

SUBJECT:**RECOMMENDATION REPORT**

Auriga Developments Inc.

Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision to permit the development of 1.5 single detached dwellings, 95.5 townhouse dwellings, the creation of part lots and a park block on the west side of Donald Cousens Parkway, north of Highway 7 East

Files: ZA 14 109647, SU 14 109647 & OP 14 109647**PREPARED BY:**

Stephen Corr, RPP, MCIP, ext 2624
Planner II, East District

REVIEWED BY:

Sally Campbell, RPP, MCIP, ext 2645
East District Manager

RECOMMENDATION:

- 1) That the report titled "RECOMMENDATION REPORT, Auriga Developments Inc., Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision to permit the development of 1.5 single detached dwellings, 95.5 townhouse dwellings, the creation of part lots and a park block on the west side of Donald Cousens Parkway, north of Highway 7 East, Files ZA 14 109647, SU 14 109647 & OP 14 109647", be received;
- 2) That the record of the Public Meetings held on June 17 2014, regarding the applications for approval of a Draft Plan of Subdivision, Zoning By-law Amendment and Official Plan Amendment, be received;
- 3) That the Official Plan Amendment application submitted by Auriga Developments 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 application submitted by Auriga Developments Inc., to amend Zoning By-laws 304-87 and 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 Draft Plan of Subdivision 19TM-14003 submitted by Auriga Developments 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-14003 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 availability of servicing allocation for 1.5 single detached dwellings and 95 townhouse dwellings be confirmed; 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 Auriga Developments Inc. for a draft plan of subdivision (19TM-14003) and implementing official plan and zoning by-law amendments. Approval of the applications will permit a lane-based residential development comprised of 1.5 single detached dwellings and 95.5 townhouse dwellings on the subject lands, which are located west of Donald Cousens Parkway and north of Highway 7. The subject lands also include 0.4 ha (1.3) strip of land abutting the west side of Donald Cousens Parkway, which is currently owned by the Region of York and has been deemed surplus to Regional requirements. The applicant is in the process of acquiring this parcel from the Region to form part of the proposed development. The subject lands, including the Region of York parcel, are shown on Figures 1, 2 and 3.

The proposed draft plan of subdivision was designed as an integrated development with the abutting parcel of land to the west, owned by Cornell Rouge Development Corporation (CRDC), also to be considered by Development Services Committee (DSC) at the October 24th meeting (See Figures 4 and 5). Approval of the two draft plans will result in a residential development comprised of 150 townhouse dwellings and seven single detached dwellings. Park blocks on each draft plan will be dedicated to the City as a condition of approval, resulting in a 1.131 ha (2.8 ac) park to serve the community.

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 built form on certain portions of the site.

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. The total amount land to be dedicated as park land over both draft plans satisfies the requirements of the Cornell Master Parks Agreement.

PURPOSE:

This report recommends approval of Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment applications submitted by Auriga Developments Inc., to permit 1.5 single detached dwellings, 95.5 townhouse dwellings and the creation of part lots on the subject lands for a total of 97 units.

BACKGROUND

The 3.38 ha (8.36 ac) vacant site (the “subject lands”) is located on the west side of Donald Cousens Parkway, north of Highway 7 East, within the Cornell community (see Figures 1, 2 and 3). The subject lands also include a 0.4 ha (1.3 ac) strip of land abutting the west side of the Donald Cousens Parkway right of way, which is currently owned by the Region of York and has been deemed surplus to Regional requirements (see Figures 1 & 3). The applicant is in the process of acquiring this abutting parcel from the Region to form part of the proposed development. The proposed Draft Plan of Subdivision is shown as Figure 4.

Surrounding land uses include:

- Single detached and townhouse dwellings to the north (across Rustle Woods Avenue);
- Vacant lands and existing rural dwellings and agricultural buildings to the east (across Donald Cousens Parkway);
- Vacant lands to the west (owned by Cornell Rouge Development Corporation [CRDC]) which are proposed to be developed with townhouse dwellings in conjunction with the development proposed on the subject lands; and
- Vacant lands to the south, located at the northwest corner of Highway 7 and Donald Cousens Parkway, which are also owned by applicant. While these lands currently comprise part of the larger property containing the subject lands, they are not included as part of the proposed draft plan of subdivision submitted by Auriga Developments. Approval of the draft plan of subdivision would effectively sever this block as a remnant parcel. As a condition of Draft Approval (Appendix C), the owner will be required to pay any outstanding financial obligations required as part of the subdivision application for the creation of this remnant parcel. It should also be noted that this parcel is anticipated to be developed with a multi-storey mixed-use building in conjunction with an abutting development block to the west on the CRDC Draft Plan. Site plan control and zoning amendment applications will be required to facilitate development on these parcels and any outstanding financial obligations associated with the development of these parcels, including but not limited to Section 37 contributions or parkland obligations would be addressed through review of the site plan and zoning by-law amendment applications upon submission to the City.

Original Submission

The applications were initially submitted on May 16, 2014 proposing traditional front loaded street townhouses that did not conform to the Cornell Secondary Plan, which requires lane-based access to dwellings designed to support a compact, pedestrian-friendly and well connected community and to ensure continuous and attractive public streets.

Public Consultation

A Statutory Public Meeting was held on June 17, 2014. At this meeting comments were raised about:

- The non-lane based housing proposed and the lack of planning and coordination with the abutting property to the west;
- Need for Auriga Developments Inc. to become a member of the Cornell Developers Group;
- The possibility of high-rise buildings, density and lack of parkland servicing the existing single detached dwellings north of the subject lands;

These comments have been addressed as follows:

- The applicant has since consulted with CRDC to submit a revised draft plan proposing a lane based townhouse development that is integrated with the abutting lands;
- The applicant will be required to join the land owners group and provide their Trustees clearance as a condition of draft subdivision approval;
- The proposed development comprises primarily townhouses. Sufficient parkland, in accordance with the Cornell Masters Parks Agreement, will be dedicated as a condition of draft plan of subdivision approval.

PROPOSAL

Auriga Development Inc. is proposing a draft plan of subdivision comprised of 1.5 single detached dwellings and 95.5 townhouse dwellings (See Figure 4). This draft plan contains part lots, including the 1.5 singled detached lots and 17.5 of the townhouse lots which will be combined with adjoining part lots on the abutting CRDC lands to create complete development lots. Accordingly, this draft plan has been designed in conjunction with revisions to approved Draft Plan of Subdivision 19TM-08002, proposed on abutting CRDC lands, to the west. An accompanying recommendation report on the CRDC redline revised draft plan of subdivision and related zoning and official plan amendments is being considered by Committee at the October 24, 2016 meeting (Files OP 14 244799 and ZA/SU 14 244802).

Figure 5 shows conceptually how the two draft plans will be developed comprehensively. The developments include a section of Rustle Woods Avenue to connect to Donald Cousens Parkway, a new public street and public lanes, park blocks and a walkway block. Vehicular access to all the proposed dwellings on both draft plans will be provided via public rear laneways consistent with the development pattern for the Cornell community. The proposed Auriga Draft Plan has also been designed to include surplus Region of York lands along the west side of Donald Cousens Parkway which will form part of the townhouse lots fronting Donald Cousens Parkway and part of the parkland and open space dedication required as part of the Draft Plan of Subdivision.

The distribution of units across both developments is summarized in the Tables below:

Auriga Developments Inc.		
Unit Type	No. of Units	Location/Description
Single Detached	1.5 part lots	Fronting north side of Rustle Woods Avenue To be combined with 1.5 CRDC part lots to create 3 single detached lots

Townhouse	42	Blocks 4 – 9 (Figure 4) To be combined with Region of York lands to create 42 townhouse lots fronting Donald Cousens Parkway
Townhouse	36	Blocks 10 – 14 (Figure 4) 36 complete townhouse lots with frontage on the east side of a new public street
Townhouse	17.5 part lots	Blocks 15 – 19 (Figure 4) To be combined with 17.5 CRDC part lots to create 35 townhouse lots with frontage on the west side of new public street
Total No. of Units		1.5 single detached lots and 95.5 townhouse lots

Cornell Rouge Development Corporation		
Unit Type	No. of Units	Location/Description
Single Detached	1.5 part lots	To be combined with 1.5 Auriga part lots to create 3 single detached lots
Single Detached	4	Complete lots fronting north side of Rustle Woods Avenue, no change from original CRDC Draft Approved Plan of Subdivision 19TM-08002
Townhouse	37	Complete lots with frontage on the east side of Cornell Rouge Boulevard
Townhouse	17.5 part lots	To be combined with 17.5 Auriga part lots to create 35 townhouse lots with frontage on the west side of new public street
Total No. of Units		5.5 single detached lots and 54.5 townhouse lots

The proposed development between the two draft plans will result in a total of 150 townhouse dwellings and seven single detached dwellings. The seven single detached lots will have frontages of 11 m (36 ft) and 14.2 m (46.6 ft). Each of the townhouse units will be 4.5 m (14.8 ft) wide, with corner and end unit lots between 6 m (19.7 ft) and 7 m (23.0 ft) wide to accommodate side yard setbacks, as well as upgraded end unit treatments.

Parkland and Open Space Dedication

As a condition of approval, Auriga Developments Inc. and CRDC will dedicate park and open space blocks to the City upon execution of the respective subdivision agreements in accordance with the Cornell Master Parks Agreement. The park land to be dedicated will total 1.131 ha (2.79 ac) park, and will be located on the south side of Rustle Woods Avenue, comprising the following:

- A 0.745 ha (1.85 ac) park block (Block 20, Figure 4) on the Auriga Draft Plan;
- A 0.260 ha (0.64 ac) and a 0.084 ha (0.2 ac) park block on the CRDC Draft Plan; and,
- A 0.042 ha (0.1 ac) park block to be added from the Region of York lands (as shown on Figure 4).

A further 0.141 ha (0.35 ac) open space block (Block 21, Figure 4) located on the north side of Rustle Woods Avenue will be combined with the existing open space valley lands that abut Block 21. A 5 m (16 ft) wide walkway block (Block 22) is located at the south

end of the draft plan to provide a pedestrian connection to Donald Cousens Parkway and the multi-use pathway along its west side.

Proposed Official Plan and Zoning By-law Amendment Applications

To facilitate implementation of the Draft Plan of Subdivision, Auriga Development Inc. has submitted applications to amend the Cornell Secondary Plan (2008) and Zoning By-law 304-87, as amended and By-law 177-96, as amended. Staff are recommending approval of the official plan and zoning by-law amendments, and have provided drafts of each, which are attached as Appendix 'A' and 'B', respectively. Details regarding the proposed official plan and zoning by-law amendments are outlined in the following subsection of this report.

OFFICIAL PLAN AND ZONING

In-force Official Plan (revised 1987)

- Designated "Urban Residential", which allows for residential uses.

Cornell Secondary Plan (2008)

- The majority of the subject lands are designated "Residential Neighbourhood – Cornell Centre", which provides for medium and high density housing in the form of multiple units (such as stacked townhouses) and apartment buildings.
- The "Residential Neighbourhood – Cornell Centre" designation contemplates a minimum Floor Space Index (FSI) of 1.5 and building heights ranging from four to six storeys.
- The northerly portion of the site is designated "Residential Neighbourhood", which contemplates low density housing types, including single detached dwellings. It is within this designation where the 2.5 single detached dwelling units are proposed.
- The Secondary Plan identifies that a neighbourhood park is to be provided on a portion of the subject lands.

Auriga Developments 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 Official Plan identifies that the subject lands are within the Cornell Centre Key Development Area. Until an updated secondary plan is approved for the Cornell Centre Key Development Area lands, 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 as it remains applicable to the subject lands.

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 proposed designation provides for townhouse building types, ranging between 3 and 6 storeys with a minimum FSI of 0.75. It also requires a neighbourhood park to be provided on a portion of the site. 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 are zoned "Rural Residential Four (RR4)" and "Rural Residential Two (RR2)" under By-law 304-87, as amended, which permits single detached dwellings on large rural lots.

The proposed zoning by-law amendment rezones the subject lands from RR2 and RR4 under By-law 304-87, as amended, to a Residential Two (R2) designation under By-law 177-96, as amended. The rezoning will include site specific exceptions relating lot frontages, building heights and setbacks to facilitate the proposed development.

OPTIONS/ DISCUSSION:**Revised Draft Plan of Submission, Street/Block Pattern, Snow Clearance & Parking**

Following several meetings between City staff, Auriga Developments Inc and CRDC, a revised draft plan of subdivision was prepared resulting in a comprehensive plan for both properties (Figure 5). The two proposed draft plans combine to create an integrated network of streets and lanes, as well as lane-based residential housing as envisioned in the Cornell Secondary Plan. Auriga Developments Inc. submitted their revised draft plan of subdivision on May 3, 2016 (Figure 4).

The Auriga Draft Plan (Figure 4) includes a portion of a centrally located east/west lane that extends into the abutting CRDC Draft Plan. This east/west lane was introduced to address the Operations Department's comment that the north/west lane on the Auriga plan exceeded the City's lane length standard. In addition to breaking up the overall length of lanes on both draft plans, this east/west lane provides improved rear lane access for fire and emergency service, snow removal, and provides an additional route for storm water runoff to be diverted to catchbasins located along 'Street 3' (Concept plan, Figure 5).

With respect to parking, each townhouse dwelling will have two parking spaces, as required by Parking Standards By-law 28-97, as amended. Additional on street parking will be available in lay-by spaces on Rustle Woods Avenue and Cornell Rouge

Boulevard. On street parking will also be available along the new public street, 'Street 3'.

Development Services staff are of the opinion that the proposed street and lane configuration and townhouse block pattern are appropriate and that the proposed draft plan adequately provides for on street parking and snow storage areas.

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

The update to the Cornell Secondary Plan proposes a 'Residential Mid Rise I' designation on the subject property, which allows for townhouse building types and consequently a lower minimum FSI to reflect this unit type. The basis for lowering the minimum FSI on the subject lands is that density will shift to other more central locations within Cornell Centre, particularly areas located along Highway 7, Rustle Woods Avenue west of Bur Oak and along Bur Oak Avenue itself where density is anticipated to be increased, resulting in multi-storey mixed-use buildings wherein the overall density targets for the Cornell Centre Key Development Area will be achieved.

The proposal is consistent with the direction of the Cornell Secondary plan update with respect to the townhouse building type, building heights between 3 and 6 storeys and a minimum FSI of 0.75. Therefore staff support the proposed draft plan of subdivision and implementing official plan amendment application. This site specific official plan amendment is consistent with the recent Council approval of the development application by Wykland Estates (Mattamy Homes, File OP 14 135999) wherein the minimum density was reduced and townhouse building types were introduced for the development blocks that abut the existing low rise community of Cornell, providing an appropriate transition towards the higher density blocks along Bur Oak and Highway 7. Approval of this site specific official plan amendment, in addition to the requested zoning by-law amendment, will result in an appropriate development for this particular location within Cornell Centre with respect to built form, height and density and is consistent with the policy direction.

Architectural Control

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

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 Contribution

The Cornell Master Parks agreement between the Cornell Landowners Group and the City requires that a 1.12 ha (2.77 ac) park to be delivered within this part of Cornell. The combined park blocks on both the Auriga draft plan, the subject of this report and the CRDC draft plan will result in a park with a total area of 1.131 ha (2.8) acres, which achieves the parkland requirement in the Cornell Master Parks Agreement.

Sustainability Features

Auriga Developments Inc. has indicated that the builder (Primont Homes) will be incorporating sustainable design features within the proposed residential dwellings. These include energy efficient windows, lighting fixtures, furnaces and hot water tanks; low flow toilets and fixtures, solar ready conduits from the hydro panel to the attic; and conduits between the garage and hydro panel to support the installation of electric car charging for home owners; amongst other items. A full list of the sustainability features provided by Primont Homes is attached as Appendix 'D'.

Toronto Region Conservation Authority and Region of York Comments

The TCRA and the Region have indicated that they have no objection to the approval of the proposed draft plan of subdivision, subject to their respective conditions of draft plan approval, which are included in Appendix 'C'.

As noted previously in the report, the applicant is currently negotiating the acquisition of a 0.4 ha (1.0 ac) parcel of land from the Region to be added to the draft plan. Regional staff has confirmed that this parcel has been deemed surplus by the Region and that Regional Council is expected to approve the sale of the land to Auriga at a meeting in October, 2016. Following acquisition of the Regional land, the draft approved plan will require a minor redline revision to incorporate the lands and an appropriate condition of draft plan approval has been incorporated to reflect this (Appendix 'C').

Cornell Landowners Group Obligations

The applicant is required to enter into the Cornell Cost Sharing Agreement, and be a participant in good standing. This will ensure that the applicant bares an equitable share of any costs or burdens associated with benefiting from existing infrastructure and/or community use lands provided by the Cornell Landowners Group.

While the availability of servicing allocation has been confirmed from Council's current allocation reserve, the Cornell landowners Group tracks servicing allocation amongst members of the group and the City will require clearance from the Trustee of the Cornell

Landowners Group confirming servicing allocation, and indicating that other 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 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 Draft Plan of Subdivision subject to the conditions provided in Appendix 'C'.

FINANCIAL CONSIDERATIONS:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

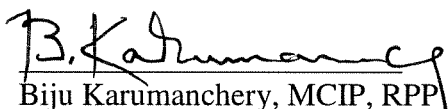
ALIGNMENT WITH STRATEGIC PRIORITIES:

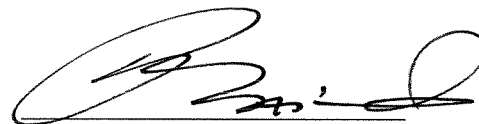
The proposed applications will align with the City's strategic priorities of Growth Management and Municipal Services by implementing the proposed development in coordination with available servicing allocation.

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 Plan of Subdivision

Figure 5 – Proposed Concept Plan, Auriga Developments/CRDC

Appendix A – Draft Cornell Secondary Plan Amendment

Appendix B – Draft Zoning By-law Amendment

Appendix C – Draft Conditions of Subdivision Approval

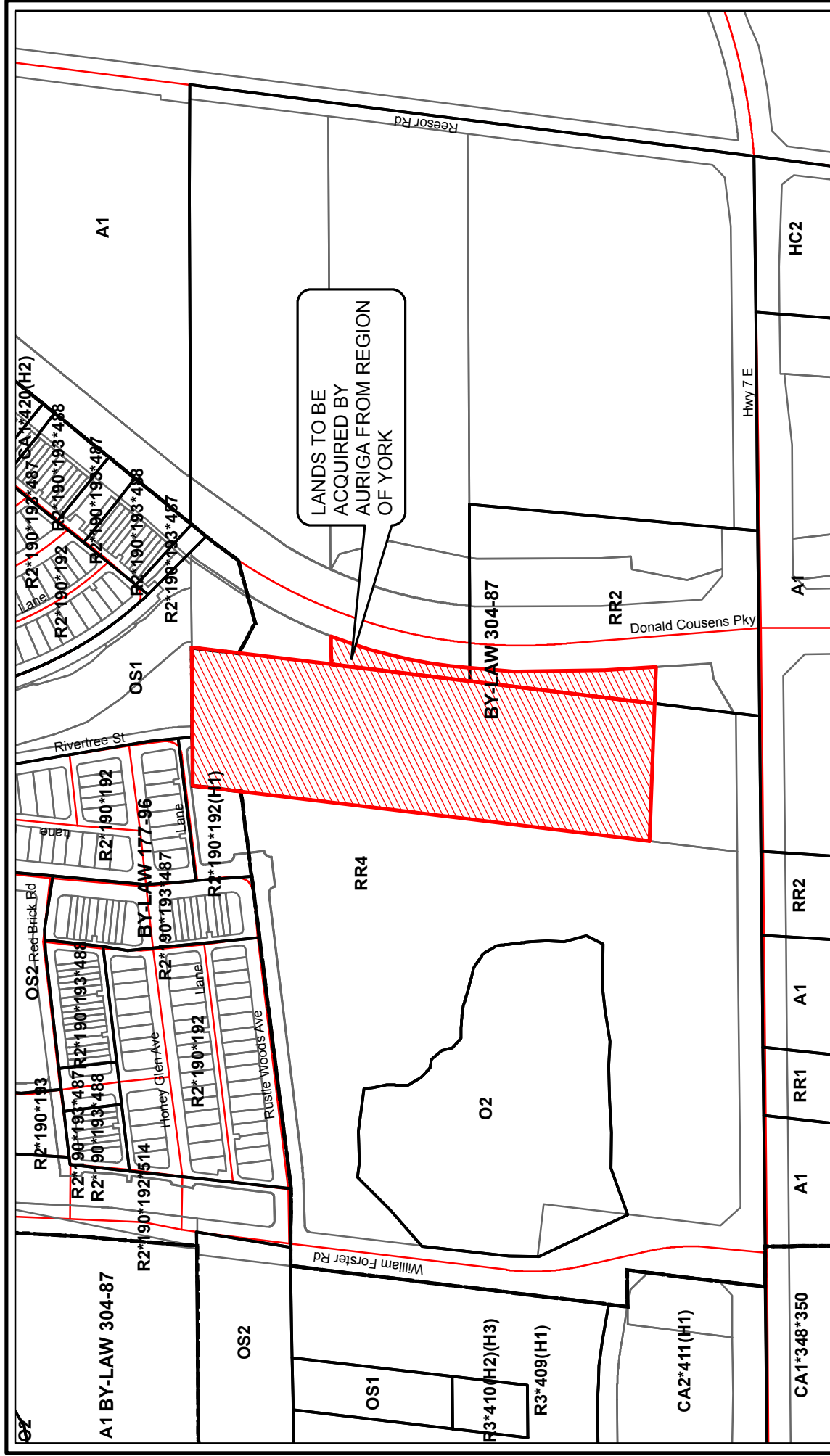
Appendix D – Sustainability Features

APPLICANT: **Owner: Auriga Developments Inc.**
Attn: Ishaq Memon
327 Renfrew Drive
Markham, Ontario, L3R9S8
Tel: (905) 513-7999 Email: imm@maplequest.ca

AGENT: **KLM Planning Partners Inc.**
Attn: Robert Lavecchia
64 Jardin Drive, Unit 1B
Concord, Ontario L3Y 1L7
Tel: 905-895-0554 Email: RLavecchia@KLMPPlanning.com

File path: Amanda\File 14 109647\Documents\Recommendation Report





AREA CONTEXT / ZONING

APPLICANT: AURIGA DEVELOPMENTS INC.

FILE No.OP_SU_ZA 14109647

 SUBJECT LANDS

Q:\Geomatics\New Operation\2016 Agenda\OPI\OP_SU_ZA_14109647\OP_SU_ZA_14109647.mxd

DATE: 24/08/2016

MARKHAM
DEVELOPMENT SERVICES COMMISSION

Drawn By: LW

Checked By: SC


FIGURE No. 2



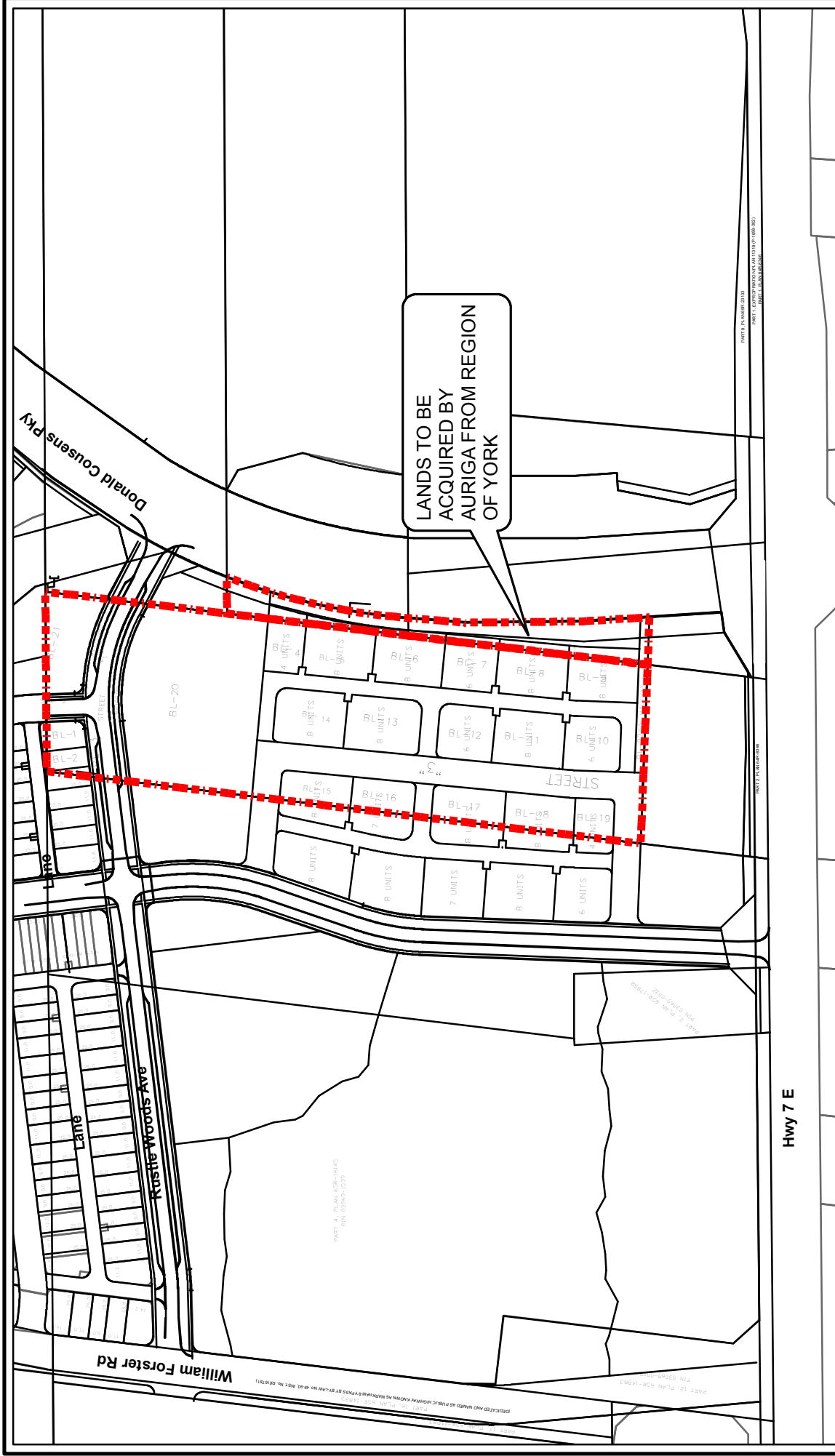
AIR PHOTO

APPLICANT: AURIGA DEVELOPMENTS INC.

FILE No.OP_SU_ZA 14109647

 SUBJECT LANDS


Q:\Geomatics\New Operation\2016 Agenda\Auriga\OP_SU_ZA_14109647\OP_SU_ZA_14109647.mxd



DRAFT PLAN OF SUBDIVISION

APPLICANT: AURIGA DEVELOPMENTS INC.

FILE No.OP_SU_ZA_14109647

 SUBJECT LANDS

Q:\Geomatics\New Operation\2016 Agenda\OP\OP_SU_ZA_14109647\OP_SU_ZA_14109647.mxd

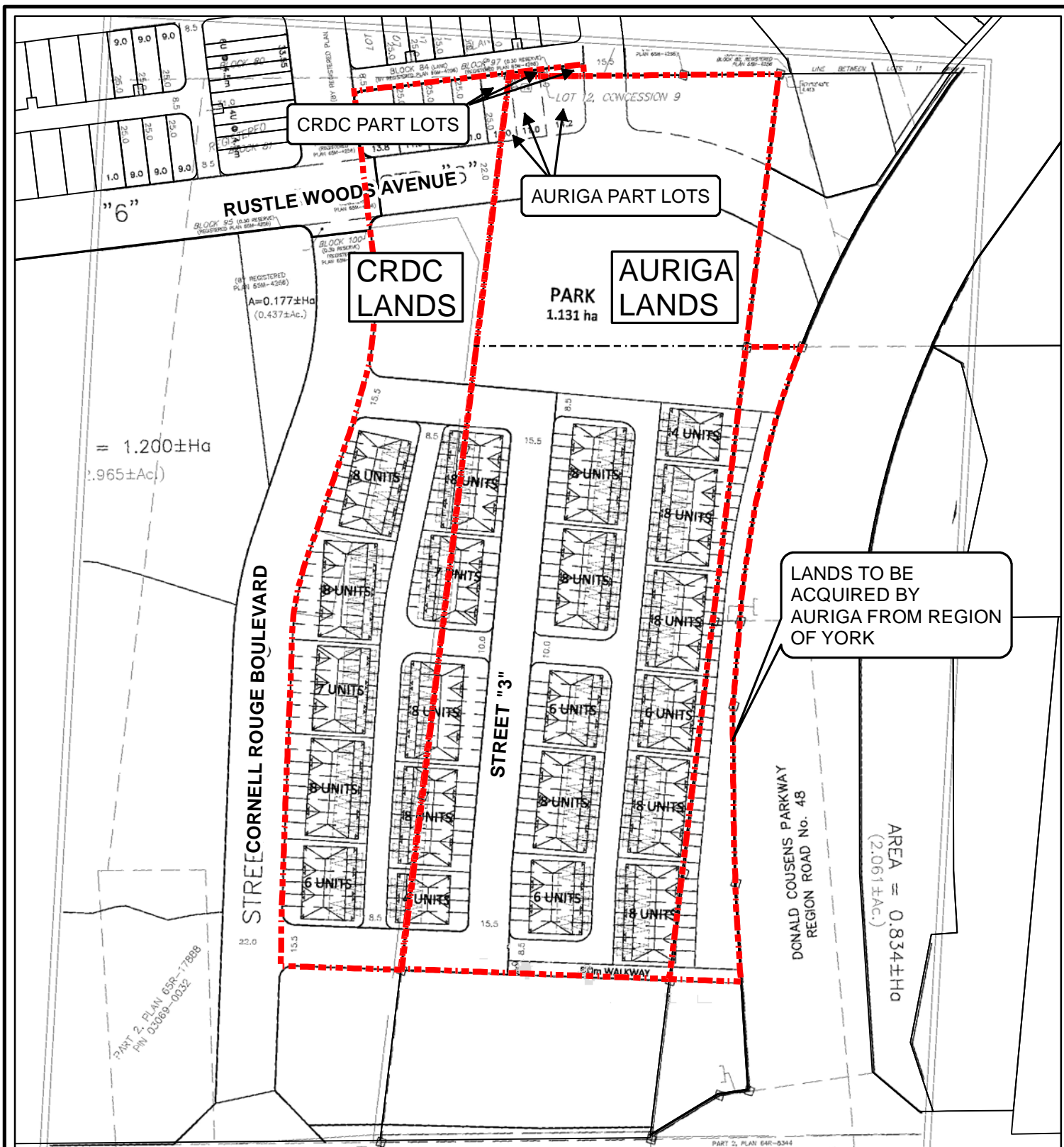
 MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: LW

Checked By: SC

DATE: 29/08/2016

FIGURE No. 4



COMPREHENSIVE DEVELOPMENT PLAN

APPLICANT: AURIGA DEVELOPMENTS INC. / CRDC

FILE No.OP_SU_ZA 14109647

Q:\Geomatics\New Operation\2016 Agenda\OP\OP_SU_ZA_14109647\OP_SU_ZA_14109647.mxd

DATE: 03/10/2016



DEVELOPMENT SERVICES COMMISSION

Drawn By: LW

Checked By: SC

FIGURE No. 5

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

(Cornell Rouge Developments Corporation)

(October, 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. 7 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.

Frank Scarpitti,
Mayor

Kimberly Kitteringham,
City Clerk

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.	GENERAL	6
2.	LOCATION	6
3.	PURPOSE.....	6
4.	BASIS	6

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. 7 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. 7 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 29-1-7. 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 two parcels of land having approximate areas of 1.2 and 1.1 hectares, located on the north side of Highway 7, east of Cornell Rouge Boulevard and west of the Donald Cousens Parkway 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 the subject lands.

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 apartment buildings and stacked townhouses. The applicant is proposing townhouse dwellings on the subject lands. The official plan amendment also requests a reduction to the minimum allowed building height from 4 storeys to 3 storeys, and to reduce the minimum allowed floor space index (FSI) from 1.5 FSI to 0.75 FSI.

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

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. 7 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.

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 29-1-7)
(This is an operative part of Official Plan Amendment No. XXX)

PART III - THE SECONDARY PLAN AMENDMENT (PD 29-1-7)

1.0 THE SECONDARY PLAN AMENDMENT

(Amendment No. 7 to the Cornell Secondary Plan PD 29-1)

The Cornell Secondary Plan (PD 29-1) 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 e) to Section 6.2.4.2 Site Specific Policies as follows, and by adding Figure 29-1-7, as shown on Schedule “A” attached hereto, to be appropriately placed on the first page following Section 6.2.4.2 e):

“ e) 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 29-1-7:

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

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.

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

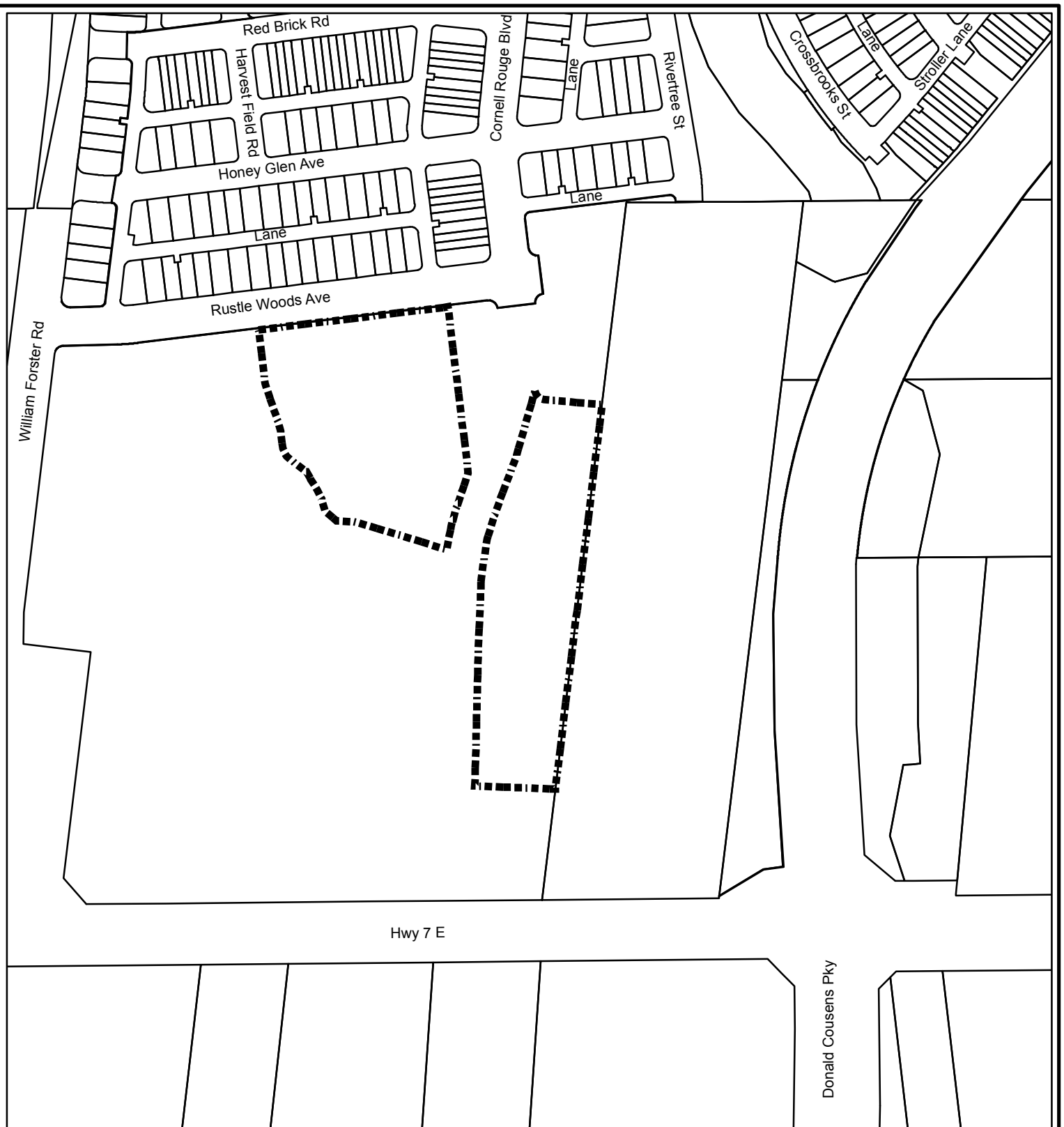




FIGURE No, 29-1-7 to the Cornell Secondary Plan (PD-29-1)

-  BOUNDARY OF AREA COVERED BY THIS AMENDMENT
-  Boundary of area subject to the policies in section 6.2.4.2e)
Land use designation : Residential Neighbourhood-Cornell Centre





BY-LAW 2016-____

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

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

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

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

Residential Two*190*192 (R2*190*192) Zone

Residential Two*562 (R2*562)

Open Space One (OS1) Zone

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

**“7.562 Auriga Developments Inc. and Cornell Rouge
Development Corporation**

**West side of Donald Cousens Parkway, north of
Highway 7**

Notwithstanding any other provisions of By-law 177-96, as amended, the provisions in this Section shall apply to those lands denoted by symbol *562 on Schedule 'A' to this By-law.

7.562.1 Only Permitted Uses

Residential Uses:

- a) *Townhouse Dwellings;*
- b) *Home Occupations*
- c) *Private Home Day Care*

7.562.2 Special Zone Provisions

The following special zone provisions shall apply:

- a) Minimum *Lot Frontage* – 4.5 metres, except as follows:
 - (i) End unit on an *interior lot* – 5.7 metres; and
 - (ii) End unit on a *corner lot* – 6.9 metres;
- b) The provisions of Table B2 Part 1 of 3 shall apply,
- c) *Minimum Required Front Yard* – 2.5 metres;

- d) *Minimum Required Rear Yard – 5.8 metres, except that the Minimum Required Rear Yard for an Outdoor Amenity Space located above a private garage and/or a support structure for the Outdoor Amenity Space, which is located on the first storey and adjacent to a private garage is 1.2 metres;*
- e) *Outdoor Amenity Space shall be provided and shall be subject to the following provisions:*
 - i) *The Outdoor Amenity Space shall be located above a private garage; and*
 - ii) *The Outdoor Amenity Space shall have a minimum area of 6 square metres*
- f) *Maximum Building Height – 12 metres;*
- g) *Porches may encroach into the required front yard or exterior side yard provided that no part of the porch is located closer than 1.0 metre from the front lot line or exterior side lot line and no part of the stairs accessing a porch is located closer than 0.3 metres from the front lot line or exterior side lot line; and*
- h) *Any part of a building, Outdoor Amenity Space private garage or driveway adjacent to a hydro transformer notch may encroach into the required interior side yard to the interior side yard lot line.”*

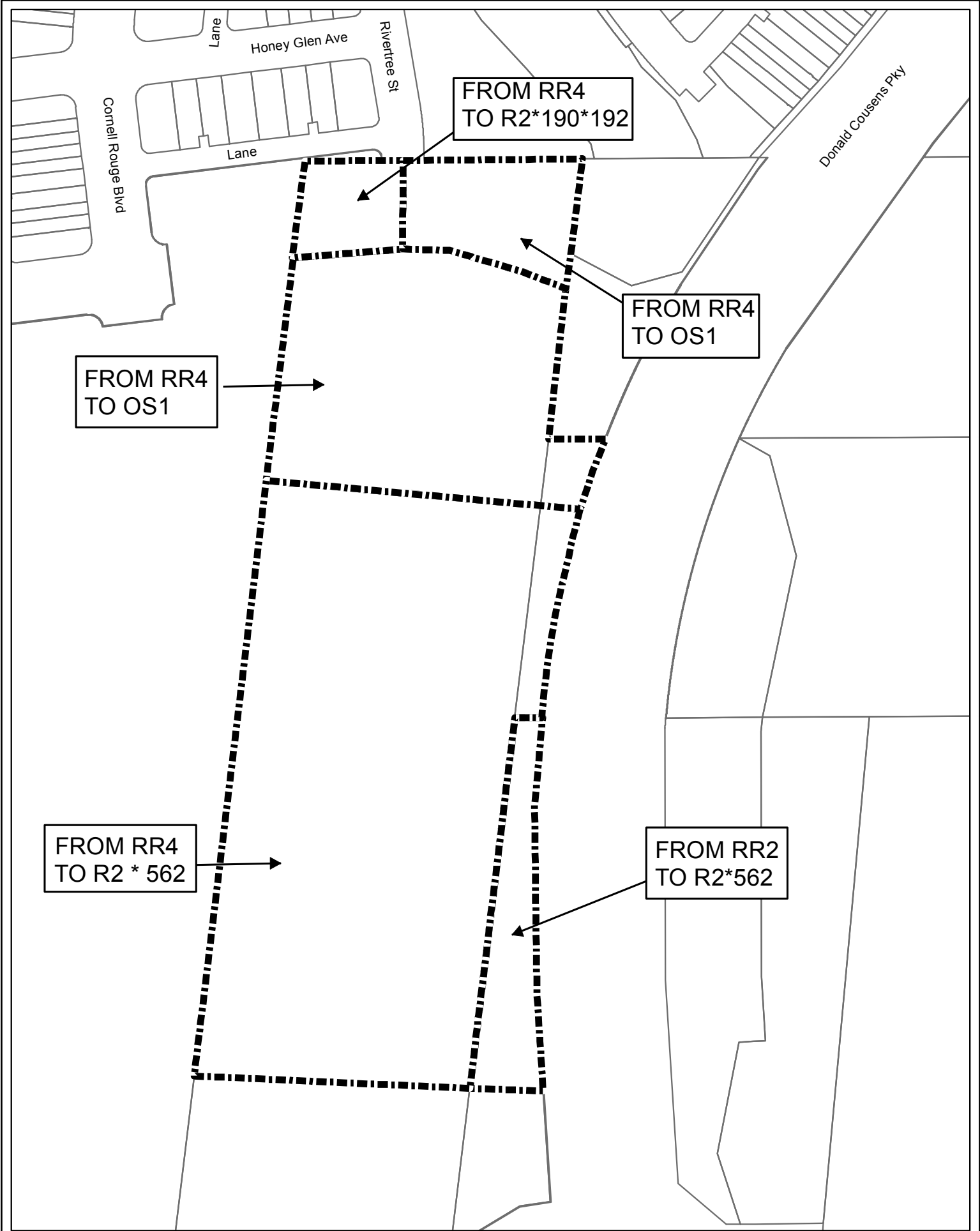
3. SECTION 37 AGREEMENT

- 3.1 The applicant shall be required to enter into a Section 37 Agreement to secure the provision of community facilities and services by the City for the lands zoned Residential Two*562 (R2*562) and Residential Two *190*192 (R2 *190*192), as shown on Schedule ‘A’ to this By-law.

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

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor


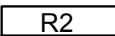




SCHEDULE "A" TO BY-LAW

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



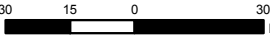
 BOUNDARY OF AREA COVERED BY THIS SCHEDULE

- | | | | |
|---|-------------------|---|---------------------------------------|
|  RR4 | RURAL RESIDENTIAL |  R2 | SINGLE AND MULTIPLE DETACHED DWELLING |
|  RR2 | RURAL RESIDENTIAL |  OS1 | OPEN SPACE |

Q:\Geomatics\New Operation\By-Laws\OP\OP_SU_ZA14109647\OP_SU_ZA14109647.mxd



DEVELOPMENT SERVICES COMMISSION



Drawn By: LW Checked By: SC DATE:26/09/2016

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



EXPLANATORY NOTE

BY-LAW 2016-____

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

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

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

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

Auriga Developments Inc.

West side of Donald Cousens Parkway, north of Highway 7

Lands Affected

The proposed by-law amendment applies to a 3.83 hectare parcel which is located on the west side of Donald Cousens Parkway and north of Highway 7. These lands include a strip of land along the west side of Donald Cousens Parkway which is owned by the Region of York and anticipated to be conveyed to Auriga Developments Inc. as part of the Draft Plan of Subdivision proposing a townhouse development on the subject lands.

Existing Zoning

The subject lands are zoned Rural Residential Two (RR2) and Rural Residential Four (RR4) under By-law 304-87, as amended.

Purpose and Effect

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

Residential Two*190*192	R2*190*192
Residential Two*562	R2*562
Open Space One	OS1

The effect of this by-law is to permit single detached dwellings on the lands zoned Residential Two *190*192 (R2*190*192), townhouse dwellings on the lands zoned Residential Two*562 (R2*562) and a community park and part of a stream corridor on the lands zoned Open Space One (OS1).

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.

**THE CONDITIONS OF THE CITY OF MARKHAM TO BE SATISFIED PRIOR TO
RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TM-14003
(Auriga Developments Inc.)**

1. General

- 1.1 Approval shall relate to plan of subdivision 19TM-14003 prepared by KLM Planning Partners Inc., identified as Project Number P-2489, drawing No. 16:3, dated April 20, 2016, Approval shall also incorporate the following redline revisions:
- Show ROW rounding radius / triangle for all roadways intersections.
 - Show ROW centerline curve radius along all roadways including cul-de-sacs.
 - Provide 0.30m reserve along south street line of Street 3
- 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 October 24, 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 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 304-87, as amended and 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 Environmental Assessment Traffic Impact Study, Internal 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.

- 1.7 That the Owner covenants and agrees that no building permits will be issued for Blocks 4 to 9, inclusive, until these blocks are combined with adjacent lands to the east noted as 'Lands to be Acquired', to create building lots in conformity with By-law 177-96, as amended.
- 1.8 That the Owner covenants and agrees that no building permits will be issued for Blocks 15 to 19, inclusive, until these blocks are combined with adjacent blocks to the west forming part of Draft Approved Plan of Subdivision 19TM-08002 submitted by Cornell Rouge Development Corporation ("CRDC"), to create building lots in conformity with By-law 177-96, as amended.
- 1.9 That prior to final approval, the owner covenants and agrees to pay any outstanding financial obligations for the creation of the remnant parcel south of plan of subdivision 19TM-14003, located at the northwest corner of Highway 7 and Donald Cousens Parkway.
- 1.10 The Owner shall acknowledge and agree in the subdivision agreement that final approval of the draft plan shall be subject to adequate sanitary sewer capacity and water supply being allocated to the subdivision by the City.
- 1.11 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. The City approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure;
- OR
- b. 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
- 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.
- 1.12 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-14M03, 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 The road allowances within the draft plan shall be named to the satisfaction of the City and York Region.
- 2.2 The road allowances within the draft plan shall be dedicated as public highway, free of all costs and encumbrances.
- 2.3 The Owner shall covenant and agree in the subdivision agreement that the public highways shall be designed and constructed in accordance with established municipal standards to the satisfaction of the City (Commissioner of Development Services).
- 2.4 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).
- 2.5 The Owner shall covenant and agree in the subdivision agreement to implement the traffic control measures identified in the Internal Functional Traffic Study. The Owner shall further covenant and agree to implement additional traffic control measures, prior to assumption of the plan of subdivision, if it is determined by the City that additional traffic control measures are required.

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 (“the Streetscape Manual”), 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 a tree compensation plan, in accordance with the Streetscape Manual, 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. Community Design

- 5.1 The Owner shall implement all requirements of the approved Cornell Community Design Plan 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 plans or 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 Plans submitted for model home permits for any building within the plan of subdivision shall bear an approval stamp identifying the architectural company retained for architectural control and the signature of the control architect. The approval stamp shall certify that the floor plans, building elevations and site plans are designed in accordance with the approved architectural control guidelines.
- 5.4 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.
- 5.5 The Owner shall retain a design consultant acceptable to the Director of Planning & Urban Design to implement the Architectural Control Guidelines, as amended.
- 6.0 Parks and Open Space
- 6.1 The Owner shall provide full servicing, utilities, and maintenance for park **Blocks 20 & 21** to the satisfaction of the Director of Planning & Urban Design.
- 6.2 The Owner shall provide the following in each park block to the satisfaction of the Director of Planning & Urban Design:
- Accommodation of minimum 300mm topsoil depths in park
 - Access to sufficient topsoil to cover parks at the depths specified in the subdivision agreement
 - Water service and meter chamber inclusive of chamber drain to storm or sanitary drain and apparatus
 - Storm servicing (CB/manhole) in the low end of each watershed within the park
 - Sanitary servicing
 - Electrical servicing
 - Minimum compaction levels
 - Fencing of park block to OPSD standards
 - Hydro-seed sub grade of parks
- 6.3 The Owner shall provide a 200mm topsoil depth in the entire municipal boulevard to appropriately plant boulevard trees to the satisfaction of the Director of Planning & Urban Design.
- 6.4 The Owner shall convey **Blocks 20 & 21** to the City for park purposes, including

adjacent York Region lands (0.042 Ha) to accompany the park block and required parkland conveyance, free of all costs and physical and title encumbrances, upon registration of the plan of subdivision. These Blocks shall be conveyed in a physical condition which is satisfactory to the Director of Engineering and Director of Planning and Urban Design which includes the provisions of utility and sewer connections for the Block at the street line. The City reserves the right to require, as an alternative, payment of cash-in-lieu for any park of the said conveyance of lands for parks purposes and that the draft plan be revised accordingly.

- 6.5 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.
- 6.6 The Owner and City covenants and agrees that parkland dedication within the Cornell Community is required as outlined in the Cornell Master Parks Agreement.
- 6.7 The Owner shall covenant and agree to rough grade, topsoil, seed and maintain, free of stock piles and debris, all school blocks, park blocks, place of worship blocks and vacant lands within the subdivision to the satisfaction of the Director of Planning & 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.
- 6.8 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.
- 6.9 The Owner shall submit grading, servicing and survey plans by a qualified person for **Blocks 20 & 21**, to the satisfaction of the Director of Planning & Urban Design.
- 6.10 The Owner shall provide a current geotechnical report by a qualified person for **Blocks 20 & 21**, to the satisfaction of the Director of Planning & Urban Design.
- 6.11 At the Written request of the Director of Planning & Urban Design, the Owner will re-monument the park **Blocks 20 & 21**.
- 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 & Urban Design.
 - a) Street tree planting in accordance with the Streetscape Manual.
 - a) 1.8m high wood screen corner lot fencing, if required.

- b) Streetscape plans for all Townhouse Blocks.
- c) Noise attenuation fencing in accordance with the approved noise study.
- d) 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 4.1.

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 clause 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 That the Owner covenants and agrees that no building permits will be issued for Blocks 4-9 within the subdivision until the Owner acquires the adjacent lands to the east noted as 'Lands to be Acquired', and conveys to the City any required servicing and grading blocks free of all costs and encumbrances to the satisfaction of the Director of Engineering.
- 9.3 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.
- 9.4 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 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
- 10.6 External subdivision to the west:
- The Owner acknowledges that the lands to the west of the subdivision described as Blocks 780, 784, 805 and Street 6, Plan 19TM-08002 (the "External Subdivision") are lands owned by Cornell Rouge Development Corporation ("CRDC").
- a) The Owner shall acknowledge and agree in the subdivision agreement that prior to registration of the Owners plan of subdivision:
 - All roads and services in the External Subdivision required to provide servicing and access to the Owner's plan of subdivision are constructed, and;
 - The construction of Cornell Rouge Boulevard to Highway 7 and, Rustle Woods Avenue to Donald Cousens Parkway including services is completed;

- b) The Owner covenants and agrees, that in the event the Owners plan of subdivision is not registered concurrent with CRDC's plan of subdivision, the Owner agrees
- To make arrangements with CRDC to convey the lands for Rustle Woods Avenue (highlighted in yellow in attached sketch) to CRDC;
 - To permit CRDC to undertake all works required to construct Rustle Woods Avenue

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

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, 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 watermain, storm and sanitary sewers to outfall trunks and stormwater management facilities shall be satisfactory to, and dedicated to, the City.

13. Utilities

- 13.1 The Owner shall covenant and agree in the subdivision agreement that hydro electric, telephone, gas and television cable services, and any other form of telecommunication services shall be constructed at no cost to the City as underground facilities within the public road allowances or within other appropriate easements, as approved on the Composite Utility Plan, to the satisfaction of the City (Commissioner of Development Services) and authorized agencies.
- 13.2 The Owner shall covenant and agree in the subdivision agreement to enter into any agreement or agreements required by any applicable utility companies, including 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.

13.4 Canada Post

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

14. Environmental Clearance

- 14.1 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.

- 14.2 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.
- 14.3 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.
- 14.4 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.

15. Well Monitoring Program and Mitigation Plan

- 15.1 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.

16. Municipal Infrastructure

- 16.1 The Owner and the City acknowledge that this subdivision, when fully constructed, will tentatively have the following City’s municipal infrastructure:
- Lanes: 315 m
 - Local Roads: 245 m
 - Sidewalks: 1025 m
 - Streetlights: 10 nos.

- Watermain: 850 m
- Sanitary Sewers: 805 m
- Storm Sewers: 595 m

16.1 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

17. Development Charges

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

18. Heritage

- 18.1 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.

- 18.2 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.

19. Other City Requirements

- 19.1 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.
- 19.2 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.

19.3 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.

19.4 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.”

19.5 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.

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

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

19.7 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.

19.9 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.

17.10 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.

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

20. Toronto and Region Conservation Authority (TRCA)

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

- a) a detailed engineering that describes the storm drainage system (quantity and quality) for the proposed development of the subject lands in accordance with the Master Drainage Plan/Functional Servicing Study for this area;
- b) plans illustrating how this drainage system will tie into surrounding drainage systems and storm water management techniques which may be required to control minor or major flows. Confirmation must be provided with respect to how target flows as identified in the related studies demonstrating how this will be achieved during and post-development;
- c) appropriate Stormwater Management Practices (SWMPs) to be used to treat stormwater, to mitigate the impacts of development on the quality and quantity of ground and surface water resources which demonstrates how it relates to terrestrial and aquatic species and their habitat, in addition to natural features and systems. The existing drainage patterns should be maintained, to the greatest extent possible;

- d) proposed methods for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction, in accordance with TRCA's Erosion and Sediment Control (ESC) guidelines. ESC plans and an ESC report must address phasing and staging;
 - e) location and description of all outlets and other facilities, grading, site alterations, development, infrastructure and watercourse alterations (on and off of the subject property), which may be required to service or facilitate the development of the subject lands, which may require a permit pursuant to Ontario Regulation 166/06, the Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, with all supporting technical information;
 - f) the integration of low impact development measures and the employment of source and conveyance controls to mimic to the extent possible, pre-development hydrology to the satisfaction of the TRCA;
 - g) detailed design of all proposed infiltration and low-impact development measures that are to be employed, demonstrating that TRCA's requirements have been satisfied;
 - h) illustrate on all ESC drawings all discharge locations, and provide clarification with respect to the need for any potential permanent dewatering systems and what these systems would entail; and
 - i) overall grading plans for the subject lands.
- 20.2. That the owner provides a comprehensive water balance, showing that best efforts are being provided to meet the pre-development water budget for this site. To demonstrate this, in accordance with the MESP, the owner shall provide:
- Post development water budget without site mitigations; and
 - Post development water budget with site mitigations.

Please note that any initial abstraction proposed associated with hard surfaces will not be acceptable when calculating the water budget. With regards to "best efforts" in relation to meeting the existing condition water budget, TRCA staff encourage for efforts beyond the addition of topsoil depth, as outlined in the TRCA/CVC LID SWM Guide. This may include but is not limited to the following:

- Rain barrels for residential units;
- Reducing the amount of impervious area;
- For condominium townhouses, cisterns can be implemented for watering landscaped common areas, or for providing water services to tenants (garbage bay washdowns, carwash areas, etc);
- Rear-yard infiltration basins for roof runoff.

Should community blocks be proposed to be incorporated into the water balance design,

please provide plans showing how the residential units will drain to these areas, LID options, and confirm that the municipality will accept LIDs within the community blocks.

- 20.3. That a detailed planting and restoration plan comprised of native be prepared to provide habitat enhancement for the adjacent Tributary 'C' channel to the satisfaction of the City and TRCA. These plantings should be consistent with TRCA planting guidelines and provide 100% coverage to increase the buffering function in this area. Alternatively, a letter of credit be obtained through the subdivision agreement, in the name of the municipality for the supply, implementation and warranty period of these works;
- 20.4. That prior to a request for registration of any phase of this subdivision - should this not occur within 10 years of draft approval of this plan - that the owner consult with the TRCA with respect to whether the technical studies submitted in support of this development remain to meet current day requirements, and that the owner update any studies, as required, to reflect current day requirements;
- 20.5. That the owner agree in the subdivision agreement, in wording acceptable to the TRCA;
 - a) to carry out or cause to be carried out, to the satisfaction of the TRCA, the recommendations of the technical reports and plans referenced in TRCA's conditions, including but not limited to;
 - (i) Stormwater Management Plan
 - (ii) Erosion and Sediment Control Plan and Report
 - (iii) Functional Servicing Report Appendices Update for Cornell Centre
 - b) to implement the requirements of the TRCA's conditions in wording acceptable to the TRCA;
 - c) to design and implement on-site erosion and sediment control in accordance with current TRCA standards;
 - d) to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, and until assumption by the City of Markham in a manner satisfactory to the TRCA;
 - e) to obtain all necessary permits pursuant to Ontario Regulation 166/06 which may be required from the TRCA; and
 - f). that, where required to satisfy TRCA's conditions, the development shall be phased.
- 20.6. That the draft plan be red-line revised, if necessary, in order to meet the requirements of TRCA's conditions, or to meet current established standards in place as of the date of a request for registration of the Plan or any phase thereof.
21. Region of York

- 21.1 The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the City of Markham and York Region.
- 21.2 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.
- 21.3 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.
- 21.4 Prior to final approval, the engineering drawing showing the layout of the watermain and sewers shall be submitted to the Regional Infrastructure Asset Management Branch for review.
- 21.5 The Owner shall agree in the Subdivision Agreement that any direct connection to a York Region water or wastewater system requires Regional approval prior to construction, and engineering drawings showing details of the connection shall be submitted to the Regional Infrastructure Asset Management for approval.
- 21.6 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:
- a) The City of Markham approves a transfer of servicing allocation to this development that is not dependent upon the completion of infrastructure; or,
 - b) 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,
 - c) 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.
- 21.7 Prior to final approval, the Owner shall agree to provide an updated Traffic Study to the satisfaction of Transportation Services Department.

- 21.8 Prior to final approval, the Owner shall agree that a basic 36.0 metre Right-Of-Way is required for this section of Donald Cousens Parkway. As such, all municipal setbacks shall be referenced from a point 18.0 metres from the centreline of construction on Donald Cousens Parkway and any additional lands required for turn lanes at intersections will be conveyed to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of the York Region Solicitor.
- 21.9 Prior to final approval, the Owner shall agree to provide direct shared pedestrian/cycling facilities and connections from the proposed development to Highway 7, Donald Cousens Parkway and local streets to support active transportation and public transit, where appropriate. A direct shared pedestrian and cycling connection between Blocks 6 & 7 from Street "3" to Donald Cousens Parkway (Drawing No. -15.2) shall be provided in addition to the connections shown in Figure 7-2 in the TIS.
- 21.10 Prior to final approval, the Owner shall agree that the proposed Rustle Woods Avenue extension to Donald Cousens Parkway be restricted to right-in/right-out movements only.
- 21.11 Prior to final approval, the Owner shall agree to provide an updated Transportation Demand Management (TDM) Plan to address all comments of the Transportation Services Department.
- 21.12 Prior to final approval, the Owner shall agree to implement all the Transportation Demand Management (TDM) measures as recommended in the updated Traffic Impact Study prepared by WSP, supporting public transit and active transportation to/from the proposed development.
- 21.13 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 Development Engineering Section of Corporate Services Department for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues.
- 21.14 Prior to final approval, the Owner shall provide a written undertaking, to the satisfaction of the Development Engineering Section of Corporate Services Department, that the Owner agrees to implement the recommendations of the functional transportation report/plan as approved by the Development Engineering.
- 21.15 Prior to final approval, the Owner shall submit detailed engineering drawings, to the Development Engineering Section of Corporate Services Department for review and approval, that incorporate the recommendations of the functional transportation report/plan as approved by the Development Engineering Section. 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.

- 21.16 Prior to final approval, the Owner shall provide drawings for the proposed servicing of the site to be reviewed by the Engineering Department of the area municipality. Three (3) sets of engineering drawings (stamped and signed by a professional engineer), and MOE forms together with any supporting information shall be submitted to the Development Engineering Section of Corporate Services Department, Attention: Mrs. Eva Pulnicki, P.Eng.
- 21.17 Prior to final approval, the location and design of the construction access for the subdivision work shall be completed to the satisfaction of the Development Engineering Section of Corporate Services Department and illustrated on the Engineering Drawings.
- 21.18 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Development Engineering Section of Corporate Services Department, that all existing driveway(s) along the Regional road frontage of this subdivision will be removed as part of the subdivision work, at no cost to York Region.
- 21.19 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Development Engineering Section of Corporate Services Department, that elevations along the streetline shall be 0.3 metres above the centreline elevations of the York Region roadway, unless otherwise specified by the Development Engineering Section.
- 21.20 The Owner shall agree prior to the development approval of any development blocks in this plan of subdivision, that direct vehicle access from any development lots or blocks to Donald Cousens Parkway will not be permitted. Access must be obtained through the internal road network.
- 21.21 Prior to final approval, the Owner shall submit drawings depicting the following to the satisfaction of York Region staff:
- a) All existing woody vegetation within the York Region road Right-Of-Way,
 - b) Tree protection measures to be implemented on and off the York Region road Right-Of-Way to protect right of way vegetation to be preserved,
 - c) Any woody vegetation within the York Region road Right-Of-Way that is proposed to be removed or relocated. However, it is to be noted that tree removal within York Region road Right-Of-Ways shall be avoided to the extent possible/practical. Financial or other compensation may be sought based on the value of trees proposed for removal.
 - d) A planting plan for all new and relocated vegetation to be planted within the York Region road Right-Of-Way, based on the following general guideline:

Tree planting shall be undertaken in accordance with York Region standards as articulated in Streetscaping Policy and using species from the York Region Street Tree

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

- 21.22 Prior to final approval, the Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of the Development Engineering Section of Corporate Services Department recommending noise attenuation features.
- 21.23 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Development Engineering Section of Corporate Services Department, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of the Development Engineering Section.
- 21.24 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Development Engineering Section of Corporate Services Department, 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.
- 21.25 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".
- 21.26 Where noise attenuation features will abut a York Region Right-Of-Way, the Owner shall agree in the subdivision agreement, in wording satisfactory to York Region's Development Engineering Section of Corporate Services Department, as follows:
- a) That no part of any noise attenuation feature shall be constructed on or within the York Region Right-Of-Way;
 - b) That noise fences adjacent to York Region roads may be constructed on the private side of the 0.3 metre reserve and may be a maximum 2.5 metres in height, subject to the area municipality's concurrence;
 - c) That maintenance of the noise barriers and fences bordering on York Region Right-Of-Ways shall not be the responsibility of York Region; and

- d) That any landscaping provided on York Region Right-Of-Way by the Owner or the area municipality for aesthetic purposes must be approved by the Development Engineering Section of Corporate Services Department and shall be maintained by the area municipality with the exception of the usual grass maintenance.
- 21.27 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Development Engineering Section of Corporate Services Department, to be responsible to decommission any existing wells on the Owner's lands in accordance with all applicable provincial legislation and guidelines and to the satisfaction of the area municipality.
- 21.28 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Development Engineering Section of Corporate Services Department, that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region's Right-Of-Way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.
- 21.29 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Development Engineering Section of Corporate Services Department that the Owner will be responsible for determining the location of all utility plants within York Region Right-Of-Way and for the cost of relocating, replacing, repairing and restoring any appurtenances damaged during construction of the proposed site works. The Owner must review, or ensure that any consultants retained by the Owner, review, at an early stage, the applicable authority's minimum vertical clearances for aerial cable systems and their minimum spacing and cover requirements. The Owner shall be entirely responsible for making any adjustments or relocations, if necessary, prior to the commencement of any construction.
- 21.30 Prior to final approval, the Owner shall satisfy 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 will have transit services.
- Future YRT/Viva transit services are planned for the following roadway or sections of:
- Rustle Woods Avenue
- 21.31 Prior to final approval, the Owner shall satisfy York Region Transportation Services Department and the area municipality that the services to be installed by the Owner within or in conjunction with the Plan will provide a concrete pedestrian access connection from the internal roadway to the Regional roadway as follows:
- From "Rustle Woods Avenue" to "Donald Cousens Parkway"

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

- 21.32 The Owner shall satisfy 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 local municipality and York Region Transit. The Region confirms that all such passenger standing areas/shelter pads shall be owned and maintained by the Region and that the local municipality shall have no responsibility for those, notwithstanding that they may be included in the subdivision agreement.

Subject to approval by YRT/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	Street between Cornell Rouge Blvd and Donald Cousens Parkway	On the south side, slightly west of the street to the north	YRT-1.01	
Rustle Woods Avenue	Street between Cornell Rouge Blvd and Donald Cousens Parkway	NE corner	YRT-1.01	

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

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

The bus stop locations determined during the design phase are subject to change. Prior to construction of the passenger standing areas/shelter pads, the Owner/consultant shall confirm with YRT/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.

- 21.33 "Rustle Woods Avenue" shall be designed to accommodate transit vehicles to the satisfaction of the area municipality and York Region Transit. The minimum pavement width for transit vehicles is 3.5 m. The minimum curb radius for transit vehicles is 15 m. These standards are according to the Canadian Transit Handbook and the Ontario Urban Transit Association.

- 21.34 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 21.30. 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.
- 21.35 The Owner shall satisfy 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 local municipality's design standards along all streets which will have transit services, sidewalks, pedestrian access and bus stop locations.
- 21.36 Prior to final approval, the Owner shall provide a copy of the subdivision agreement to the Corporate Services Department, outlining all requirements of the Corporate Services Department.
- 21.37 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.
- 21.38 The Regional Corporate Services Department shall advise that Conditions 21.1 to 21.37 inclusive, have been satisfied.
- 22.0 Ministry of Natural Resources
- 22.1 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 13.4 has been satisfied.
- b) The Toronto and Region Conservation Authority shall advise that Conditions 20.1 to 20.6 inclusive, have been satisfied.
- g) The Regional Municipality of York Planning Department shall advise that Condition 2.1 and Conditions 21.1 to 21.38 inclusive, have been satisfied.

ISSUED:

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

Subject: FW: CRDC/Auriga Reports

From: Corr, Stephen
Sent: Monday, October 17, 2016 1:15 PM
To: Corr, Stephen
Subject: FW: CRDC/Auriga Reports

Hello Stephen,

See list of sustainable measures for Auriga listed below. Thanks.


Rob Lavecchia B.U.R.P.I.
INTERMEDIATE PLANNER

KLM PLANNING PARTNERS INC.

Planning | Design | Development

64 Jardin Drive, Unit 1B Concord, Ontario L4K 3P3

T 905.669.4055 (ext. 249) F 905.669.0097 E rlavecchia@KLMPPlanning.com W www.klmplanning.com

 Please consider the environment before printing this email

From: Steve Maini
Sent: Friday, August 26, 2016 12:23 PM
To: 'Ali Memon'; 'Joe Montesano'
Cc: 'Ruby Sangha' >; Robert Lavecchia
Subject: RE: CRDC/Auriga Reports

Primont Homes in Cornell Markham

Please note these are the Builders Responsibilities, the balance of the List of Sustainable Measures previously submitted will be the Developers Responsibilities

Windows

- Energy Efficient Rated Windows

Hvac

- Energy Efficient Furnance & Hot Water Tank
- Programmable Thermostat
- Direct Vent Fireplace with Spark Ignition (where Applicable as per Plans)

Plumbing

- Low Flow Toilets & Fixtures

Electrical

- Energy Efficient Lighting & Fixtures
- Electrical Car Ready Conduit from Garage to Hydro Panel
- Solar Ready Conduits from Hydro Panel to Attic



Steve Maini
Director of Construction

9130 Leslie Street, Suite 301
Richmond Hill, ON L4B 0B9
Bus: 905-770-7002 Ext. 850
Fax: 905-770-9798 / Cell: 416-357-3553

From: Ali Memon
Sent: Wednesday, August 24, 2016 3:55 PM
To: 'Joe'
Cc: 'Steve Maini'; Ruby Sangha
Subject: FW: CRDC/Auriga Reports

Hi Joe,

Please find attach City of Markham looking for some information in order to complete report
Please expedite

Thanks

Ali Memon
Maplequest Group
40 Vogell Road, Suite 51,
Richmond Hill, ON, L4B 3N6
Phone: (905) 237- 5091 (ext. 202)
Fax: (905) 237- 5019
Cell: (416) 818- 6990
E-Mail: alimemon@maplequest.ca

