

SUBJECT: RECOMMENDATION REPORT
Kymberville Capital Inc.
Proposed Official Plan Amendment, Zoning By-law
Amendment and Redline Revision to Draft Approved Plan of
Subdivision 19TM-040016, North of Highway 7, west of
William Forster Road
Files OP 15 028274, ZA 15 028274 & SU 15 028274

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

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

RECOMMENDATION:

- 1) Proposed Official Plan Amendment, Zoning By-law Amendment and Redline Revision to Draft Approved Plan of Subdivision 19TM-040016, north of Highway 7, west of William Forster Road, Files OP 15 028274, ZA 15 028274 & SU 15 028274", be received;
- 2) That the record of the Public Meeting held on June 21, 2016, regarding the applications for approval of an Official Plan Amendment, Zoning By-law Amendment and Redline Revision to Draft Approved Plan of Subdivision 19TM-040016, be received;
- 3) That the Official Plan Amendment application submitted by Kymberville Capital 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 Zoning By-law Amendment application submitted by Kymberville Capital Inc., to amend Zoning By-law 177-96, as amended, be approved and that the draft by-law attached as Appendix 'B' be finalized and enacted without further notice;
- 5) That Redline Revision to Draft Approved Plan of Subdivision 19TM-040016 submitted by Kymberville Capital Inc., be draft approved subject to the conditions outlined in Appendix 'C';
- 6) 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;

-
- 7) That the draft plan approval for Plan of Subdivision 19TM- 040016 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;
 - 8) That Council assign servicing allocation for 139 townhouse dwellings and 72 condominium stacked townhouse dwellings; and,
 - 9) 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 Kymberville Capital Inc. for a redlined revised draft plan of subdivision (19TM-040016) and implementing official plan and zoning by-law amendments. Approval of the applications will permit a lane-based residential development comprised 139 freehold townhouse dwellings and 72 stacked condominium townhouse dwellings. The draft plan also includes a part block to be reserved as future potential public school site.

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

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

Public Consultation, Application Process and Next Steps

- A Preliminary report was provided to Development Services Committee (DSC) on May 9, 2016, with background information on the applications subject to this Recommendation Report (redline revision to draft approved plan of subdivision, and official plan amendment and zoning by-law amendments);
- Statutory Public Meeting held on June 21, 2016. There was no written correspondence received nor deputations made by members of the public.
- Should the applications be endorsed for approval by DSC, the implementing official plan and zoning by-law amendments will be forwarded to Council for enactment and draft subdivision of approval will be issued, subject to the Conditions in Appendix C;
- Applicant will be required to satisfy all draft plan conditions prior to final registration of the plan of subdivision;

-
- The proposed townhouse and stacked townhouse buildings will be subject to future site plan control applications, which have not yet been submitted to the City for review. While site plan applications are yet to be submitted, conceptual elevations have been provided and are shown in Figure 5.
 - Approval of the site plan control applications is delegated to the Director of Planning and Urban Design, in accordance with Delegation By-law 2002-202.
 - Building permits will not be issued until the plan of subdivision is registered and the site plan approval is issued for the townhouse and stacked townhouse buildings.

PURPOSE:

This report recommends approval of Official Plan Amendment and Zoning By-law Amendment applications, as well as a redline revision to Draft Approved Plan of Subdivision 19TM-040016, submitted by Kymberville Capital Inc., to permit 139 townhouse dwellings and 72 condominium stacked townhouse dwellings. Future applications for site plan approval will be required for the townhouse and stacked townhouse dwellings. The approval authority for residential site plan applications for development under 4-storeys in height is delegated to the Director of Planning and Urban Design in accordance with Delegation By-law 2002-202. The approval authority for the 3-storey townhouse and stacked townhouse buildings is delegated to the staff.

BACKGROUND:

The 5.99 ha (14.8 ac) vacant subject lands are located north of Highway 7 East, on the west side of the future extension to William Forster Road and on the east side of the future extension of the realigned Cornell Centre Boulevard within the Cornell Community, as shown on Figures 1, 2 and 3.

Surrounding land uses include single detached dwellings and townhouse dwellings located to the northeast of the site, and an existing woodlot which is located to the east (across William Forster Road). Adjacent vacant lands to the north, south and west are anticipated to be developed with a mix of residential, commercial and institutional uses in accordance with the Secondary Plan for the Cornell Community.

The subject lands were Draft Plan Approved in 2010

The plan of subdivision on the subject lands was draft plan approved in 2010 through an application submitted by Macwood/Springhill Homes Inc. (File SU 04 028274) to facilitate a medium and high density residential development. The original draft plan included a development block for apartment buildings with frontage on Highway 7. In 2014, the block fronting Highway 7 was severed from the subject lands. The subject lands were subsequently conveyed to Kymberville Capital Inc. who has submitted applications for a red line revision to the draft approved plan of subdivision and amendments to the Official Plan and Zoning By-law to facilitate an alternative residential development concept. The original 2010 draft plan contemplated approximately 800 units on the subject lands owned by Kymberville Capital Inc., and an additional 600 units on the block fronting Highway 7. Figure 2 shows the subject lands owned by

Kymberville Capital Inc., in relation to the adjacent severed block that was previously part of the draft plan.

The heritage dwelling located on the severed block closer to Highway 7 is no longer proposed to be relocated to the subject lands and its preservation/relocation will be addressed through the review of a future development proposal on the adjacent severed lands to the south. The location of the heritage dwelling south of the subject lands is shown on Figure 3.

PROPOSAL

Kymberville Capital Inc. has submitted applications for an Official Plan Amendment, Zoning By-law Amendment and a redline revision to Draft Approved Plan of Subdivision 19TM-040016 on November 24, 2015, proposing a revised residential development comprised of 139 freehold townhouse dwellings in 22 blocks and 72 stacked condominium townhouse dwellings in 5 blocks (see Figure 4). The revised draft plan maintains the partial school block at the north end of the site which will be combined with abutting lands to the north to create a development block for a potential future public elementary school. The redline revision contemplates a grid system of streets and lanes. The east/west street towards the north end of the draft plan (Street A) is an extension of Rustle Woods Avenue. The east/west street towards the south end of the draft plan (Street B) will be a portion of Arthur Bonner Avenue. These two streets are anticipated to continue through abutting developments to provide continuous east/west links through Cornell Centre.

OFFICIAL PLAN AND ZONING

In Force Official Plan (revised 1987)

- Designated “Urban Residential”, which allows for residential uses.

Cornell Secondary Plan (2008)

- Designated “Residential Neighbourhood – Cornell Centre”, which is intended to accommodate medium and high density housing in the form of multiple units (such as stacked townhouse) and apartment buildings. Street townhouses are currently not a permitted building type.
- The contemplated built form within this designation is building heights ranging between 4 and 6 storeys, with a minimum Floor Space Index (FSI) of 1.5.

Proposed Amendment to the Cornell Secondary Plan (2008)

Kymberville Capital Inc. is proposing to amend the Cornell Secondary Plan to allow for the townhouse dwellings within the “Residential Neighbourhood – Cornell Centre” designation, and to permit 3-storey buildings with a minimum FSI of 0.75.

2014 Official Plan (partially approved Oct 30, 2015 and May 26, 2016 (the “2014 OP”))

The subject lands are designated “Residential Mid Rise”, which contemplates townhouses, stacked townhouses, small multiplexes (of 3 to 6 units) and apartment

dwellings, within buildings between 3 to 6 storeys in height. Additionally, the 2014 OP identifies that the subject lands are within the Cornell Centre Key Development Area. Until an updated secondary plan is approved for Cornell Centre the provisions of the Official Plan (Revised 1987), as amended and current Cornell Secondary Plan shall apply to the subject lands. Accordingly, the applicant has applied to amend the current Cornell Secondary Plan.

Update to the Cornell Centre Secondary Plan Policies

The 2014 OP identifies Cornell Centre as an area for which an updated secondary plan is to be prepared. On February 17, 2015 and later on September 22, 2015 Development Services Committee (DSC) received draft land use concepts for Cornell Centre as part of the secondary plan update, which was followed by a statutory Public Meeting on October 20, 2015. This included a draft secondary plan amendment which was provided to DSC, in which the subject lands are proposed to be designated "Residential Mid Rise I". This designation provides for townhouse building types, ranging between 3 and 6 storeys with a minimum FSI of 0.75. The proposed development is consistent with the direction of the secondary plan update and complies with the policies of the draft secondary plan amendment.

Current Zoning

The subject lands were zoned at the time of the original draft plan approval under By-law 177-96, as amended, by By-law 2011-175, to permit apartment and stacked townhouse dwellings, an elementary school and a heritage dwelling that was to be relocated from Highway 7 to the subject lands.

The current zoning by-law amendment application will rezone portions of the subject lands to a Residential Two (R3) zone under By-law 177-96 to permit townhouse dwellings and stacked townhouse dwellings, and to apply site development standards to facilitate the proposed built form. Townhouse dwellings in the R3 zone under By-law 177-96, as amended require minimum lot frontages as follows:

- Interior units – 5.5 metres;
- Interior end units – 6.7 metres; and
- Corner lot units – 7.9 metres.

The applicant proposes townhouses frontages of 4.5 metres (interior units), 5.7 metres (interior end units) and 6.7 metres (corner lot units). The zoning by-law (Appendix 'B') proposes site specific provisions to reduce the required minimum lot frontages, as proposed. The zoning by-law also includes site specific provisions to require a rear yard setback of 5.8 m to ensure sufficient setbacks are maintained for required parking, and provisions to require outdoor amenity space. Similar zoning provisions are proposed for the stacked townhouse dwellings.

OPTIONS/ DISCUSSION:**Revised Draft Plan - Street & Block Pattern**

The proposed redline revised draft plan of subdivision (Figure 4) will result in a compact community characterized by a grid pattern of stacked and street townhouse blocks, intersected by streets and lanes. Vehicular access to all the proposed dwellings will be provided via public rear laneways consistent with the development pattern for the Cornell community. Three of the east/west streets (Streets A, B and D) will provide links from William Foster Road on the east side of the subject lands through to the abutting residential development to the west (across Cornell Centre Boulevard), which is currently under construction by Mattamy Homes. Additionally, Streets A and B are anticipated to be extended further west, across Bur Oak Avenue, to ultimately connect to 9th Line. This will result in an integrated network of public streets connecting the subject lands to other properties within Cornell Centre, as envisioned in the current Cornell Secondary Plan (2008) and in the draft Cornell Centre Secondary Plan update received by DSC in September 2015.

Lane access for maintenance vehicles

The City standard is for rear lanes to have a width of 8.5 m, which is consistent across Cornell and is provided in this draft plan. However, in instances where rear lanes intersect, the Operations department reviews requirements, to provide additional room for snow plough vehicles and garbage/recycling trucks when turning from one lane onto another, and for snow storage along the flankage boulevard.

The revised draft plan (Figure 4) proposes that all rear lanes, including flankage lanes, have widths of 8.5 m. The applicant justifies this by noting that the 8.5 m wide lanes are consistent with previous developments approved in Cornell. Additionally the applicant analyzed turning movements of typical street to lane and lane to lane intersections on the draft plan and confirmed that the intersections and turning radii are acceptable in accordance with City Standards. The applicant also notes that the flankage yards along townhouses abutting the north/south lanes provide areas where snow can be stored, when necessary.

The Operations Department has accepted the 8.5 m wide lane configuration for the proposed draft plan, provided a 7.5 m turning radius is maintained at each lane to lane intersection. With respect to snow removal from the laneways, staff note that the rear lanes on the proposed draft plan are generally within short blocks, where each of the north/south lanes are intersected by east/west public streets at each end. This provides easier access for large operations vehicles to service the lanes and also provides a relatively short path of travel for snow removal vehicles to plough snow from the lanes to the public streets, as necessary. Additionally, the Fire Department and Waste Management Department has not expressed concern with the proposed configuration of the redlined revised draft plan of subdivision.

Visitor parking available on public roads

With respect to on-street parking, lay-by parking will be available on one side of Rustle Woods Avenue (Street A), Arthur Bonner Avenue (Street B), Cornell Centre Boulevard

(Street E), and William Forster Road (located on the east side of the subject lands). Additionally, on-street parking will be available on one side of the local roads within the draft plan (Streets D and C). Staff are of the opinion that the proposed plan will provide sufficient space for on-street parking.

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

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

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

Architectural Control

The Owner has retained a design consultant to prepare architectural control guidelines for the proposed residential development. These guidelines will have to be approved to the satisfaction of the City prior to execution of the subdivision agreement. The architectural control guidelines will ensure that the future townhouse and stacked townhouse elevations are designed in a manner that incorporates the requirements and criteria of the approved Cornell Community Design Plan. It will also ensure that those physical elements within the private realm contribute to the development of character and a sense of place for the community, and address components such as location of main entrances and porches, roof slopes, corner lot architecture and materials.

The approved architectural control guidelines will be implemented through review and approval of site plan control applications, prior to the issuance of building permits. Site plan applications for townhouse developments are submitted closer to registration of the plan of subdivision, and therefore have not yet been to the City to initiate this review. The approval authority for the 3-storey townhouse and stacked townhouse buildings is delegated to the staff.

Municipal Servicing is available

Staff has confirmed that there is sufficient servicing allocation available from Council's current allocation reserve to accommodate the proposed development. It should be noted

that the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner.

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

Parkland, Open Space and School Lands

A 1.02 ha (2.97 ac) partial school block will be reserved at the north end of the subject lands and zoned Open Space One (OS1) to permit a public school. This partial block will be combined with another partial block, on abutting lands to the north, for a potential future public elementary school. While there is no provision for parkland to be dedicated on the subject lands, the Owner will be required to enter into and be a participant in good standing of the Cornell Cost Sharing Agreement to ensure they bare an equitable share of any costs or burdens associated with benefiting from existing infrastructure and/or community use lands in the area provided by the Cornell Landowners Group. This includes the dedication of lands for public parks to serve existing and future residents within the Cornell community, including the subject lands. As the owner is required to enter into the Cornell Cost Sharing Agreement, they will be required to financially contribute an equitable share for the overall dedication of parks within Cornell, in accordance with the Cornell Master Parks Agreement. Park lands within vicinity of the site include:

- An 18 ha (43 acre) community park approximately 450 m to the north of the subject lands, which is currently in the preliminary design phase; and
- Two planned parkettes and an existing woodlot to the east of the subject lands (across William Forster Road).

Sustainability Features

Kymberville Capital Inc. has indicated that sustainable design features will be incorporated into the sites development. Such features include low flush toilets, energy efficient appliances, furnaces and water tanks; energy star programmable thermostats; usage of recycled trim materials; native and non-invasive landscape plantings; low volatile organic compounds (VOCs) paints, stains and primers; rain barrels; and conduits from the hydro panel to the roof for potential future solar panel installation and to the garage for potential future electric car charging. A full list of the sustainability features provided by Kymberville Capital Inc. is attached as Appendix 'D'.

Toronto Region Conservation Authority

In a letter dated July 11, 2016, the TRCA requested clarification on technical matters related to review of the storm water management plan and erosion and sediment control plans. The applicant submitted a response to the TRCA which is being reviewed. Upon completion of their technical review, the TRCA will provide the City with conditions of draft approval, to be added to the other draft conditions attached as Appendix 'C'. Although their technical review is yet to be finalized, the TRCA does not object to the proposed draft plan of subdivision.

Region of York

The Region of York has delegated the approval authority of the proposed Secondary Plan Amendment to the City. In comments dated June 10, 2016, the Region has indicated that they do not have an objection to approval of the proposed official plan and zoning by-law amendments, as well as the redline revision to draft approved plan of subdivision 19TM-040016, subject to their conditions of draft subdivision approval which are included in Appendix `C`.

Cornell Landowners Group Obligations

As noted above, the applicant is required to enter into and be a participant in good standing of the Cornell Cost Sharing Agreement. Additionally, while the availability of servicing allocation has been confirmed from Council's current allocation reserve, the Cornell Landowners Group tracks servicing allocation amongst members the group and the City will require clearance from the Trustee of the Cornell Landowners Group confirming servicing allocation, as well that any outstanding obligations have been satisfied. This is a condition of draft plan approval (Appendix `C`).

CONCLUSION

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

FINANCIAL CONSIDERATIONS:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

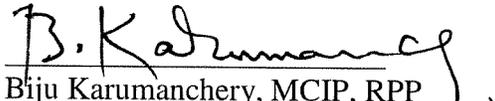
ALIGNMENT WITH STRATEGIC PRIORITIES:

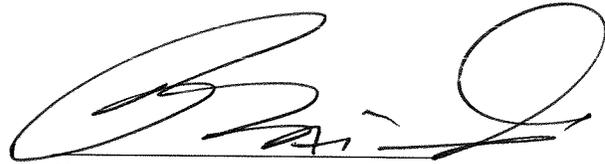
The proposed applications will align with the City's strategic priorities of Growth Management and Municipal Services by implementing the proposed development in coordination with available servicing allocation.

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, MCIP, RPP
Director of Planning & Urban Design


Jim Baird, MCIP, RPP
Commissioner of Development Services

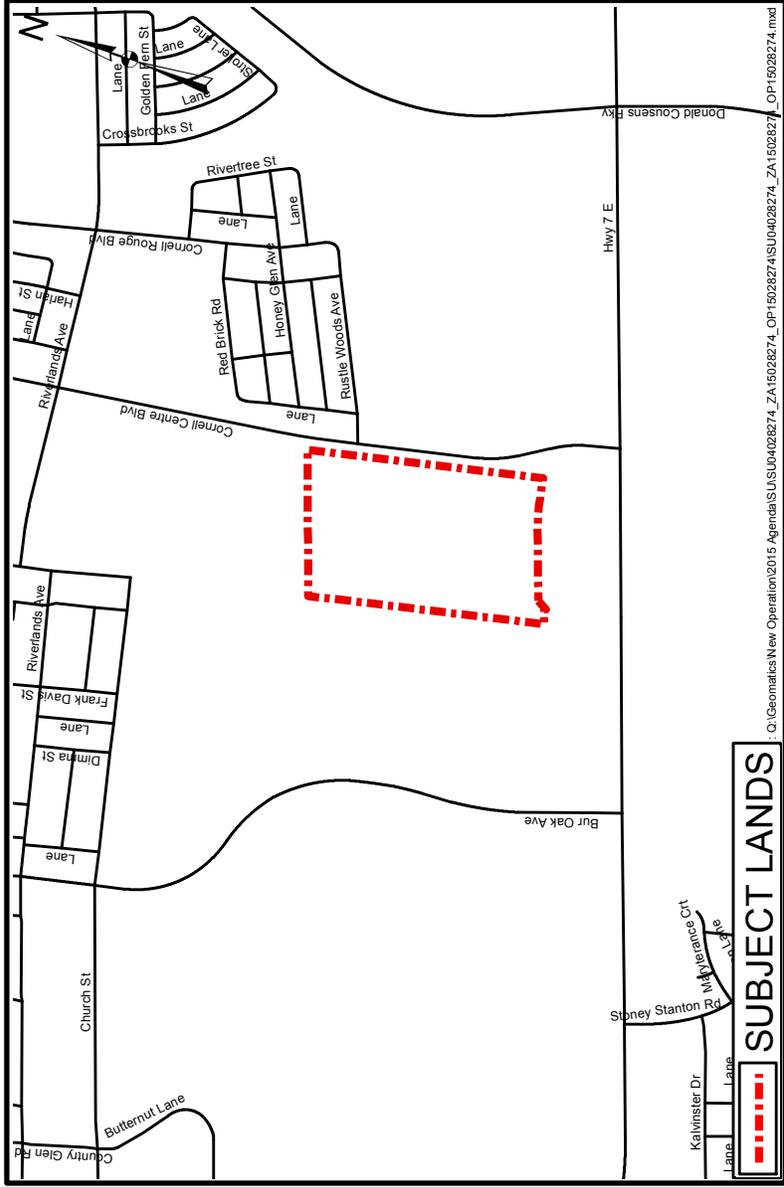
ATTACHMENTS:

- Figure 1 – Site Location
- Figure 2 – Area Context
- Figure 3 – Aerial Photo
- Figure 4 – Proposed Redline Revised Draft Plan of Subdivision
- Figure 5 – Conceptual Elevations (Sheets 1 - 6)
- Appendix A – Draft Cornell Secondary Plan Amendment
- Appendix B – Draft Zoning By-law Amendment
- Appendix C – Draft Conditions of Subdivision Approval
- Appendix D – Sustainable Features List

OWNER/AGENT:

Kymberville Capital Inc.
Attn: Joanne Barnett
26 Lesmill Road, Unit 3
Toronto, ON M3B 2T5
416 733-2202 x 1199
jbarnett@kerbel.ca

File path: Amanda\File 15 028274\Documents\Recommendation Report



SUBJECT LANDS

C:\Geomatics\New Operation\2015 Agendas\US\US04\028274_ZA\15028274_OP\15028274_US04028274_ZA\15028274_OP\15028274.mxd



: Q:\Geomatics\New Operation\2015 Agenda\SU04028274_ZA15028274_OP15028274_SU04028274_ZA15028274_OP15028274.mxd

AREA CONTEXT/ZONING

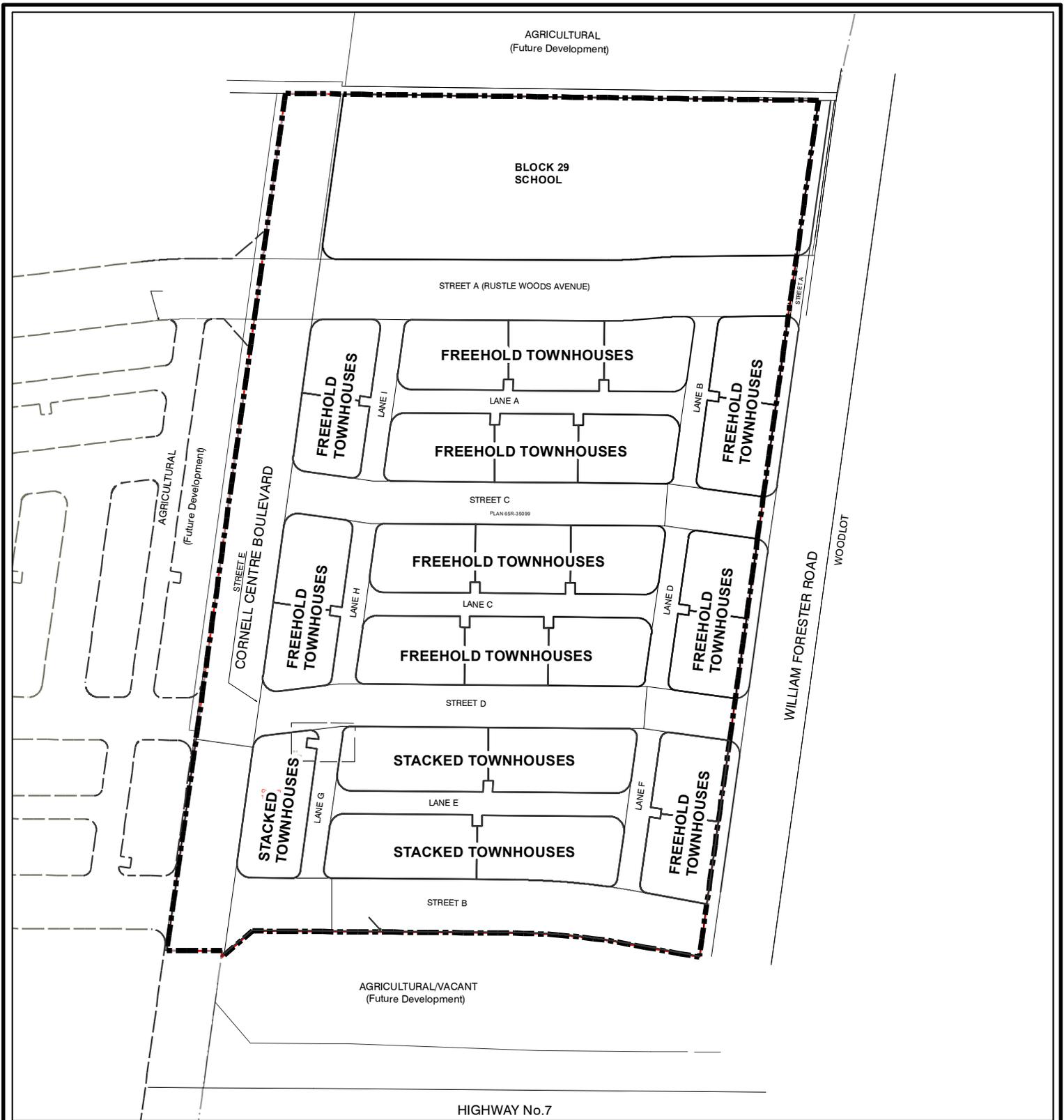
APPLICANT: KIMBERVILLE CAPITAL INC.
 LANDS NORTH OF 7170 HIGHWAY 7

FILE No: SU04028274 ZA15026274 OP15028274

SUBJECT LANDS

DATE: 11/23/15
 FIGURE No. 2

Drawn By: DD Checked By: SC



DRAFT PLAN OF SUBDIVISION

APPLICANT: KIMBERVILLE CAPITAL INC.
LANDS NORTH OF 7170 HIGHWAY 7

FILE No: SU04028274, ZA 15026274, OP15028274 (SC)

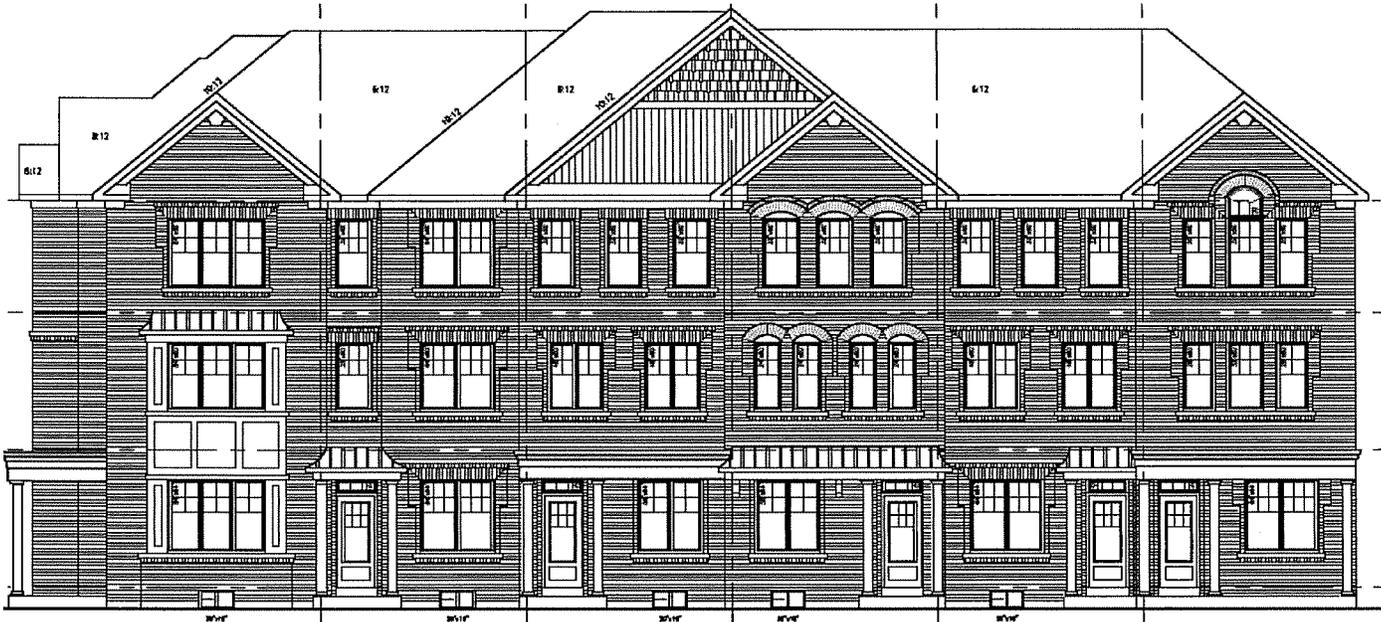
Q:\Geomatics\New Operation\2016 Agenda\SU\SU04028274_ZA15028274_OP15028274\SU04028274_ZA15028274_OP15028274.mxd



DATE: 12/10/16

Figure 5 – Conceptual Elevations (Sheet 1 of 6)

Freehold Townhouse – Front Elevation A

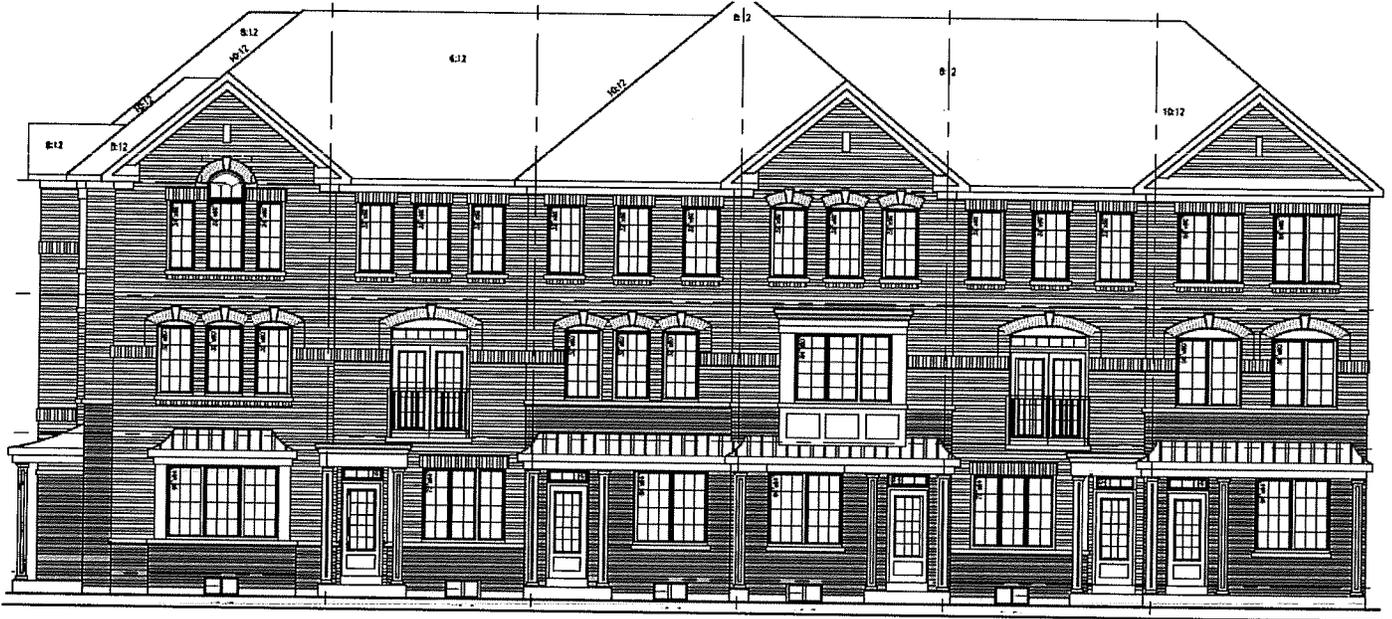


Freehold Townhouse – Rear Elevation A



Figure 5 – Conceptual Elevations (Sheet 2 of 6)

Freehold Townhouse – Front Elevation B



Freehold Townhouse – Rear Elevation B

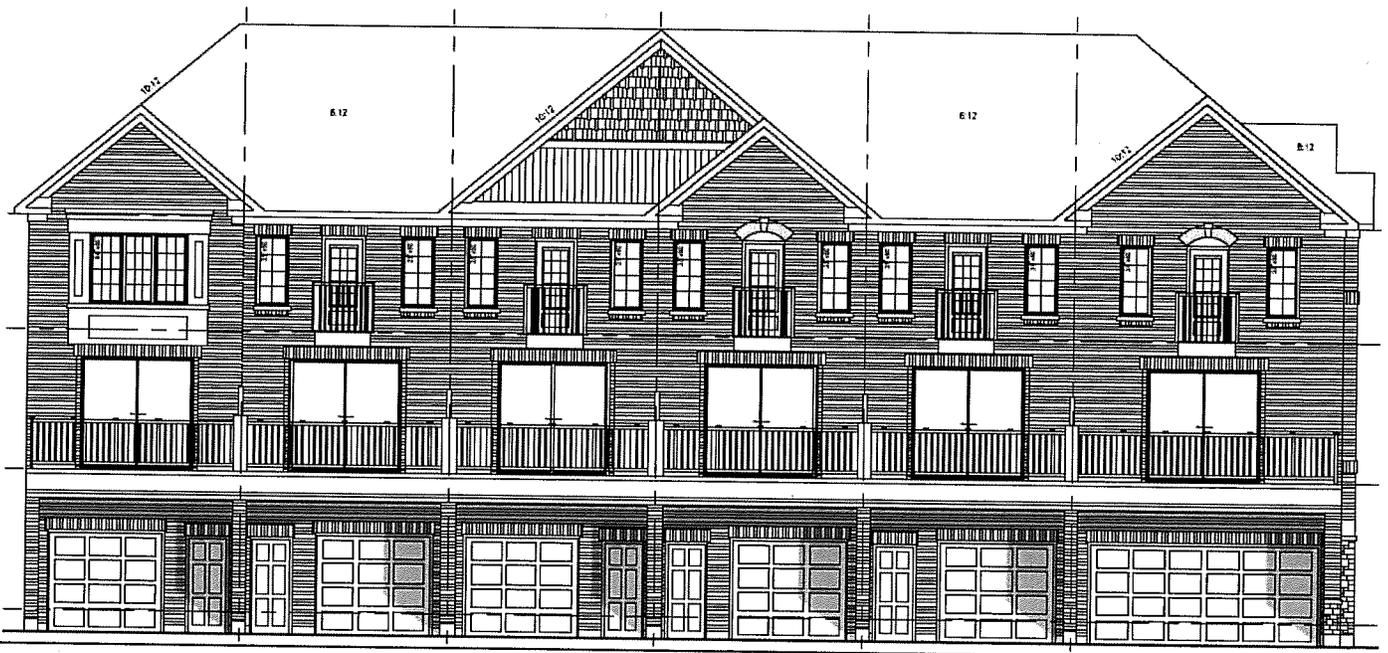
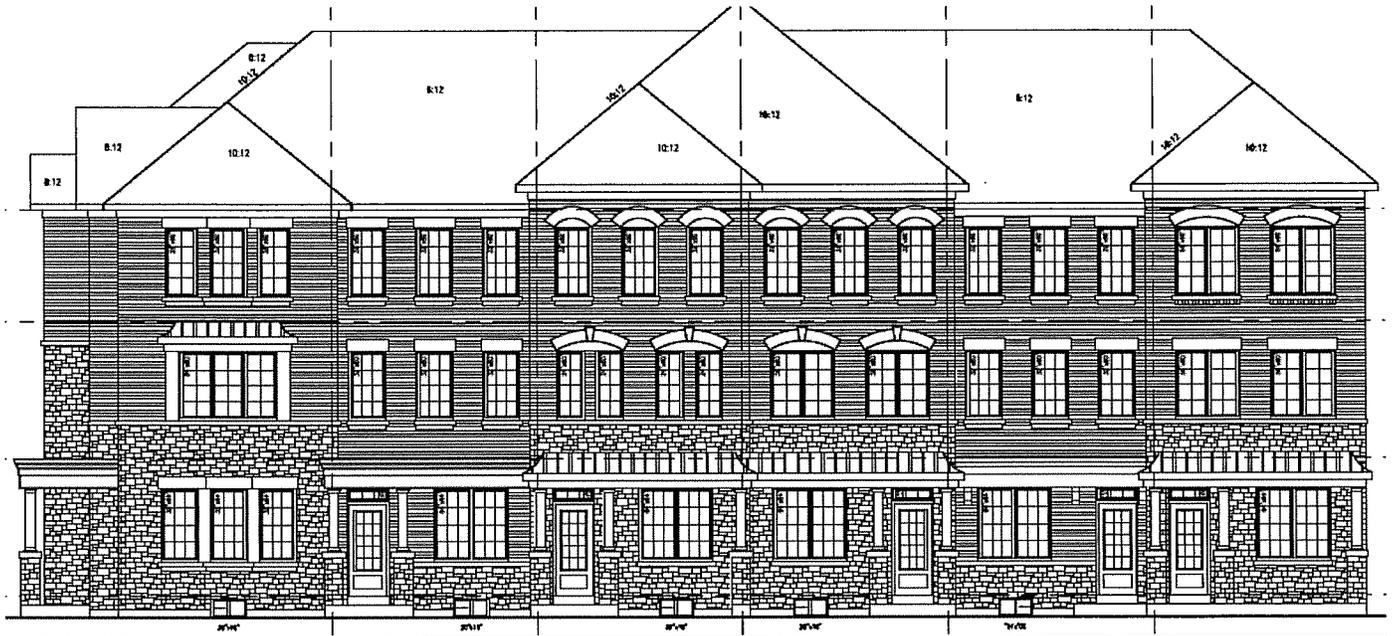


Figure 5 – Conceptual Elevations (Sheet 3 of 6)

Freehold Townhouse – Front Elevation C



Freehold Townhouse – Rear Elevation C

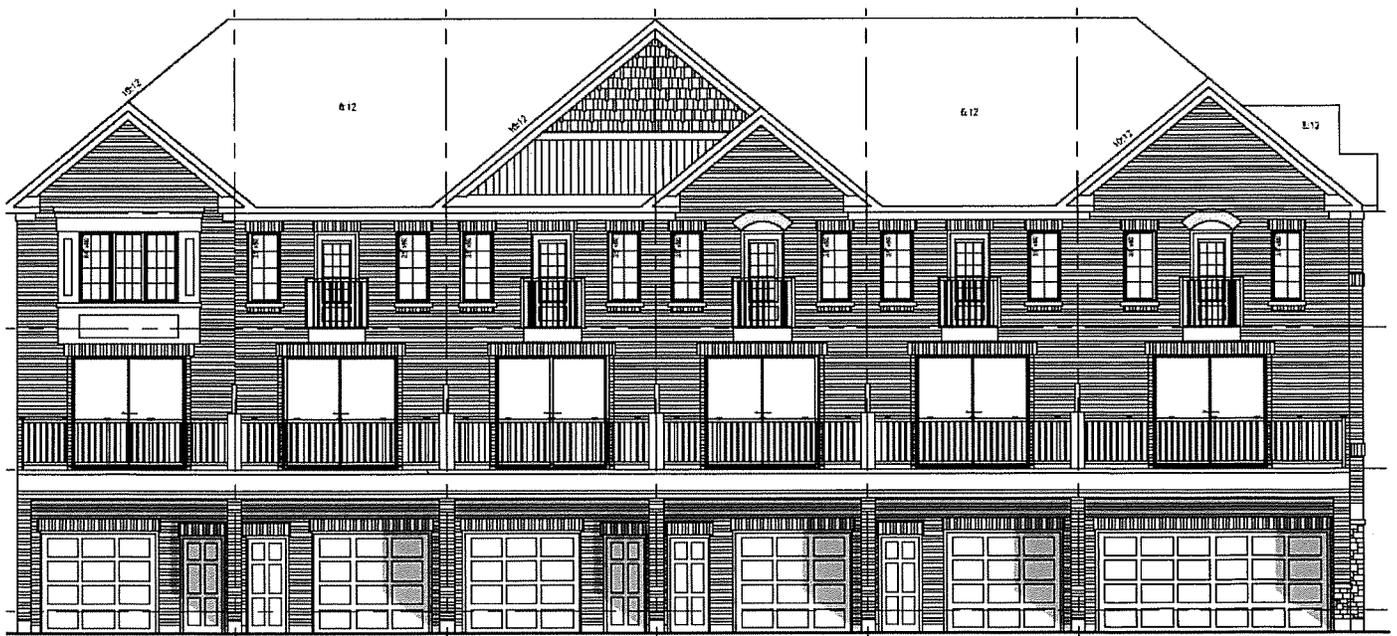
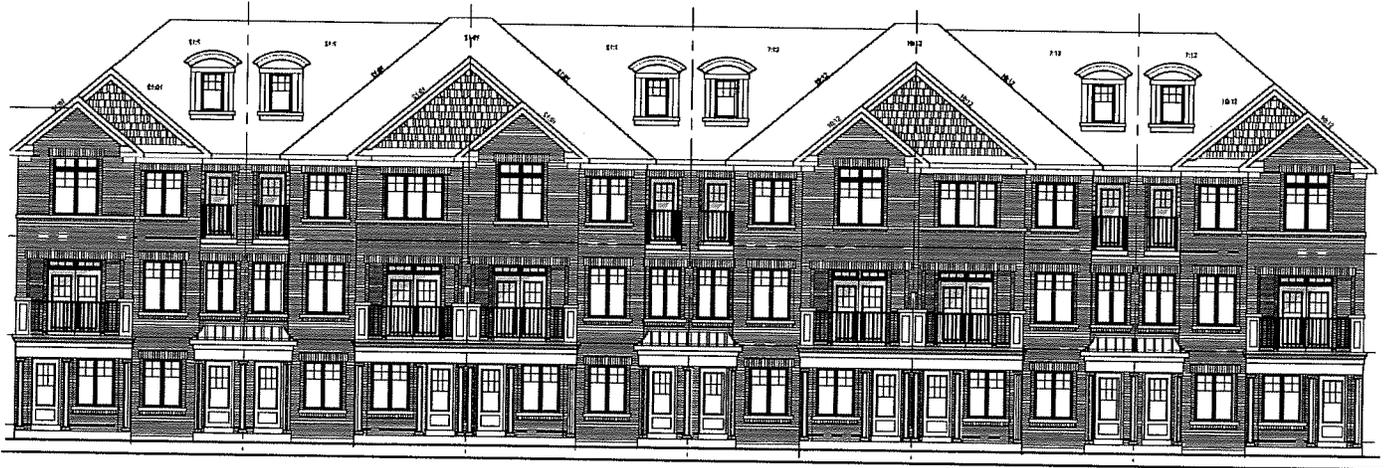


Figure 5 – Conceptual Elevations (Sheet 4 of 6)

Condominium Stacked Townhouse – Front Elevation A



Condominium Stacked Townhouse – Rear Elevation A

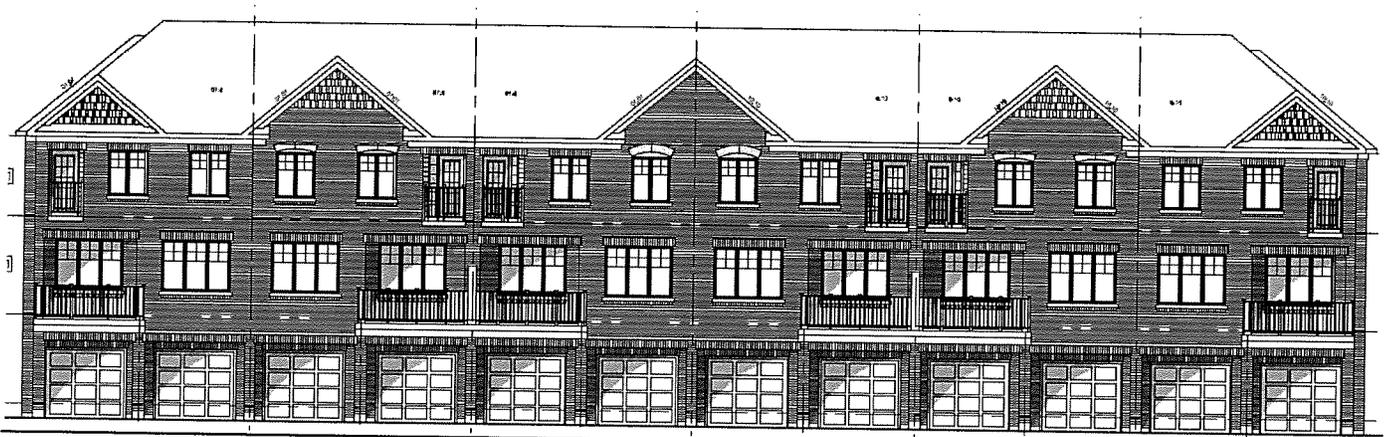


Figure 5 – Conceptual Elevations (Sheet 5 of 6)

Condominium Stacked Townhouse – Front Elevation B



Condominium Stacked Townhouse – Rear Elevation B

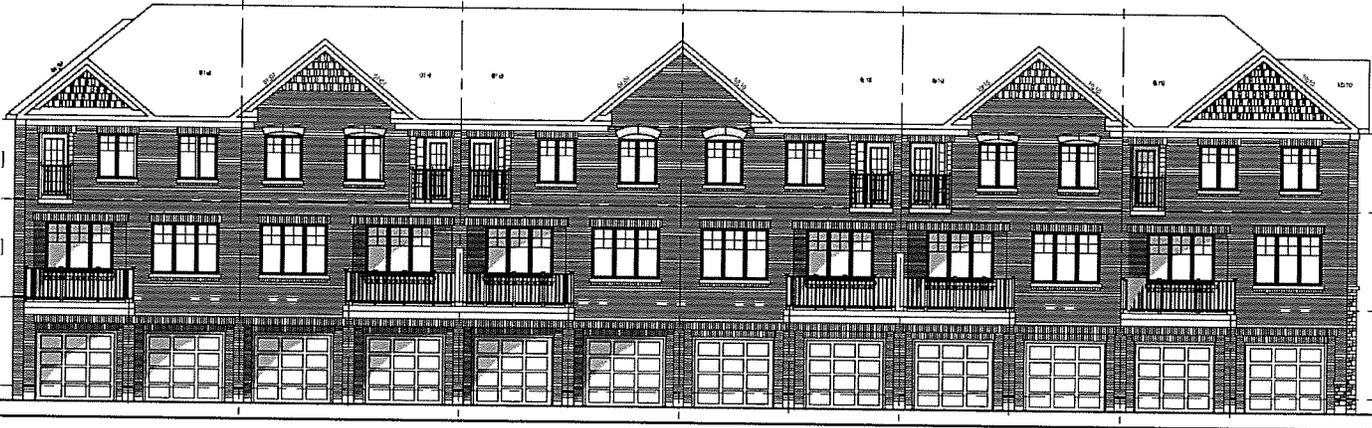


Figure 5 – Conceptual Elevations (Sheet 6 of 6)

Condominium Stacked Townhouse – Front Elevation C



Condominium Stacked Townhouse – Rear Elevation C



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. 8 to the Cornell Secondary Plan (PD 29-1), as amended, for the Cornell Planning District (Planning District No. 29).

(Kymberville Capital Inc.)

(November, 2016)

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. 8 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. 201 - ____ in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on _____, 2016.

KIMBERLY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

THE CORPORATION OF THE CITY OF MARKHAM

BY-LAW NO. 2016 - _____

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 _____, 2016.

KIMBERLY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

CONTENTS

PART I - INTRODUCTION

1. GENERAL6

2. LOCATION6

3. PURPOSE.....6

4. BASIS6

PART II - THE OFFICIAL PLAN AMENDMENT

1. THE OFFICIAL PLAN AMENDMENT.....9

2. IMPLEMENTATION AND INTERPRETATION.....9

PART III - THE SECONDARY PLAN AMENDMENT

1. THE SECONDARY PLAN AMENDMENT.....12

2. IMPLEMENTATION AND INTERPRETATION.....12

3. SCHEDULE “A”13

DRAFT

PART I - INTRODUCTION

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

PART I - INTRODUCTION**1.0 GENERAL**

- 1.1** PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2** PART II - THE OFFICIAL PLAN AMENDMENT constitutes Official Plan Amendment No. XXX to the Official Plan (Revised 1987), as amended, and is required to enact Amendment No. 8 to the Cornell Secondary Plan (PD 29-1), as amended, for the Cornell Planning District (Planning District No. 29). Part II is an operative part of this Official Plan Amendment.
- 1.3** PART III - THE SECONDARY PLAN AMENDMENT constitutes Amendment No. 8 to the Cornell Secondary Plan (PD 29-1), as amended, for the Cornell Planning District (Planning District No. 29). This Secondary Plan Amendment may be identified by the symbol PD 29-1-8. Part III is an operative part of this Official Plan Amendment.

2.0 LOCATION

This Amendment to the Official Plan (Revised 1987), as amended, and to the Cornell Secondary Plan (PD 29-1), as amended, applies to a parcel of land having an approximate area of 5.99 ha, located north of Highway 7 and west of William Forster Road in the Cornell Planning District, as shown on Schedule “A” attached to Part III of this Official Plan Amendment.

3.0 PURPOSE

The purpose of this Official Plan Amendment is to permit townhouse dwellings on portions of the subject lands, and to permit 3-storey building heights for townhouse and stacked townhouse buildings and a minimum floor space index (FSI) of 0.75 for townhouse and stacked townhouse buildings.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

The subject lands are designated ‘Residential Neighbourhood – Cornell Centre’ in the Cornell Secondary Plan (PD 29-1), as amended, which contemplates medium and high density residential development in the form of multiple unit and apartment buildings. The applicant is proposing townhouse dwellings on the north portion of the subject lands, with stacked townhouses proposed on the south section of the site. The official plan amendment also requests a reduction to the minimum required building height from 4

storeys to 3 storeys, and to reduce the minimum required floor space index (FSI) from 1.5 FSI to 0.75 FSI on the subject lands.

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

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

DRAFT

DRAFT

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

PART II - THE OFFICIAL PLAN AMENDMENT**1.0 THE OFFICIAL PLAN AMENDMENT**

- 1.1** Section 1.1.2 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.
- 1.2** Section 1.1.3(c) of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments listed in the second sentence of the bullet item dealing with the Cornell Secondary Plan (PD 29-1), as amended, for the Cornell Planning District, to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.3** Section 9.2.13 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.4** No additional changes to the text or schedules of the Official Plan (Revised 1987), as amended, are being made by this Amendment. This Amendment is being made to the text of the Cornell Secondary Plan (PD 29-1), as amended, for the Cornell Planning District (Planning District No. 29). These changes are outlined in Part III, which comprises Amendment No. 8 to the Cornell Secondary Plan (PD 29-1).

2.0 IMPLEMENTATION AND INTERPRETATION

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

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

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

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

DRAFT

DRAFT

PART III - THE SECONDARY PLAN AMENDMENT (PD 29-1-8)
(This is an operative part of Official Plan Amendment No. XXX)

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

1.0 THE SECONDARY PLAN AMENDMENT

(Amendment No. 8 to the Cornell Secondary Plan PD 29-1)

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

1.1 Section 6.2.4 ‘Residential Neighbourhood – Cornell Centre’ is hereby amended by adding a new subsection f) to Section 6.2.4.2 Site Specific Policies as follows, and by adding Figure 29-1-8, as shown on Schedule “A” attached hereto, to be appropriately placed on the first page following Section 6.2.4.2 f):

“ f) Notwithstanding the provisions of Sections 6.2.4.1 a), e) and f), Figure 6.2.4 and Schedule ‘CC’ – DEVELOPMENT BLOCKS, the following additional provisions shall apply to the lands designated ‘Residential Neighbourhood – Cornell Centre’ shown on Figure 29-1-8:

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

2.0 IMPLEMENTATION AND INTERPRETATION

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

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

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

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

DRAFT

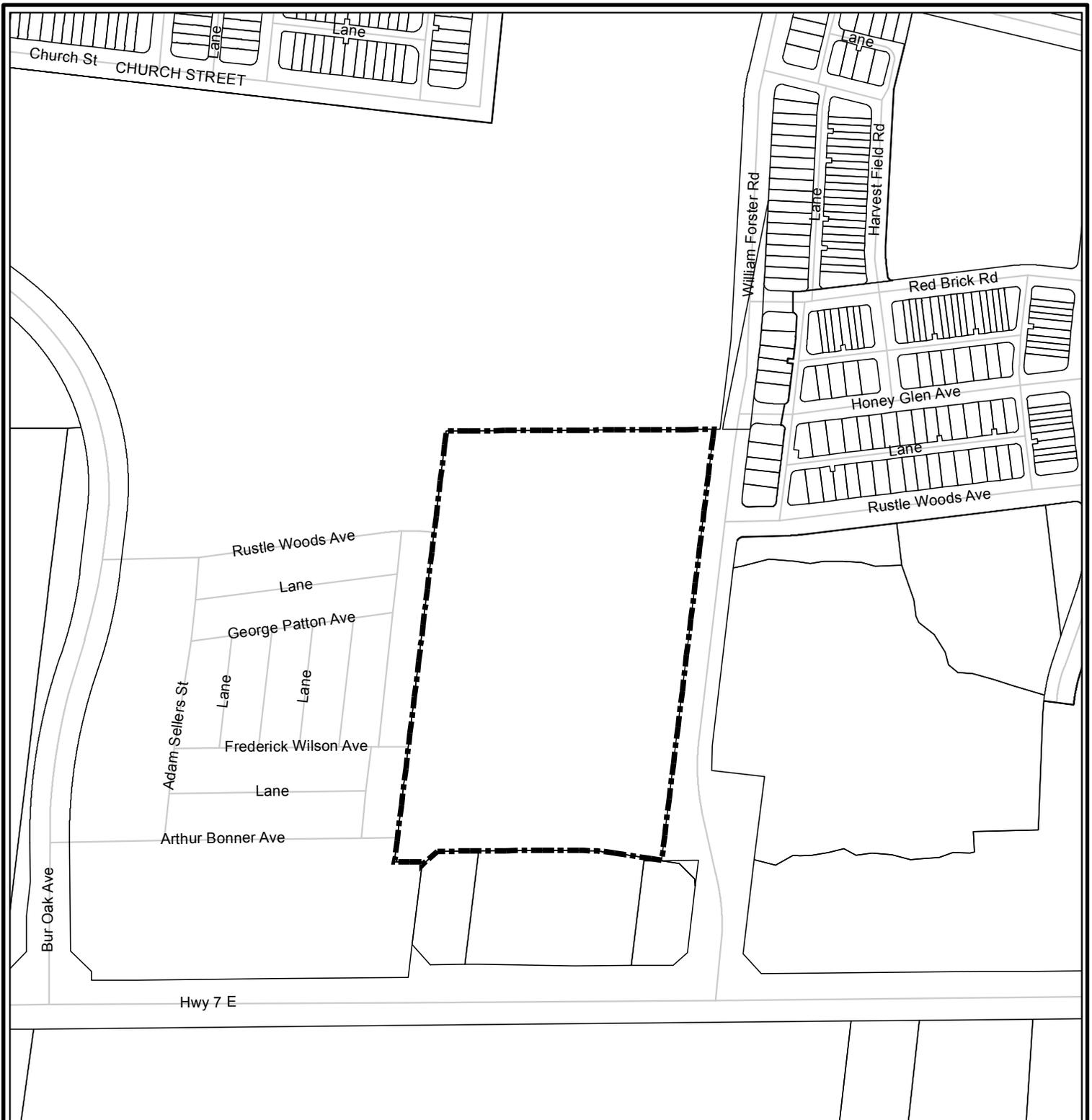


FIGURE No. 29-1-8
to the Cornell Secondary Plan (PD - 29-1)

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

Land use designation : RESIDENTIAL NEIGHBOURHOOD - CORNELL CENTRE



BY-LAW 2016-_____

A By-law to amend By-law 177-96, as amended
(to rezone lands within the designated area of By-law 177-96)

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

- 1.0 That By-law 177-96, as amended, is hereby further amended as it applies to the lands outlined on Schedule 'A' as follows:
- 1.1 By rezoning the lands outlined on Schedule 'A' attached hereto:
- from: **Open Space 1 (OS1) Zone**
Residential Three *409 Hold [R3*409 (H1)] Zone
Residential Three *410 Hold [R3*410 (H2, H3)] Zone
Community Amenity 2 *411 Hold [CA2*411(H1)] Zone
- to: **Residential Three *564 (R2*564) Zone**
Residential Three *565 (R2*565) Zone
- 2.0 By adding the following subsections to Section 7 – EXCEPTIONS:

Exception 7.564	Kymberville Capital Inc. North of Highway 7 and east of Bur Oak Avenue	Parent Zone R3
File ZA 15 028274		Amending By-law 2016-_____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *564 on the schedules to this By-law.		
7.564.1 Only Permitted Uses		
The following are the only permitted uses:		
a)	<i>Townhouses</i>	
b)	<i>Home Occupations</i>	
c)	<i>Private Home Daycare</i>	
7.564.2 Special Zone Standards		
The following special zone standards shall apply:		
a)	<i>Minimum lot frontage</i> – 4.5 metres per unit except as follows: i) End unit on an <i>interior lot</i> – 5.7 metres; and ii) End unit on a <i>corner lot</i> – 6.9 metres;	
b)	<i>Minimum Required Rear Yard</i> – 5.8 metres, except that the <i>Minimum Required Rear Yard</i> for an <i>Outdoor Amenity Space</i> located above a <i>private garage</i> and/or a support structure for the <i>Outdoor Amenity Space</i> , which is located on the first storey and adjacent to a <i>private garage</i> is 1.2 metres;	
c)	<i>Outdoor Amenity Space</i> shall be provided and shall be subject to the following provisions: i) The <i>Outdoor Amenity Space</i> shall be located above a <i>private garage</i> and/or be located on a <i>balcony</i> or raised platform; and ii) The <i>Outdoor Amenity Space</i> shall have a combined <i>minimum area</i> of 6 square metres;	
d)	<i>Minimum number of storeys</i> – 3;	
e)	<i>Maximum Building Height</i> – 14 metres; and;	
f)	Any part of a <i>building</i> , <i>Outdoor Amenity Space</i> , <i>private garage</i> or <i>driveway</i> adjacent to a hydro transformer notch may encroach into the <i>required interior side yard</i> to the <i>interior side yard lot line</i>	

Exception 7.565	Kymberville Capital Inc. North of Highway 7 and east of Bur Oak Avenue	Parent Zone R3
File ZA 15 028274		Amending By-law 2016-__
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *565 on the schedules to this By-law.		
7.565.1 Only Permitted Uses		
The following are the only permitted uses:		
a)	<i>Multiple Dwellings</i>	
b)	<i>Home Occupations</i>	
c)	<i>Private Home Daycare</i>	
7.565.2 Special Zone Standards		
The following special zone standards shall apply:		
a)	<i>Minimum Lot Frontage</i> – not applicable;	
b)	<i>Minimum Required Exterior Side Yard</i> – 1.2 metres	
c)	<i>Minimum Required Interior Side Yard:</i> (i) 0.0 metres for an interior unit (ii) 1.2 metres for an end unit	
d)	<i>Minimum Required Rear Yard</i> – 5.8 metres, except that the <i>Minimum Required Rear Yard</i> for an <i>Outdoor Amenity Space</i> located above a <i>private garage</i> and/or a support structure for the <i>Outdoor Amenity Space</i> , which is located on the first storey and adjacent to a <i>private garage</i> is 1.2 metres;	
e)	<i>Outdoor Amenity Space</i> shall be provided and shall be subject to the following provisions: (i) The <i>Outdoor Amenity Space</i> shall be located above a <i>private garage</i> and/or be located on a <i>balcony</i> or raised platform; and (ii) The <i>Outdoor Amenity Space</i> shall have a combined <i>minimum area</i> of 6 square metres;	
f)	<i>Minimum number of storeys</i> – 3	
g)	<i>Maximum Building Height</i> – 14 metres;	
h)	Special Provision 4 of Table B5 (Part 2 of 2) shall not apply; and	
i)	Any part of a <i>building</i> , <i>Outdoor Amenity Space</i> , <i>private garage</i> or <i>driveway</i> adjacent to a hydro transformer notch may encroach into the <i>required interior side yard</i> to the <i>interior side yard lot line</i>	

Read and first, second and third time and passed on _____, 2016.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW 2016-___

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

(to rezone lands within the designated area of By-law 177-96)

Kymberville Capital Inc.

North of Highway 7 and east of Bur Oak Avenue

ZA 15 028274

Lands Affected

The proposed by-law amendment applies to a parcel of land with an approximate area of 5.99 hectares, which is located north of Highway 7 and east of Bur Oak Avenue in the Cornell Community.

Existing Zoning

The subject lands are zoned in accordance with By-law 177-96, as amended, as follows:

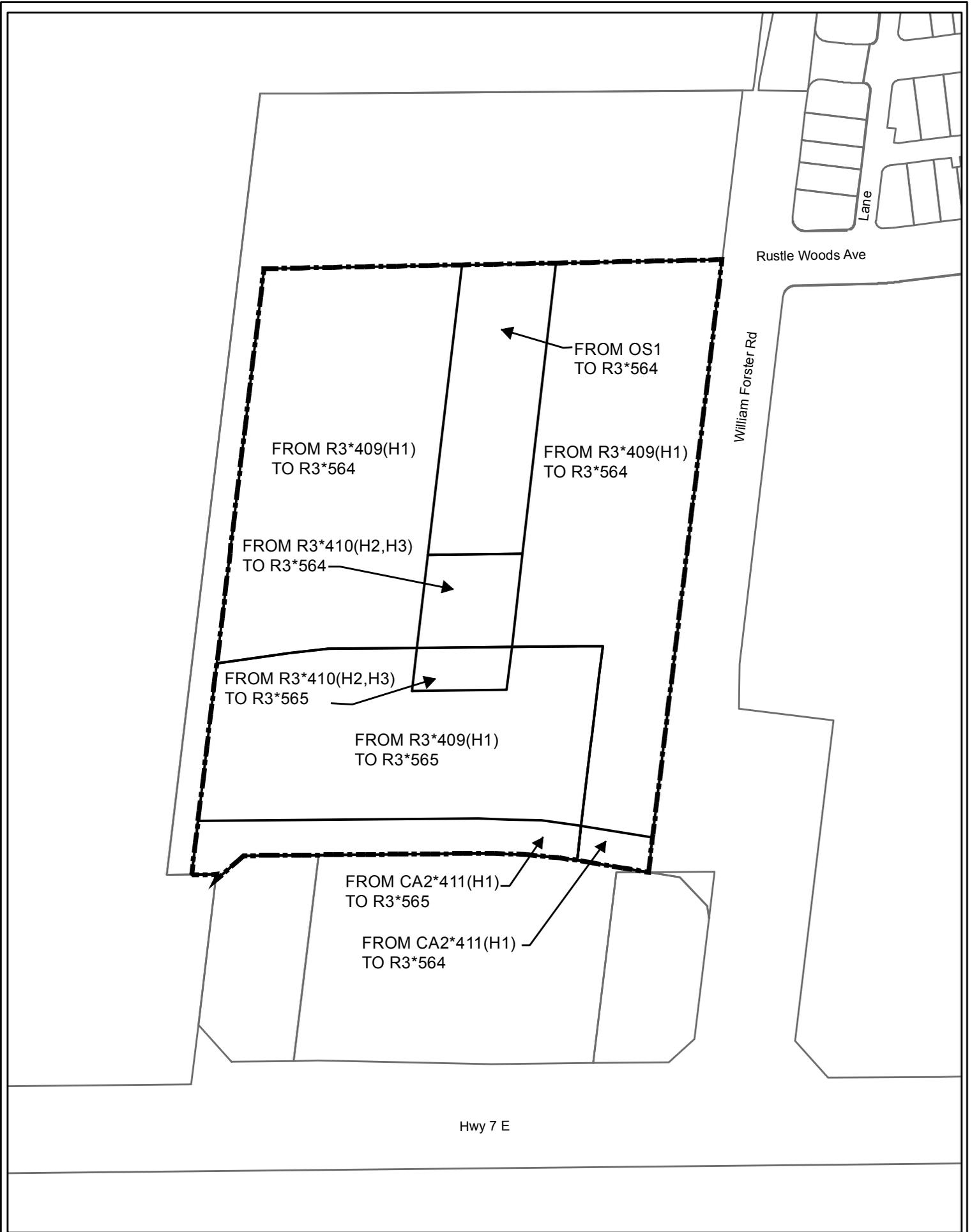
- Open Space 1 (OS1) Zone
- Residential Three *409 Hold [R3*409 (H1)] Zone
- Residential Three *410 Hold [R3*410 (H2, H3)] Zone
- Community Amenity 2 *411 Hold [CA2*411(H1)] Zone

Purpose and Effect

The purpose and effect of this By-law is to rezone the subject lands from the zone categories noted above to Residential Three*564 (R3*564) and Residential Three*565 (R3*565) under by-law 177-96, as amended, in order to permit the lands to be developed for townhouses on the lands zoned R3*564, and multiple units dwellings (stacked townhouses) on the lands zoned R3*565.

Note Regarding Further Planning Applications on this Property

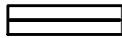
In accordance with Section 45(1.3) and 45(1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended on July 1, 2016 through the enactment of Bill 73, no person shall apply for a minor variance from the provisions of the by-law in respect of land, building or structure before the second anniversary of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



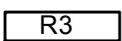
SCHEDULE "A " TO BY-LAW AMENDING BY-LAW 177-96 DATED



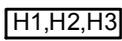
BOUNDARY OF AREA COVERED BY THIS SCHEDULE



BOUNDARY OF ZONE DESIGNATION(S)



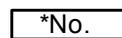
RESIDENTIAL THREE



HOLDING PROVISIONS



COMMUNITY AMENITY TWO



EXCEPTION SECTION NUMBER

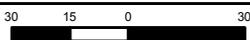


OPEN SPACE ONE

Q:\Geomatics\New Operation\By-Laws\SU\SU04028274_ZA15026274_OP15028274\SU04028274_ZA15026274_OP15028274.mxd



DEVELOPMENT SERVICES COMMISSION



Drawn By: CPW Checked By: SC

DATE: 21/10/2016

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-040016
(Kymberville Capital Inc.)**

1. General
- 1.1 Approval shall relate to a draft plan of subdivision prepared by MMM Group / WSP, identified as Project Number 14 14248 001, Drawing Number P01, dated May 19, 2016, incorporating the following redline revisions:
 - Show ROW centerline curve radius along all roadways.
 - Include lands Parts 18 and 20, Plan 65R-35099 in the draft plan
 - Exclude Cornell Centre Boulevard lands, legally described as legally described as Parts 1 to 11 (all inclusive), Plan 65R-36484, which have been conveyed to City
- 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 November 21, 2019 unless extended by the City upon application by the Owner.
- 1.3 The Owner shall enter into a subdivision agreement with the City agreeing to satisfy all conditions of the City and Agencies, financial and otherwise, prior to final approval.
- 1.4 The Owner covenants and agrees to enter into a construction agreement and/or encroachment agreement or any other agreement deemed necessary to permit construction of services, roads, stormwater management facilities or any other services that are required external to the plan of subdivision (or site plan) and that are required to service the proposed development, to the satisfaction of the Director of Engineering and the City Solicitor.
- 1.5 The Owner acknowledges and understands that prior to final approval of this draft plan of subdivision, amendments to Zoning By-law 177-96, as amended, shall have come into effect in accordance with the provisions of the Planning Act.
- 1.6 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the City, to implement or integrate any recommendations from studies required as a condition of draft approval, including, but not limited to, Municipal Class Environment Assessment, Traffic Impact Study, Internal Functional Traffic Design Study Stormwater Management Study (Environmental Master Drainage Plan), Functional Servicing Report, Noise Impact Study, confirmation of alignment of roads with the locations shown in the draft approved plans, as well as any comments and conditions received from municipal departments and external agencies after draft approval is granted.

1. Prior to or concurrent with draft plan approval for any residential units, 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 the required infrastructure to support the capacity assignment associated with this development will be completed within a time period acceptable to the Region (usually 12 months) to permit presales;

OR

- b) The City 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 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. This agreement shall be registered on title, committing the owner to the same terms as set out in item A above.

2. Prior to draft plan approval for any residential units, the Owner shall enter into an indemnity agreement with York Region, which 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-04M16, or any phase thereof, 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, 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.

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

2. Roads

- 2.1 Prior to final approval of draft plan, the road allowances within the draft plan shall be named to the satisfaction of the City and/or 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 (Director of Engineering).
- 2.4 The Owner acknowledges that the right of way of Street 'B' cannot be completed without lands legally described as Parts 18 and 20, Plan 65R-35099. The Owner shall revise the draft plan to include these parts to complete the right-of-way for Street B.
- 2.5 Prior to the final approval of the draft plan, the Owner shall show the ROW rounding radius and/or daylight triangles of all road intersections, as redlined on the draft plan, to the satisfaction of the City (Commissioner of Development Services).
- 2.6 The Owner shall covenant and agree in the subdivision agreement to implement the traffic calming measures identified in the Internal 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.
- 2.7 Construction of William Forster Road to Highway 7:
The following relate to the construction of William Forster Road to Highway 7:
- a) The Owner shall covenant and agree in the subdivision agreement, to design and construct existing William Forster Road from Rustle Woods Avenue to Highway 7 (the "WFR") to its ultimate right-of-way cross-section including but not limited to curbs, lay-by parking, bicycle lanes, all utilities including streetlight, etc. at the Owner's sole and absolute cost, in accordance with approved Transportation Impact Study, Functional Traffic Design Study and engineering drawings to the satisfaction of the Director of Engineering.
 - b) Design and Construction of WFR and Highway 7 Intersection:
The Owner covenants and agrees to submit to the City and Region of York detailed engineering drawings respecting the WFR and all intersection works at Highway 7 and WFR, upon finalization of the intersection design requirements by the Region. The Owner covenants and agrees to construct the WFR and Highway 7 intersection at its sole and absolute cost in accordance with approved engineering drawings to be submitted, to the satisfaction of the Director of Engineering and the Region of York.

- c) The Owner shall further covenant and agree to provide in the subdivision agreement such insurance, indemnities and other assurances as may be required by the City in relation to the said construction of the WFR.

3. Noise Impact Study

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

4. Tree and Woodlot Preservation

- 4.1 The Owner shall submit for approval a tree inventory and tree preservation plan to the satisfaction of the Director of Planning and Urban Design in accordance with the City of Markham Streetscape Manual dated 2009, as amended from time to time.
- 4.2 The Owner shall submit a site grading plan showing the trees to be preserved based on the approved Tree Preservation Plan prior to the issuance of a Top Soil Stripping Permit to the satisfaction of the Director of Planning and Urban Design.
- 4.3 The Owner shall obtain written approval from the Director of Planning and Urban Design prior to the removal of any trees or destruction or injury to any part of a tree within the area of the draft plan.
- 4.4 The Owner shall submit for approval, as part of the tree inventory and tree preservation plan, in accordance with the City of Markham Streetscape Manual a tree compensation schedule detailing replacement and enhancement planting or the replacement value based on the following:
 - a) Trees between 20cm and 40 cm 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 Appraisals (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 alternative sites.
 - d) The requirement for the replacement or equivalent economic value following unauthorized tree removal or damage shall be determined by the City.

5.0 Community Design

- 5.1 The Owner shall implement and incorporate all requirements of the approved Cornell Community Design Plans Prepared for the Cornell Landowners Group by The Planning Partnership, dated May 2011 and approved June 16, 2011 into all landscape plans, architectural control guidelines, engineering plans and any other required design documents.
- 5.2 The Owner shall comply with the Cornell Community Architectural Control Guidelines, prepared by Watchorn Architect Inc. dated July 2003, as amended and shall submit for approval a priority lot plan to the Director of Planning & Urban Design.
- 5.3 The Owner shall prepare and submit for approval an amendment to the Architectural Control Guidelines to include design requirements for lane based townhouses with integral garages and lane based stacked townhouses for Cornell Centre.
- 5.4 Plans submitted for model home permits for an building within the plan of subdivision shall bear an approval stamp identifying the architectural company retained for architectural control and the signature of the control architect. The approval stamp shall certify that the floor plans, building elevations and site plans are designed in accordance with the approved architectural control guidelines.
- 5.5 The Owner shall ensure that the design architect for any buildings within the plan of subdivision shall not also assume the role of control architect for the plan of subdivision.
- 5.6 The Owner shall retain a design consultant acceptable to the Director of Planning and Urban Design to implement the Architectural Control Guidelines, as amended.

6.0 Parks and Open Space

- 6.1 The Owner shall provide a specialized depth of topsoil in the entire municipal boulevard including a continuous planting trench to appropriately plant boulevard trees and provide a soil report demonstrating compliance with the City's Streetscape Manual to the satisfaction of the Director of Planning and Urban Design.
- 6.2 The Owner shall post approved copies of any Open Space Plans, Conceptual Park development Master Plans and Conceptual Facility Fit Plans for the park and school campus in all sales offices for dwelling units within the draft plan of subdivision.
- 6.3 The Owner and City covenants and agrees that parkland dedication within the Cornell Community is required as outlined in the Cornell Master Parks Agreement.
- 6.4 The Owner shall covenant and agree to rough grade, topsoil, seed and maintain (free of stock piles and debris) all school blocks, park blocks and place of worship blocks and vacant lands within the subdivision to the satisfaction of the Director of Planning and

Urban Design. The park blocks shall be maintained until such time as the parks have been constructed and formally assumed by the City for maintenance purposes. The school blocks, places of worship blocks, and other vacant blocks shall be maintained until such time as the ownership of the blocks has been transferred.

- 6.5 Prior to execution of the subdivision agreement, the Owner shall prepare and submit for approval a Facility Fit Plan for **Block 29** to the satisfaction of the Director of Planning and Urban Design.
- 6.6 Upon registration of the subdivision agreement, the Owner shall provide an updated report indicating the total parkland dedication for the Cornell Community in accordance with the Cornell Master Parks Agreements given as of the date of registration.
- 6.7 The Owner shall prepare and submit for approval a Landscape Plan for City owned lands, legally described as Part 12, Plan 65R-30599 (the “City Lands”), in accordance with the City’s Streetscape Manual and Engineering standards, illustrating proposed landscape treatments to ensure tree planting along the existing public ROW and including but not limited to ground covers, walkways, and appropriate top soil depths to the satisfaction of the Director of Planning & Urban Design and the Director of Engineering.
- 7.0 Community Landscaping
- 7.1 Prior to execution of the subdivision agreement, the Owner shall submit landscape plans prepared by a qualified person based on the Public Realm Guidelines, Architectural Control Guidelines, and Community Design Plan into all landscape works, to the satisfaction of the Director of Planning and Urban Design.
- a) Street tree planting in accordance with the City of Markham Streetscape Manual dated June 2009, as amended from time to time.
 - b) 1.8m high wood screen corner lot fencing, if required.
 - c) Streetscape plans for all Townhouse Blocks.
 - d) Any other landscaping as determined by the Community Design Plan and the Environmental Master Drainage Plan.
 - e) Noise attenuation fencing in accordance with the approved noise study.
 - f) Fencing of the school blocks where they abut residential development.
 - g) Any other landscaping as determined by the Community Design Plan, Public Realm Guidelines, Architectural Control Guidelines and Environmental Master Drainage Plan.
- 7.2 The Owner shall construct all landscaping in accordance with the approved plans at no cost to the City.
- 7.3 The Owner shall not permit their builders to charge home purchasers for the items listed in Condition 7.1.

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

“PURCHASERS ARE ADVISED THAT AS A CONDITION OF APPROVAL OF THE SUBDIVISION WITHIN WHICH THIS LOT IS LOCATED, THE CITY OF MARKHAM HAS REQUIRED THE DEVELOPER TO UNDERTAKE AND BEAR THE COST OF THE FOLLOWING ITEMS:

- STREET TREES (TREES PLANTED IN THE CITY BOULEVARD **Or IN ADJACENT PUBLIC LANDS OR PRIVATE LOTS to meet 4.1a)**
- CORNER LOT FENCING
- REAR LOT LINE FENCING AT LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
- TREE PLANTING IN REAR YARDS ADJOINING THE LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
- NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY
- FENCING OF SCHOOL, PARK, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS
- BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES
- SUBDIVISION ENTRY FEATURES AND DECORATIVE FENCING AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE CITY.

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

8.0 Financial

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

9. Stormwater Management

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

- 9.2 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.
- 9.3 The Owner shall covenant and agree in the subdivision agreement to obtain approval of Site Alteration Plans in accordance with the City's Standards prior to proceeding with any on-site works and more particularly topsoil stripping.
10. Municipal Services
- 10.1 Prior to final approval of the draft plan, the Owner shall prepare, to the satisfaction of the City (Commissioner of Development Services), a Functional Servicing Report to determine the infrastructure required for all municipal services internal to the subdivision and potential upgrades to municipal infrastructure downstream of the subdivision resulted from this development. Any requirements resulting from this Report shall be incorporated into the draft plan and provided for in the subdivision agreement. The owner shall covenant and agree in the subdivision agreement to pay for all external municipal infrastructure upgrades.
- 10.2 The Owner shall covenant and agree in the subdivision agreement that they shall be required to construct, or pay for the construction of, roads, bicycle lanes, curbs, gutters, sidewalks (in accordance with the applicable Council policy and City's Design Criteria and Standards), underground and above ground services, street lights, street signs, utilities, stormwater management facilities, etc., to the satisfaction of the City (Commissioner of Development Services).
- 10.3 Prior to final approval of the draft plan, detailed engineering drawings shall be provided in accordance with the City's Design Criteria, by the Owner which will include, but not be limited to grading control plans, plan and profile drawings of all underground and aboveground services, general plans, drainage plans, composite utility plans, streetlighting design drawings, stormwater management detail plans, etc. to the satisfaction of the City (Commissioner of Development Services).
- 10.4 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Services has been advised by the Fire Chief that there is an adequate water supply for firefighting operations and acceptable access for firefighting equipment is available.
- 10.5 The Owner shall make necessary arrangements with Wykland Estates Inc. ("Wykland") to remove the existing 600mm diameter storm sewer, when directed by the City, within Wykland's lands legally described as Block 32, Plan 65M-4526, and restore disturbed areas in kind at its sole and absolute cost to the satisfaction of the Director of Engineering. The Owner covenants and agrees to provide in the subdivision agreement

such insurance, indemnities and other assurances as may be required by the City in relation to the said removal of the storm sewer.

10.6 Master Environment Servicing Plan Update:

- a) The Owner shall acknowledge in the subdivision agreement that the Cornell Secondary Plan (the “CSP”) is being updated by the City. Prior to approval of development within the CSP area, the Trustee of the Cornell Developers (the “Group”) shall be required to prepare and submit to the City for approval an updated Master Environmental and Servicing Plan (the “MESP”). The MESP shall address the requirements for providing servicing to the updated CSP area. The Owner shall covenant and agree to pay to the Group its proportionate share of the cost of the required upgrades to the existing servicing infrastructures.
- b) The Owner shall further covenant and agree to pay to the Group its proportionate share of the cost of the design, modifications, repairs and replacement of the downstream vortex structure located at the intersection of Kenilworth Gate and 9th Line (as shown on Figure 8.1 – Sanitary Servicing Plan, of the updated Cornell Community Secondary plan Area MESP), just upstream of the York Region 2642 mm diameter sanitary trunk sewer, when asked to do so by the Group.

10.7 Municipal Services and roads within the City owned Lands, legally described as Part 12, Plan 65R-30599 (the “City Lands”):

- a) The Owner has requested permission from the City to install municipal sanitary and storm sewers, and all appurtenances thereto, for Blocks 22 to 27 (the “Blocks”), both inclusive, in the City Lands, to service the Blocks (the “Services”). As a condition of granting the Owner permission to install the Services, the Owner agrees to:
 - i) Pay to the City, prior to execution of pre-servicing agreement or subdivision agreement, whichever is earlier, a sum of \$97,000.00 (excluding any applicable taxes) as financial compensation for installing the Services on the City Lands;
 - ii) Convey to the City 1.0m servicing easement within the Blocks free from encumbrances and at no cost to the City;

all to the satisfaction of the Director of Engineering, Director of Planning and Urban Design.

- b) Prior to execution of the subdivision agreement, the Owner covenants and agrees to prepare an R-Plan for Part 12, Plan 65R-30599 and Part 17, Plan 65R-14883, identifying the additional right-of-way for William Forster Road and future public right-of-ways (the “Future ROW”) and servicing blocks (the “Servicing Blocks”) for the servicing of the Blocks, as identified in 10.7 (1). Upon acceptance of the draft R-Plan by the Director of Engineering, the Owner covenants and agrees to deposit the R-Plan in the land registry office forthwith. All of the foregoing shall be at no cost to the City to the satisfaction of the Director of Engineering and Director of Planning and Urban Design.

- c) City agrees to permit the Owner to construct Streets A, B, C and D (the “Streets”) within the Future ROW to complete the connection of the Streets to William Forster Road in accordance with approved engineering drawings and to the satisfaction of the Director of Engineering, Director of Planning and Urban Design.
 - d) The Owner covenants and agrees to provide in the subdivision agreement such insurance, indemnities and other assurances as may be required by the City in relation to the said construction of the Services and Streets to the satisfaction of the Director of Engineering.
 - e) The Owner acknowledges that the City may at its sole discretion declare the Servicing Blocks as a public highway and the Owner agrees to revise the draft plan to adjust the rounding’s of Streets A, B, C and D and William Forster Road, if required, in accordance with City standards to the satisfaction of the Director of Engineering and Director of Urban Design and Planning.
11. Traffic Impact Study/Internal Functional Traffic Design Study
- 11.1 The Owner shall covenant and agree that prior to final approval of the draft plan; the Owner shall address all outstanding comments related to the Transportation Impact Assessment Study, Functional Traffic Design Study and Transportation Demand Management Plan to the satisfaction of the Director of Engineering. The Owner further covenants and agrees to revise the draft plan if required, to implement or integrate any recommendations from these studies to the satisfaction of the Director of Engineering.
12. Easements
- 12.1 The Owner shall grant required easements to the appropriate authority for public utilities, 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.
13. Utilities
- 13.1 The Owner shall covenant and agree in the subdivision agreement that hydro electric, telephone, gas and television cable services, and any other form of telecommunication services shall be constructed at no cost to the City as underground facilities within the public road allowances or within other appropriate easements, as approved on the Composite Utility Plan, to the satisfaction of the City (Commissioner of Development Services) and authorized agencies.
- 13.2 The Owner shall covenant and agree in the subdivision agreement to enter into any agreement or agreements required by any applicable utility companies, including PowerStream, Enbridge, telecommunications companies, etc

- 13.3 The Owner covenants and agrees that it will permit any telephone or telecommunication service provider to locate its plant in a common trench within the proposed subdivision prior to registration provided the telephone or telecommunications services provider has executed a Municipal Access Agreement with the City. The Owner shall ensure that any such service provider will be permitted to install its plant so as to permit connection to individual dwelling units within the subdivision as and when each dwelling unit is constructed.
14. Canada Post
- 14.1 The Owner shall covenant and agree in the subdivision agreement to facilitate the construction of Canada Post facilities at locations and in manners agreeable to the City of Markham in consultation with Canada Post, and that where such facilities are to be located within public rights-of-way they shall be approved on the Composite Utility Plan and be in accordance with the Community Design Plan.
- 14.2 The Owner shall covenant and agree in the subdivision agreement to include on all offers of purchase and sale a statement that advises prospective purchasers that mail delivery will be from a designated Community Mailbox. The Owners will further be responsible for notifying the purchasers of the exact Community Mailbox locations prior to the closing of any unite sale.
- 14.3 The Owner shall covenant and agree in the subdivision agreement to provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to new residents as soon as homes are occupied.
- 14.4 Standard Community Mailbox installations are to be done by Canada Post at locations approved by the municipality and shown on the Composite Utility Plan. Should the developer propose an enhanced Community Mailbox installation, any costs over and above the standard installation must be borne by the developer, and be subject to approval by the City in consultation with Canada Post.
- 14.5 The Owner will provide the following for each Community Mailbox site and include these requirements on the appropriate servicing plans:
- i) An appropriately sized sidewalk section (concrete pad) as per municipal standards (to place the mailboxes on);
 - ii) Any required walkway across the boulevard as per municipal standards;
 - iii) Any required curb depressions for wheelchair access.

15. Environmental Clearance

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

17. Well Monitoring Program and Mitigation Plan

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

17. Municipal Infrastructure

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

- Lanes: 740 m
- Local Roads: 570 m
- Minor/Major Collectors: 190 m
- Sidewalks: 1700 m
- Streetlights: 40 nos.
- Watermain: 960 m
- Sanitary Sewers: 770 m
- Storm Sewers: 970 m

17.2 Streetlight Types

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

18. Development Charges

18.1 The Owner covenants and agrees to provide written notice of all development charges related to the subdivision development, including payments made and any amounts owing, to all first purchasers of lands within the plan of subdivision at the time the lands are transferred to the first purchasers.

19. Heritage

19.1 Prior to final approval of the draft plan of subdivision or any phase thereof, the Owners shall carry out a cultural heritage resource assessment for the lands within the draft plan to ensure the assessment and identification of appropriate treatment of built heritage and archaeological resources, and 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.

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

20. Other City Requirements

- 20.1 The Owner acknowledges and agrees that firebreak lots within the draft plan shall be designated in the subdivision agreement, to the satisfaction of the Fire Chief. The Owner shall provide a letter of credit in an amount to be determined by the Fire Chief at the subdivision agreement stage to ensure compliance with this condition.
- 20.2 The Owner acknowledges and agrees that the adequacy and reliability of water supplies for firefighting purposes are subject to the review and approval of the Fire Chief or his designee.
- 20.3 The Owner acknowledges that rear lanes servicing City house blocks all are to be designed as Fire Access Routes to the satisfaction of the Fire Chief.
- 20.4 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 or Building Services has been advised by the Fire Chief that there is an adequate water supply for firefighting operations and that two remote accesses for firefighting equipment is available.
- 20.4 The Owner shall include the following clauses in all offers of purchase and sale for units with a single-car garage:

“PURCHASERS/TENANTS ARE ADVISED THAT THE CITY’S PARKING BY-LAW REQUIRES A MINIMUM OF TWO PARKING SPACES, ONE IN THE DRIVEWAY AND ONE IN THE GARAGE. OUTSIDE A PRIVATE GARAGE, PARKING IS ONLY PERMITTED ON A DRIVEWAY.

PURCHASERS/TENANTS ARE ADVISED THAT THE CITY’S ZONING BY-LAW RESTRICTS DRIVEWAY WIDTHS, WHICH MAY NOT ALLOW TWO CARS TO PARK SIDE BY SIDE.

PURCHASERS/TENANTS ARE ADVISED THAT OVERNIGHT STREET PARKING WILL NOT BE PERMITTED UNLESS AN OVERNIGHT STREET PARKING SYSTEM IS IMPLEMENTED BY THE CITY.”

- 20.5 The Owner shall covenant and agree in the subdivision agreement that no building permits will be issued for part blocks until said blocks have been combined with abutting lands to create building lots in conformity with the zoning by-law and all applicable fees have been paid. The Owner acknowledges and agrees that contiguous part lots will be registered as one block in the final plan, and that future lots will be created through part lot control.

- 20.6 The Owner shall provide and post display plans in all sales offices which clearly indicate the location of the following facilities in relation to the lot being purchased, prior to any Agreements of Purchase and Sale being executed by the Owner, a builder, or their real estate agents:

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

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

- 20.7 The Owner covenants and agrees to purchase from the City two recycling containers, one green bin and one kitchen collector per residence so that each purchaser may participate in the City's waste diversion program. Furthermore, the Owner shall ensure that the recycling containers, green bins, kitchen collectors and educational materials are deposited in each home on or before the date of closing.
- 19.8 The Owner covenants and agrees to contact the City at least four weeks prior to unit occupancy to arrange an appointment time in which the recycling containers, green bins, kitchen collectors and educational materials are to be collected by the owner.
- 20.9 The Owner covenants and agrees to pay to the City the cost for recycling containers, green bins and kitchen collectors and to provide said recycling containers, green bins and kitchen collectors to purchasers at the same cost as paid to the City.
- 20.10 The Owner covenants and agrees that during the construction phase of the development, unobstructed roadway access to a width no less than 6 metres will be provided for the safe passage of municipal waste and recycling collection vehicles on the designated collection day. Furthermore, if required, the Owner shall provide vehicle turning space that meets the City's engineering design standards. The Owner agrees that at times when the above defined access cannot be provided, the Owner shall be responsible for moving all residential waste, recyclables and organics from the occupied units to an agreed upon centralized location at the Owner's expense, for collection by the City.
- 20.11 The Owner acknowledges that all waste and recyclable materials will be collected municipally.
21. Toronto and Region Conservation Authority (TRCA)
(To be provided and inserted prior to Draft Subdivision Approval)

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 Prior to final approval, York Region shall confirm that adequate water supply and sewage servicing capacity are available and have been allocated by the City of Markham for the development proposed within this draft plan of subdivision or any phase thereof. 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.
- 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 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 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.
- 22.7 The Owner shall agree in the Subdivision Agreement that the proposed local street, "Street B" will be designed to accommodate all accesses from the property to the south

(Parts 2, 8 and 17 as shown on Plan 65R-35099), to the satisfaction of York Region Transportation Services Department.

22.8 The following warning clause shall be included for all lots/blocks:

“PURCHASERS ARE ADVISED THAT THE PROPERTY TO THE SOUTH (Parts 2, 8 and 17 as shown on Plan 65R-35099) WILL BE DEVELOPED WITH HIGH DENSITY DEVELOPMENT AND ALL ACCESSES WILL BE FROM STREET ‘B’, WHICH WILL RESULT IN INCREASED TRAFFIC VOLUMES FOR THE SURROUNDING AREAS.”

22.9 Prior to final approval, the Owner shall provide a Transportation Demand Management (TDM) Plan to the satisfaction of the Region. The TDM plan shall include the following:

- a. A TDM checklist that summarizes the programs and measures, estimated costs and responsibility of the applicant to implement TDM recommendations.
- b. A TDM communication strategy to assist the Region and the City of Markham to effectively deliver the Information Packages and pre-loaded PRESTO Cards to residents. This strategy shall also include a physical location for distribution of the Information Packages and pre-loaded PRESTO Cards. That the Traffic Study shall be revised to address the following comments, to the satisfaction of the Region.

22.10 Prior to final approval, the Owner shall have prepared, by a qualified professional transportation consultant, a functional transportation report/plan outlining the required Regional road improvements for this subdivision. The report/plan, submitted to the Community Planning and Development Services Division for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues.

22.11 Prior to final approval, the Owner shall provide a written undertaking, to the satisfaction of the Community Planning and Development Services Division that the Owner agrees to implement the recommendations of the functional transportation report/plan as approved by the Community Planning and Development Services Division.

22.12 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 signalization and illumination design, traffic control/construction staging plans and

landscape plans.

- 22.13 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 City of Markham.
- 22.14 Prior to final approval, the Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of Development Engineering recommending noise attenuation features.
- 22.15 The Owner shall agree in the subdivision agreement to implement the noise attenuation features as recommended by the noise study and to the satisfaction of York Region Development Engineering.
- 22.16 The Owner shall agree in the subdivision agreement, in wording satisfactory to Development Engineering, 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.
- 22.17 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."

- 22.18 Prior to final approval, the Owner shall satisfy the York Region 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 have/will have transit services.

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

- Highway 7 East
- Cornell Centre Boulevard

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

- Rustle Woods Avenue

22.19 Prior to final approval, the Owner shall satisfy the York Region Transportation Services Department and The City of Markham 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 “Cornell Centre Boulevard” to “Highway 7 East”
- From “Street E” to “Highway 7 East” (if it is planned to be extended to Highway 7)

The concrete pedestrian access connection shall meet the City of Markham’s standards for sidewalks and shall be owned and maintained by the City of Markham.

22.20 The Owner shall agree in the subdivision agreement to convey lands to the City of Markham to provide for such pedestrian access connection referred to in Condition 19 above.

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

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

ON Street	AT Street	Location	Standard	Traffic Signal Request
Rustle Woods Avenue	Cornell Centre Boulevard	SE corner (front of Block 27)	YRT-1.02	
Rustle Woods Avenue	Street E	NW corner (front of Block 30)	YRT-1.02	

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

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

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

- 22.22 Prior to final approval, the Owner shall submit drawings showing, as applicable, the sidewalk locations, concrete pedestrian access, passenger standing areas and shelter pads to the satisfaction of York Region.
- 22.23 “Rustle Woods Avenue” shall be designed to accommodate transit vehicles to the satisfaction of the City of Markham 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.
- 22.24 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 18. 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.
- 22.25 The Owner shall satisfy the York Region Transportation Services Department that the services to be installed within or in conjunction with the Plan will include illumination in accordance with the City of Markham’s design standards along all streets which have or will have transit services, sidewalks, pedestrian access and bus stop locations.
- 22.26 Prior to final approval, the Owner shall provide a copy of the Subdivision Agreement to the Community Planning and Development Services, outlining all requirements of the Community Planning and Development Services.
- 22.27 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.
- 22.28 The Regional Community Planning and Development Services shall advise that Conditions 1 to 27 inclusive, have been satisfied.
- 23.0 Ministry of Natural Resources
- 23.1 The Owner acknowledges that the Redside Dace has been added to the list of endangered species pursuant to the *Endangered Species Act, 2007*. S.O. 2007, c. 6. (the “Act”), and that the Ministry of Natural Resources (Ontario) has prepared a recovery strategy for the

Redside Dace, entitled “Redside Dace (*Clinostomus elongatus*) in Ontario, Ontario Recovery Strategy Series”, dated February 2010 (the “Recovery Strategy”). The Owner acknowledges that, notwithstanding this Agreement and any approvals made or given by the City in respect of the Subdivision, the onus is on the Owner to comply with the provisions of the Act and the Owner covenants and agrees to use its best efforts to comply the Recovery Strategy, if applicable to the Subdivision, including but not limited to protection of the meander belt of any stream providing habitat to the Redside Dace and its associated riparian habitat that is within 30 metres from the meander belt. The Owner covenants and agrees to indemnify and save harmless the City, its directors, officers, Mayor, Councillors, employees and agents from any and all actions, causes of actions, suits, claims, demands, losses, penalties, fines, expenses and damages whatsoever that may arise either directly or indirectly from the approval and registration of the Subdivision and the Assumption of the Subdivision, the construction and use of the Works or anything done or neglected to be done in connection with the *Endangered Species Act, 2007* and the Recovery Strategy.

22. External Clearances

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

- a) Canada Post shall advise that Condition 14.1 to 14.5 have been satisfied.
- b) The Toronto and Region Conservation Authority shall advise that Conditions 21.1 to 21.X inclusive, have been satisfied.
- g) The Regional Municipality of York Planning Department shall advise that Condition 2.1 and Conditions 22.1 to 22.27 inclusive, have been satisfied.

ISSUED:

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



KYMBERVILLE CAPITAL INC

October 18, 2016

Stephen Corr, Development Planner

Development Services Commission.

City of Markham

scorr@markham.ca

RE: SUSTAINABILITY MEASURES

DRAFT PLAN 19TM-040016 (RED LINE REVISION)

CITY FILE SU 04 0202874/ZA 04 028028/SC 07 113241

KYMBERVILLE CAPITAL INC – CORNELL CENTRE

Kymberville Capital Inc commits that together with its builder, Tiffany Park Homes, we will be incorporating the following sustainability measures into our development and house construction:

Cornell Sustainability Measures

- 4.8 Liter per Flush High Efficiency Toilets
- Low-Flow Aerators and for Kitchens and Bathrooms
- Interior Trim from Recycled Materials
- Energy Efficient Appliances
- Energy Efficient Furnace and Water Tank
- Energy Star programmable thermostats
- Return Air Joints and Supply Ducting sealed with foil tape
- R-20 Full-Height Basement Insulation

KERBEL GROUP INC.

26 Lesmill Road, Unit 3, Toronto, Ontario M3B 2T5
Telephone: 416-733-2202 Fax: 416-733-3129

- R-31 Foam Insulation for exposed heated floors and critical areas
- R-50 Blow-In fiberglass attic insulations
- 2x6 Exterior Stud Partition with R-22 bat insulation
- Shade from landscaping within 5 years of installation
- Landscaping materials using a minimum of 50% native species
- No invasive species on properties along streets and abutting ravines
- Low Volatile Organic Compounds (VOC) paints, stains and primer
- Rain Barrels

+ • ELECTRICAL CONDUITS FROM HYDRO PANEL TO ROOF FOR POTENTIAL FUTURE SOLAR.

We trust this is the information you require.

Yours very truly

• TO GARAGE FOR POTENTIAL CAR CHARGING EQUIPMENT

KYMBERVILLE CAPITAL INC



Joanne Barnett MCIP RPP, Vice-President.