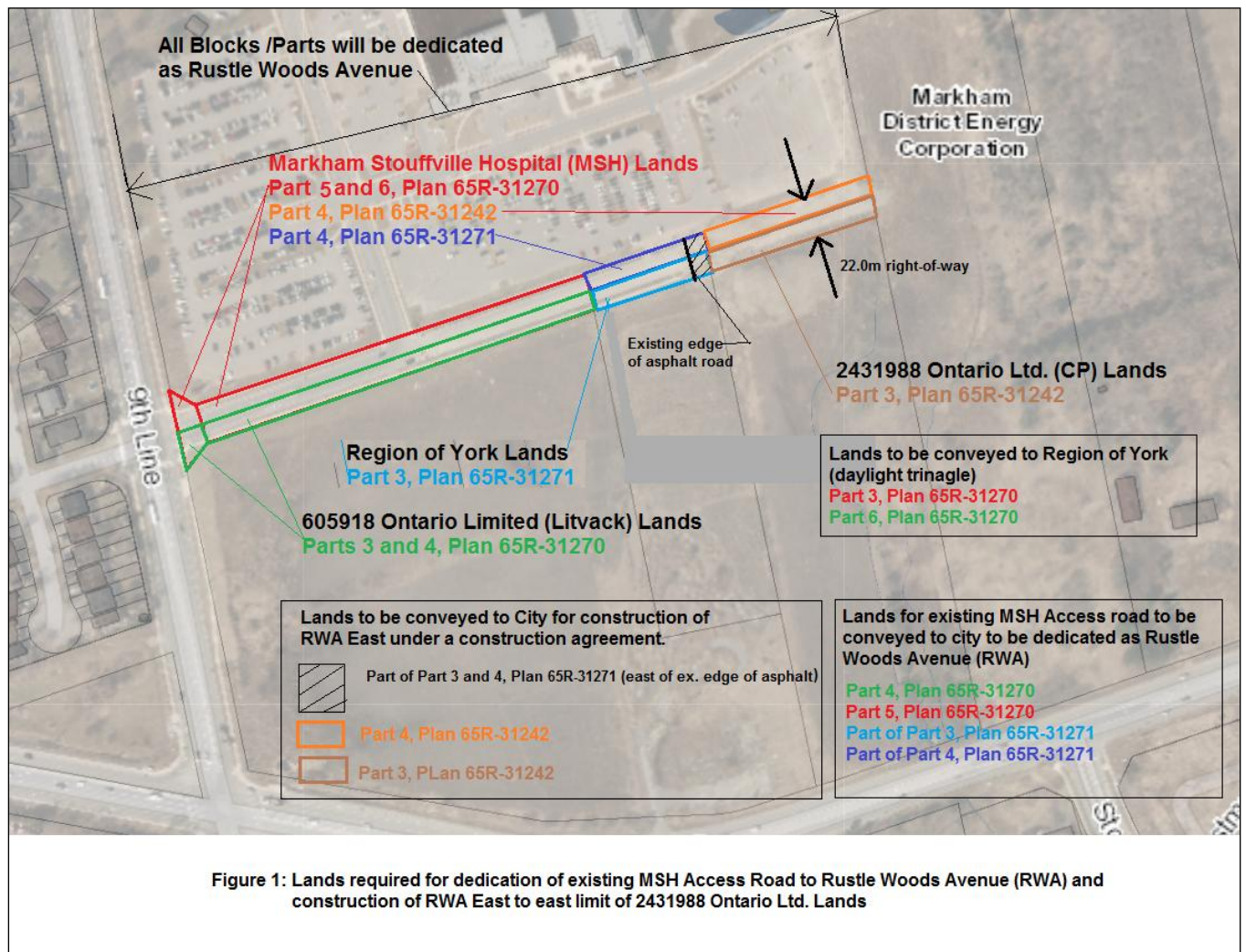
- 24.1 Prior to final approval of the draft plan of subdivision or any phase thereof, the Owners shall carry out a cultural heritage resource assessment for the lands within the draft plan to ensure the assessment and identification of appropriate treatment of built heritage and archaeological resources, and 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. 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 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.
- 25.0 Ministry of Natural Resources
- 25.1 The Owner acknowledges that the Redside Dace has been added to the list of endangered species pursuant to the *Endangered Species Act, 2007*. S.O. 2007, c. 6. (the “Act”), and that the Ministry of Natural Resources (Ontario) has prepared a recovery strategy for the Redside Dace, entitled “Redside Dace (*Clinostomus elongatus*) in Ontario, Ontario Recovery Strategy Series”, dated February 2010 (the “Recovery Strategy”). The Owner acknowledges that, notwithstanding this Agreement and any approvals made or given by the City in respect of the Subdivision, the onus is on the Owner to comply with the provisions of the Act and the Owner covenants and agrees to use its best efforts to comply the Recovery Strategy, if applicable to the Subdivision, including but not limited to protection of the meander belt of any stream providing habitat to the Redside Dace and its associated riparian habitat that is within 30 metres from the meander belt. The Owner covenants and agrees to indemnify and save harmless the City, its directors, officers, Mayor, Councillors, employees and agents from any and all actions, causes of actions, suits, claims, demands, losses, penalties, fines, expenses and damages whatsoever that may arise either directly or indirectly from the approval and registration of the Subdivision and the Assumption of the Subdivision, the construction and use of the Works or anything done or neglected to be done in connection with the *Endangered Species Act, 2007* and the Recovery Strategy.
26. External Clearances
- 22.1 Prior to release for registration of the final draft plan of subdivision, clearance letters, containing a brief statement detailing how conditions have been met, will be required from authorized agencies as follows:
- a) Canada Post shall advise that their conditions and requirements have been satisfied.
 - b) The Toronto and Region Conservation Authority shall advise that their conditions and requirements have been satisfied. c) The Regional Municipality of York

Planning Department shall advise that their conditions and requirements have been satisfied.

- d) The utility companies, including Powerstream, Enbridge, telecommunications companies, etc. shall advise that their conditions and requirements have been satisfied.
- e) The Ministry of Culture shall advise that matters relating to heritage resources have been addressed.

ISSUED: March, Date, 2017

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



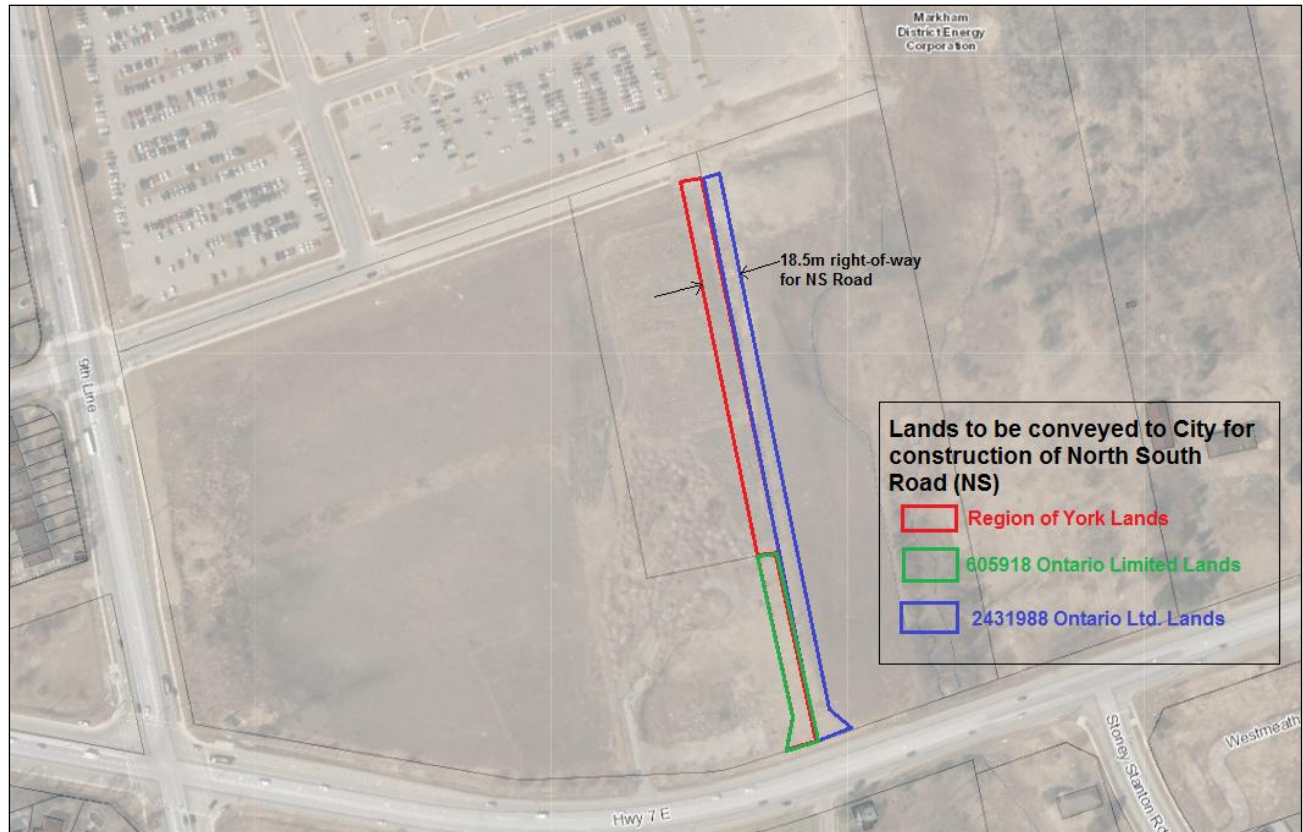


Figure 2: Lands to be conveyed to City for construction of North South Road (Street 'D')

2017.03.07

By Email

Ms. Sally Campbell, MCIP, RPP, MRTPI
Development manager, East District
Development Services Commission
Corporation of the City of Markham
101 Town Centre Boulevard
Markham, ON L3R 9W3

**Re: CORNELL Centre / CP Capital Investment Group
And Lawrence Litvack (In regards to the matters discussed herein)
Application for Minor Official Plan Amendment,
Zoning By-law Amendment & Draft Plan of Subdivision
Part of Lot 11, Concession 9, Cornell, Markham, ON**

Dear Ms. Campbell,

We represent CP Capital Investments Group (CP Capital) in regards to land use planning matters associated with the referenced applications. We have also been authorized to submit this letter by Mr. Lawrence Litvack in regards to the matters associated with the provision of NP-21 as discussed herein. This letter is intended to provide an update of matters pertaining to the provision of community uses as currently understood by my Client, and that of Mr. Litvack, who has authorized this submission on his behalf (Please see attached).

My Client has been working cooperatively with the owners of lands abutting their property, comprised of Mr. Litvack to the west and Mr. Shroff to the east, in regards to the provision of certain community land uses. Specifically, these include the provision of a Place of Worship (POW), a neighbourhood park (NP-21), and Urban Open Space lands (UOS), of which the NP-21 and UOS relate to the Cornell Master Parks Agreement (MPA). Together they have reached the following understanding:

1. **NP-21:** Lawrence Litvack has submitted Draft Plan and Official Plan Amendment applications that incorporate the park into the development of his lands. The proposal is for a strata park that permits a parking garage below, the details of which will be assessed and evaluated through the application review process.
2. **POW:** CP Capital will assume the responsibility for the provision of a POW if necessary. It is proposed that the POW can be incorporated into their north mixed use building abutting the extension of Rustle Woods Avenue.
3. **UOS:** Each Owner will be responsible for the provision of UOS, if it is included within their Plan.

The Owners are working on formalizing the foregoing understanding. In the meantime, both Mr Litvack and CP Capital have advised of their agreement to the allocation / placement of the aforesaid land uses.

Sincerely,
LARKIN+



Michael T. Larkin, M.Pl., MCIP, RPP
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cc: D. Porretta
L. Litvack / N. Massey