

SUBJECT: **RECOMMENDATION REPORT**
2310601 Ontario Inc. (Hildebrand Garden)
3912 and 3928 Highway 7
Applications for Official Plan and zoning by-law amendment
and draft plan of subdivision to permit a high density
residential development

FILE NOS. OP 13 113228, ZA13 113228 and SU 13 113228

PREPARED BY: Scott Heaslip, Senior Project Coordinator
Central District, ext. 3140

REVIEWED BY: Richard Kendall, Manager
Central District, ext. 6588

RECOMMENDATION:

- 1) That the staff report dated June 20, 2016 titled "RECOMMENDATION REPORT, 2310601 Ontario Inc., Applications for Official Plan and zoning by-law amendment and draft plan of subdivision to permit a high density residential development," be received.
- 2) That the record of the Public Meeting held on February 4, 2014 regarding the applications for approval of Official Plan and zoning by-law amendments and draft plan of subdivision, be received.
- 3) That the applications submitted by 2310601 Ontario Inc. to amend the City's Official Plan and zoning by-laws, be approved and the draft Official Plan and zoning by-law amendments attached as Appendices "A" and "B" be finalized and enacted without further notice.
- 4) That the draft plan of subdivision 19TM-13004 submitted by 2310601 Ontario Inc. be draft approved subject to the conditions outlined in Appendix 'C'.
- 5) That the Director of Planning and Urban Design, or his designate, be delegated authority to issue draft plan approval, subject to the conditions set out in Appendix 'C' as may be amended by the Director of Planning and Urban Design, following receipt of written confirmation from the Regional Municipality of York that the "pre-conditions" outlined in their letter dated March 2, 2016 have been satisfied. The Director of Planning and Urban Design will not issue draft plan approval until this written confirmation has been received.
- 6) That draft plan approval for plan of subdivision 19TM-13004 will lapse after a period of three (3) years from the date of issuance in the event that a subdivision agreement is not executed within that period.

-
- 7) That staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

The subject property is located on the north side of Highway 7, mid way between Verclaire Gate and Village Parkway. The property has a frontage of 94.6 metres (310 feet), a depth of 403 metres (1322 feet) and an area of 4 hectares (9.9 acres). The property is occupied by two older bungalows which have been converted to office use and a vacant warehouse building previously occupied by a fertilizer distribution business.

In 2013 the owner applied for Official Plan and zoning by-law amendments and draft plan of subdivision to permit the south portion of the property to be developed with 8-storey apartment buildings, the middle portion with back-to-back stacked townhouses and the north portion to be conveyed to the City for parkland. (see Figure 4).

In response to concerns expressed by City staff, the York Region District School Board, Council and area residents, the applicant submitted a revised concept plan (Figure 5) and draft plan of subdivision (Figure 6) showing the middle portion being conveyed to the City for parkland and the north portion being reserved for acquisition by the public school board to complete a proposed elementary school site. The applicant is continuing to propose 8-storey apartment building(s) on the south portion of the property.

The revised plans are consistent with the City's development objectives for this section of Highway 7 and York Region's transit objectives and provide appropriate park and school blocks.

The revised plans were reviewed with area residents at a community information meeting on October 22, 2015. Figures 7-11 are artists renderings of the proposed apartment development presented by the applicant at the community information meeting.

Staff are generally satisfied with the revised plans and are recommending that the proposed Official Plan and zoning by-law amendments and draft plan of subdivision applications be approved, based on the attached implementing documents. The plans for the apartment development will be further reviewed as part of a future site plan application.

PURPOSE:

The purpose of this report is to recommend approval of applications for Official Plan and zoning by-law amendment and draft plan of subdivision to permit a proposed residential development on the north side of Highway 7 between Verclaire Gate and Village Parkway.

BACKGROUND:**Property and Area Context (Figures 2 and 3)**

The subject property is located on the north side of Highway 7, between Verclaire Gate and Village Parkway. The property has a frontage of 94.6 metres (310 feet); a depth of 403 metres (1322 feet) and an area of 4 hectares (9.9 acres). The property is occupied by two older bungalows which have been converted to office use and a vacant warehouse building previously occupied by a fertilizer distribution business.

Surrounding uses are:

- To the north, a City park (Sablewood Park) and existing homes fronting on Landmark Court and backing onto the subject property.
- To the east, a vacant property owned by 2124123 Ontario Limited. This property has Official Plan and zoning permissions for an 8-storey apartment building in the south portion fronting on Highway 7, townhouses in the middle portion, and part of a proposed public elementary school site in the north portion. On May 31, 2016, Council approved applications by 2124123 Ontario Limited to amend the Official Plan and zoning by-law to permit the south portion to be developed with townhouses in place of the apartment building. The City's Legal Services Department is processing a subdivision agreement for this property.
- Between the 2124123 Ontario Limited property and Village Parkway, a vacant property owned by the Wyview Group which is approved for an 8-storey apartment building in the south portion fronting on Highway 7, townhouses in the middle portion, and part of a proposed public elementary school site in the north portion. On May 19, 2015, Development Services Committee endorsed site plan approval for the apartment and townhouse developments. The Legal Services Department is processing a subdivision agreement for this property.
- To the west, St Justin Martyr Catholic Church, existing homes fronting on Chimenti Court and a City-owned park block which is occupied by a temporary storm water management facility. This stormwater management facility will no longer be required when the subject, 2124123 Ontario and Wyview properties have been developed, providing a storm sewer connection to the recently constructed stormwater management pond south of Highway 7 immediately behind Sheridan Nurseries.
- To the south directly across Highway 7, are (from east to west):
 - a recently constructed high density residential development (Times Group Inc. - Riverwalk Condominium) comprising an 8-storey building fronting on Highway 7 and a 20 storey building to the rear.
 - A future public park.
 - a high density residential development (Times Group Inc. - Riverside Condominium), currently under construction, comprising an 8-storey building fronting on Highway 7 and an 18 storey building to the rear.

Official Plans

“In force” Official Plan: The subject property is designated “Urban Residential” in the “in force” Official Plan (Revised 1987).

Secondary Plan PD1-15 [Amendment No. 15 to the Official Plan (revised 1987)] further designates the property as follows:

- The south half of the area between Highway 7 and Buchanan Drive - “Urban Residential – High Density I”, which permits apartments and other multiple housing types, overall density not to exceed 87 units per hectare (35 units per acre), maximum height 5 storeys.
- The north half of the area between Highway 7 and Buchanan Drive - “Urban Residential – Medium Density 1,” which permits a range of multiple housing types, overall density not to exceed 31 units per hectare (12.5 units per acre), heights generally in the range of 2 to 3 ½ storeys.
- The area north of Buchanan Drive - “Open Space – Neighbourhood Park”.

2014 Official Plan: The property is subject to site-specific policy 9.19.9 in the 2014 Official Plan (as partially approved by the Ontario Municipal board on October 30, 2015 and May 26, 2016) as follows:

- The area between Highway 7 and Buchanan Drive - “Mixed Use Mid Rise.” This designation permits mixed-use developments at building heights ranging between 3 and 8 storeys and at a maximum Floor Space Index of 3.5, excluding any floor space for townhouse dwelling units. (Floor Space Index indicates density and is the ratio of the gross floor area of all buildings on a lot divided by the area of the lot)
- The south (approximately) half of the area north of Buchanan Drive - “Residential Mid Rise/Park.”
- The north (approximately) half of the area north of Buchanan Drive - “Park.”

Zoning

The subject property is zoned “Residential Development” (RD) by By-law 118-79. This zoning permits “one single detached dwelling on a lot existing on the date of passing of this by-law.” This in an interim zoning condition, and the lands are intended to be rezoned to accommodate future development in the context of development approvals.

Proposed development

In 2013, the applicant applied to amend the City’s Official Plan and zoning by-laws and for draft plan of subdivision. The concept plan submitted in 2013 with the applications (Figure 4) comprises the following:

- Completion of the section of Buchanan Drive across the subject property.
- A 6 metre wide linear park block adjoining the west boundary extending from Highway 7 to future Buchanan Drive.
- South portion - a 1.7 hectare (4.22 acre) high density residential block between Highway 7 and Buchanan Drive containing four 8-storey apartment buildings

accommodating approximately 621 dwelling units, including approximately 76 two-storey “townhouse” units at the base of the buildings.

- Middle portion - a 1.2 hectare (2.9 acre) block on the north side of Buchanan Drive containing six 3 ½ storey back-to-back stacked townhouse buildings accommodating 148 dwelling units.
- North portion - a 0.825 hectare (2 acre) park block.

In response to concerns expressed by Markham staff, York Region District School Board, and area residents as discussed below, the applicant has submitted a revised concept plan (Figure 5) and a revised draft plan of subdivision (Figure 6) comprising the following:

- The extension of Buchanan Drive across the subject property.
- A new local road adjoining the west boundary of the property between Highway 7 and Buchanan Drive. The intersection of this road and Highway 7 is designed to allow future signalization.
- South portion - a 1.445 hectare (3.6 acre) high density residential block between Highway 7 and Buchanan Drive containing two 8-storey apartment buildings at a floor space index of not greater than 3.5. The applicant has not finalized the number of dwelling units, but has indicated that it will range up to approximately 662, depending on the unit mix.
- Middle portion - a 1.162 hectare (2.9 acre) block on the north side of Buchanan Drive to be conveyed to the City for parkland.
- North portion - a (0.825 hectare (2 acre) block north of the park block to be acquired by the York Region District School Board as a component of a future elementary school site.

Requested Approvals

The applicant is requesting the following approvals:

- Amendment to the “In force” Official Plan (Revised 1987) to:
 - Re-designate north half of proposed high density block from “Urban Residential – Medium Density 1” to “Urban Residential – High Density 1”.
 - Increase building height on this block from 5 to 8 storeys.
 - Delete the maximum permitted residential density (units per acre) requirement for the high density block and substitute in its place a maximum floor space index requirement of 3.5 in accordance with the policies of the Official Plan 2014.

It should be noted that the proposed development conforms with all of the applicable policies of the City’s 2014 Official Plan (as partially approved by the Ontario Municipal Board on October 30, 2015 and May 26, 2016). The amendment to the Official Plan (Revised 1987) is required only because the 2014 Official Plan has not fully come into force.

- Amendment to the City’s zoning by-laws to rezone the property from “Residential Development” to “High Density Residential” (south portion) and “Open Space” (middle and north portions), subject to specific development standards to reflect the proposed development.
- Draft approval of the proposed plan of subdivision.

OPTIONS/ DISCUSSION:**The applicant has revised the proposed development to address concerns**

The preliminary staff report on the subject applications expressed a number of concerns with the plans submitted with the applications focused on built form, density, school board requirements, parkland, transportation, and compatibility with the existing community.

The required statutory public meeting was held on February 4, 2014 to consider the applications. Area residents and members of Council expressed significant concerns regarding density, the impact on the existing homes on Chimenti Court, parkland and traffic.

In response to the concerns, the applicant revised the proposed development. The revised plans (Figures 5 and 6) shows the middle portion of the property being conveyed to the City for parkland and the north portion being reserved for acquisition by the public school board as part of a future elementary school site. 8-storey apartment building(s) continue to be proposed for the south portion.

The revised development concept was presented to area residents at a community information meeting on October 22, 2015

Ward Councilor Hamilton organized a community information meeting on October 22, 2015 to give the applicant the opportunity to present their revised development concept to area residents. The applicant presented a number of artists renderings of the proposed apartment development on the south block. (see Figures 7 – 10) (These renderings were prepared to illustrate overall massing, not detailed architectural design. The owner has not applied for site plan approval for the apartment development.) The majority of the residents in attendance were generally supportive of the revised proposal.

The revised development provides public parkland

The proposed park block is in the location identified in Secondary Plan PD15-1 and the Official Plan 2014.

The park will be compatible with, and complementary to, the existing homes on Chimenti Court. It appropriately has public street frontage on two sides (Buchanan Drive and Chimenti Court), providing high visibility and access into the park. The area of the park block (1.162 hectares or 2.9 acres) will accommodate a range of programming opportunities, particularly if the programming is coordinated with that of the rear portion of the elementary school site, and Sablewood Park, once the temporary stormwater management facility is removed. City staff will work with the community and the school board to comprehensively plan the programming of these lands.

In the event the parkland dedication generated by the proposed development in the south portion of the subject property exceeds the area of the park block, the Owner will be required to pay cash-in-lieu of parkland dedication for the remainder.

The revised development provides the final part of the elementary school site

The two other parts of the school site, which extends east to Village Parkway, have been secured in the conditions draft plan of subdivision for the 2124123 Ontario and Wyview properties. The City's Legal Services Department is processing subdivision agreements for 2124123 Ontario and Wyview.

School Board staff indicate that the school building and associated parking/drop off facilities will likely be located in the eastern portion of the site closer to Village Parkway, with the outdoor play area in the rear (west) portion of the site.

The revised development supports the City's objectives for this section of Highway 7

The development objectives for the section of highway 7 to the east of Warden Avenue were established in 2009 through the Highway 7 Precinct Plan Study, as follows:

- To transform Highway 7 from an "inter-regional highway" to a mid-rise urban boulevard.
- To ensure an appropriate interface with the established residential community to the north.

The proposed mid rise (8-storey) apartment building will contribute to the desired character of Highway 7 as a "mid rise urban boulevard."

The development fully conforms with the policies of the 2014 Official Plan

The proposed development conforms with all of the applicable policies of the City's 2014 Official Plan (as partially approved by the Ontario Municipal Board on October 30, 2015).

The development supports the Region's transit objectives

The policies of the York Region Official Plan support and promote intensification, transit oriented development and active transportation

The subject property fronts on Highway 7, which has been identified as a "Transit Priority Network" in the York Region Official Plan and is adjacent to Markham Centre, which is identified as a "Regional Centre".

York Region is currently reconstructing this section of Highway 7, including widening to 6 lanes, designation of the curb lanes for HOV (high occupancy vehicles) and transit, the introduction of off-road bicycle lanes, and the urbanization of the boulevards with wide sidewalks and planters. York Region staff advise that in addition to regular YRT buses, VIVA will be running on this section of Highway 7.

The proposed apartment development supports the policy direction of the York Region Official Plan and York Region's investment in rapid transit.

The proposed north-south local road provides a number of benefits:

The location of this local road mid-way between Village Parkway and Verclaire Gate will allow it to be signalized with Highway 7 in the future. The intersection is forecast to require signalization by 2021. In the interim, it will have a stop sign at Highway 7.

This road will provide a number of benefits to the community, including:

- provide an additional vehicular connection into the community north of Highway 7, reducing the pressure on the Village Parkway/Birchmount Road intersection.
- allow for the relocation of St. Justin Martyr Church's main driveway from Highway 7 to a safer and more convenient location mid block on the proposed road. Street parking will be permitted on one side of this road, providing approximately 15 new street parking spaces which will help to accommodate overflow church parking. This new road will also give the church a more prominent location at a street corner and better access to Highway 7 at the future signals.
- provide for an additional pedestrian and cyclist crossing of Highway 7. Without this crossing, transit users, pedestrians and cyclists would need to go east to Village Parkway/Birchmount Road or west to Verclaire Gate to cross Highway 7. Pedestrians and cyclists crossing at this intersection will be able to connect through the park block on the south side of Highway 7 to the multi-use trail along the north side of the Rouge River valleyland.

The proposed built form and massing are appropriate

The revised concept plan (Figure 5) shows an 8-storey apartment building fronting on Highway 7 with a second 8-storey apartment building to the north. An artist's rendering viewed from Highway 7 is attached as Figure 7. The buildings are proposed to step down to 2-storeys along the west (Figure 8) and east (Figure 9) lot lines and to 2-storey massing along future Buchanan Drive (Figure 10), to provide a "townhouse" built form along this street consistent with the adjacent 2124123 Ontario and Wyview developments to the east.

The draft zoning by-law amendment (Appendix 'B') includes regulations to regulate the height, massing proposed stepping of the built form.

The requirements of the adjacent place of worship have been addressed

St Justin Martyr Catholic Church is located immediately west of the subject property. The applicant and the Archdiocese of Toronto have agreed to the following:

- The applicant will construct a driveway to the church from the proposed north-south local road in the location shown on Figure 4.
- The applicant will re-grade and fully restore the landscaped area along the east boundary of the church property to coordinate with the grade of the proposed north-south local road. The applicant will plant replacements for any existing trees required to be removed to accommodate the re-grading.

The applicant will pay 100% of the cost of these works. This will be a condition of draft plan approval of the subdivision and will be secured in the subdivision agreement and is one of the conditions of removal of the holding provision from the zoning.

The applicant has also worked with York Region to consolidate the church's existing separate right-turn-in and right-turn-out driveways onto Highway 7 into a single driveway at the west side of the property. York Region had been seeking to eliminate the easterly (right-turns-in) driveway because of its proximity to the proposed intersection. York Region will construct the new driveway as part of the ongoing Highway 7 widening.

The apartment development will be required to incorporate sustainability measures

The conditions of draft approval require the following measures to be incorporated into the apartment development:

- minimum LEED Silver certification
- TDM program, to the satisfaction of the City and York Region
- "Bird friendly" building design and "dark sky" compliance

These requirements will be secured in the subdivision agreement and as conditions of approval of future site plan application(s).

Staff will explore connection to the district energy system and other sustainability measures at the at the site plan approval stage.

Potential ground water issues have been investigated

The apartment development in the south portion of the subject property proposes a two-level underground parking garage. Representatives of the owners of 3940 Highway 7 (2124123 Ontario Inc.), which is immediately east of the subject property, recently made representations to Council that it would not be viable to develop that property with an apartment building because the high water table would prevent construction of a two-level level underground parking garage. This was part of their case to Council to permit the property to be developed with townhouses instead of an apartment building.

Staff have reviewed this matter and have the following comments:

- Most of Markham Centre has a high water table. This has not prevented apartment developments in the Times Uptown Markham and Remington Downtown Markham developments from including two-level underground parking garages.
- The Wyview Group is currently finalizing the plans for an 8-storey apartment building at 3972 Highway 7 (the north-west corner of Highway 7 and Village Parkway). This site is immediately east of 3940 Highway 7. The Wyview apartment building includes a two-level underground parking garage. The garage has been raised by just over a metre from the originally proposed grade to get the base of the garage above the ground water table. This change was accommodated through minor refinements to the building, grading and landscape plans of the development.

-
- On June 10, 2016, the applicant's planning consultant advised staff by email that *"We are aware of the groundwater issues in the area. Noting such, the application had a Hydrogeological Investigation of the site completed by exp Services Inc., dated January 30, 2015. The conclusions of the investigation confirm that the construction of two level of underground parking on Block 1 is reasonable."*

A Section 37 contribution will be required

The proposed development includes a greater number of residential units and taller buildings than originally contemplated at this location when the Secondary Plan (OPA 15) was adopted in 1994. In the circumstances it is appropriate to require a Section 37 contribution for community benefits. The draft zoning by-law amendment requires the owner to enter into a Section 37 Agreement with the City in accordance with the City's Official plan policies regarding Section 37 contributions, prior to hold removal.

Implementing documents

Amendment to the "in force" Official Plan (revised 1987) (Appendix "A"):

- Re-designates the north portion of the apartment block from "Urban Residential – Medium Density 1" to "Urban Residential – High Density 1."
- Changes the permitted density on the apartment block from 87 units per hectare (35 units per acre) to 3.5 FSI.
- Increases building height on the apartment block from 5 to 8 storeys.

Zoning by-law (Appendix "B"):

- Rezones the south portion of the property from "Residential Development" to "Community Amenity 3," subject to specific development standards to reflect the proposed development, including maximum FSI (Floor Space Index), minimum and maximum building height, minimum building setbacks, and provisions to secure the stepping back of the building as shown on the plans presented at the October 22, 2015 community meeting.
- In addition to apartment dwelling units, the by-law recognizes the following uses which are not part of the applicant's current development proposal:
 - retirement homes.
 - permission for up to 700 square metres (7535 square feet) of street related commercial uses along the Highway 7 frontage of the buildings. This permission implements the policies of the "Mixed Use Mid Rise" designation of the 2014 Official Plan.
- The zoning of the south portion includes holding provisions to secure a number of items, including:
 - Execution of all required developers cost sharing agreement(s).
 - Execution of a Section 37 agreement.
 - Execution of a site plan agreement including review, through the site plan approval process of a green infrastructure plan and a TDM (Transit Demand Management) report.
 - Confirmation from the Archdiocese of Toronto that satisfactory arrangements have been made for the construction of a driveway to the St Justin Martyr

Catholic Church from the proposed north-south local road and for the restoration of any church lands which need to be re-graded.

- Rezones the middle and north portions of the property from “Residential Development” to “Institutional and Open Space’ This zoning permits public parks and public or separate schools.

Conditions of Draft Plan of Subdivision Approval (Appendix “C”):

- Secure the requirements of the City of Markham, Regional Municipality of York, York Region District School Board, and Toronto and Region Conservation Authority (TRCA).
- Block 2 (the park block) will be secured by a restrictive covenant prohibiting transfer or charge without the written consent of the City Solicitor. Final reconciliation of parkland dedication and transfer of Block 2 to the City will occur at the site plan approval stage for the proposed development on Block 1 (the south portion of the subject property). In the event that the parkland dedication generated by the proposed development in Block 1 exceeds the area of Block 2, the Owner will be required to pay cash-in-lieu of parkland dedication for the remainder.
- The TRCA has identified a small isolated wetland feature in the north portion of the subject property. The TRCA advises that they do not object to the removal of this wetland feature provided the applicant pays financial compensation to the TRCA in accordance with the TRCA compensation protocol. The subdivision will not be released for registration until the City is in receipt of a clearance letter from the TRCA confirming that all of their conditions, including payment of financial compensation for the wetland feature, have been satisfied.

CONCLUSION

Staff are recommending that the proposed Official Plan and zoning by-law amendments and draft plan of subdivision applications be approved, based on the attached implementing documents. The plans for the apartment development will be further reviewed as part of a future site plan application.

FINANCIAL CONSIDERATIONS:

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

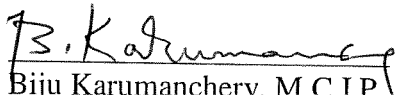
The proposed development would support a number of the City’s Strategic Priorities, including:


- | | | |
|----------------------------|---|---------------------------------------------------------------|
| Growth Management | - | Intensification along a transit corridor, consistent with the |
| and transportation/transit | | Region’s transit objectives |
| Environmental focus | - | see “Sustainability Measures,” above. |

BUSINESS UNITS CONSULTED AND AFFECTED:

The applications were circulated to various City departments and external agencies. The requirements of City departments and external agencies, including York Region, the York Region District School Board and the Toronto and Region Conservation Authority are secured in the conditions of draft plan of subdivision approval.

RECOMMENDED BY:


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


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

ATTACHMENTS:

- Figure 1 - Location
- Figure 2 - Area Context/Zoning
- Figure 3 - Air Photo
- Figure 4 - Concept Plan Submitted with Applications
- Figure 5 - Revised Concept Plan
- Figure 6 - Revised draft plan of subdivision
- Figure 7 - Artists rendering of apartment development – viewed from Highway 7
- Figure 8 - Artists rendering of apartment development – viewed from west
- Figure 9 - Artists rendering of apartment development – viewed from east
- Figure 10 - Artists rendering of apartment development – viewed from north

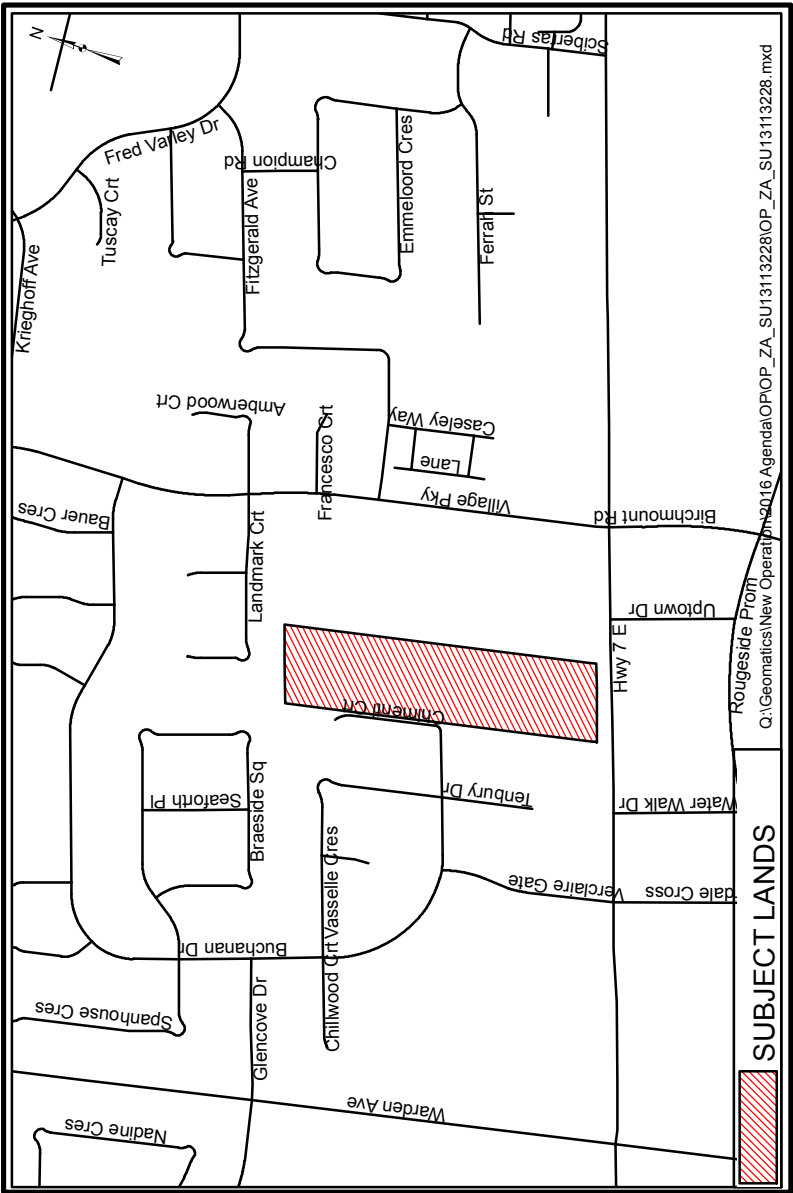
Appendix “A” - Amendment to the Official Plan (Revised 1987)

Appendix “B” - Zoning by-law amendment

Appendix “C” - Conditions of draft of subdivision approval

APPLICANT/AGENT:

David Charezenko, MCIP, RPP
Senior Associate, Community Development
Stantec
300W-675 Cochrane Drive Markham ON L3R 0B8
Phone: 905-944-7795
Cell: 416-508-3826
David.Charezenko@stantec.com







AIR PHOTO

APPLICANT: 2310601 ONTARIO INC. (HILDEBRAND GARDEN)
3912 & 3928 HIGHWAY 7

 SUBJECT LANDS

FILE No. OP.13113228 ; ZA. 13113228 & SU. 13113228 (SH)

Q:\Geomatics\New Operation\2016 Agenda\OP\OP_ZA_SU13113228\OP_ZA_SU13113228.mxd

DATE:12/01/2016



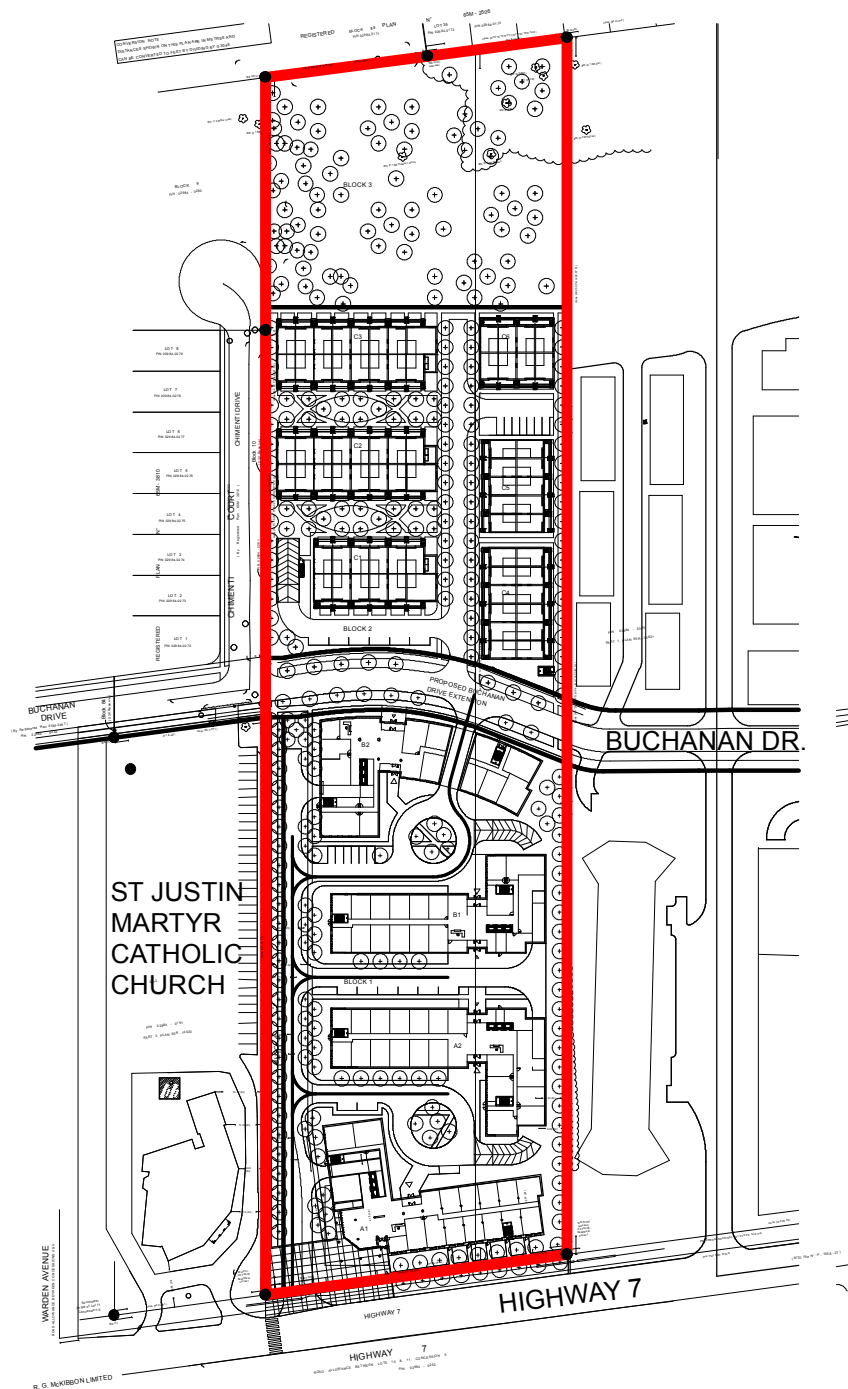
DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SH

FIGURE No. 3





CONCEPT PLAN SUBMITTED WITH APPLICATIONS

APPLICANT: 2310601 ONTARIO INC. (HILDEBRAND GARDEN)
3912 & 3928 HIGHWAY 7

 SUBJECT LANDS

FILE No. OP.13113228 ; ZA. 13113228 & SU. 13113228 (SH)

Q:\Geomatics\New Operation\2016 Agenda\OP\OP_ZA_SU13113228\OP_ZA_SU13113228.mxd

DATE: 05/20/16

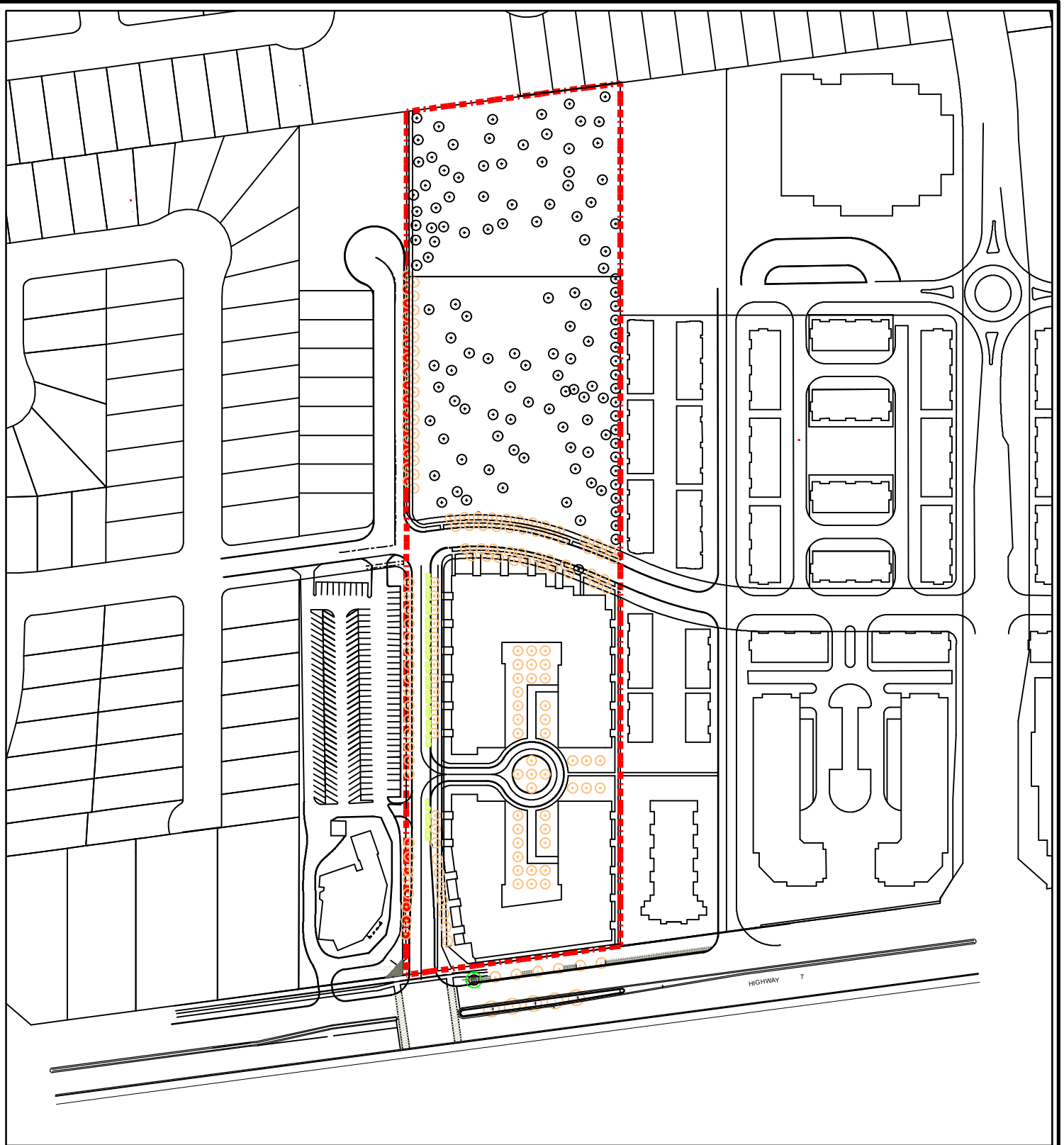


DEVELOPMENT SERVICES COMMISSION

Drawn By: DD

Checked By: SH

FIGURE No. 4



REVISED CONCEPT PLAN

APPLICANT: 2310601 ONTARIO INC. (HILDEBRAND GARDEN)
3912 & 3928 HIGHWAY 7

SUBJECT LANDS

FILE No. OP.13113228 ; ZA. 13113228 & SU. 13113228 (SH)

Q:\Geomatics\New Operation\2016 Agenda\OP\OP_ZA_SU13113228\OP_ZA_SU13113228.mxd

DATE: 05/20/16

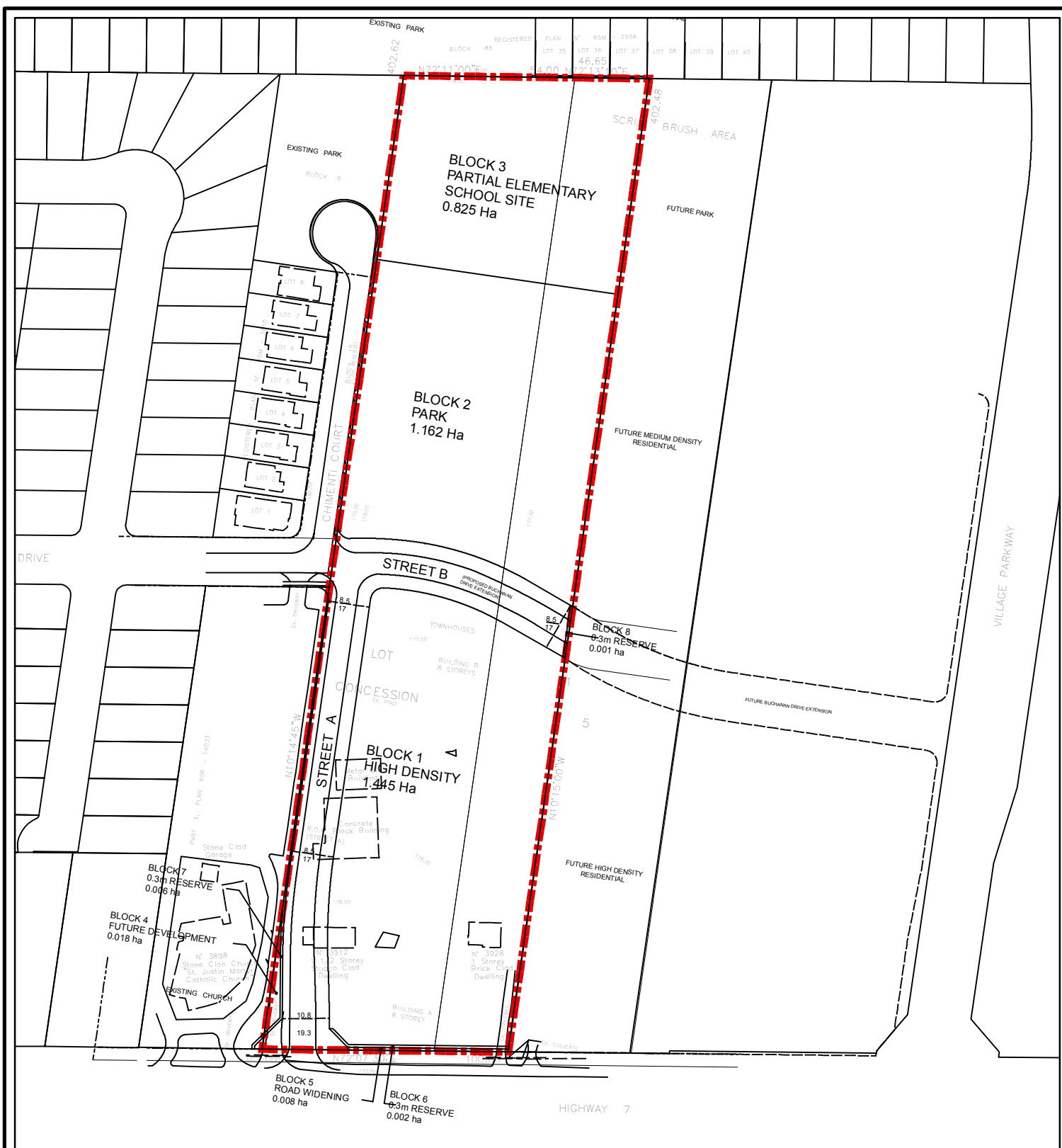


DEVELOPMENT SERVICES COMMISSION

Drawn By: DD

Checked By: SH

FIGURE No. 5



REVISED DRAFT PLAN OF SUBDIVISION

APPLICANT: 2310601 ONTARIO INC. (HILDEBRAND GARDEN)
3912 & 3928 HIGHWAY 7

 SUBJECT LANDS

FILE No. OP.13113228 ; ZA. 13113228 & SU. 13113228 (SH)

Q:\Geomatics\New Operation\2016 Agenda\OP\OP_ZA_SU13113228\OP_ZA_SU13113228.mxd

DATE: 05/20/16



ARTIST RENDERING OF APARTMENT DEVELOPMENTS -VIEWED FROM HIGHWAY 7

APPLICANT: 2310601 ONTARIO INC. (HILDEBRAND GARDEN)
3912 & 3928 HIGHWAY 7

FILE No. OP.13113228 ; ZA. 13113228 & SU. 13113228 (SH)

Q:\Geomatics\New Operation\2016 Agenda\OPIOP_ZA_SU13113228\OP_ZA_SU13113228.mxd

DATE: 05/20/16



DEVELOPMENT SERVICES COMMISSION

Drawn By: DD

Checked By: SH

FIGURE No. 7



ARTIST RENDERING OF APARTMENT DEVELOPMENTS -VIEWED FROM WEST

APPLICANT: 2310601 ONTARIO INC. (HILDEBRAND GARDEN)
3912 & 3928 HIGHWAY 7

FILE No. OP.13113228 ; ZA. 13113228 & SU. 13113228 (SH)

Q:\Geomatics\New Operation\2016 Agenda\OPI\OP_ZA_SU13113228\OP_ZA_SU13113228.mxd

DATE: 05/20/16



DEVELOPMENT SERVICES COMMISSION

Drawn By: DD

Checked By: SH

FIGURE No. 8



ARTIST RENDERING OF APARTMENT DEVELOPMENTS -VIEWED FROM EAST

APPLICANT: 2310601 ONTARIO INC. (HILDEBRAND GARDEN)
3912 & 3928 HIGHWAY 7

FILE No. OP.13113228 ; ZA. 13113228 & SU. 13113228 (SH)

Q:\Geomatics\New Operation\2016 Agenda\OP\OP_ZA_SU13113228\OP_ZA_SU13113228.mxd

DATE: 05/20/16



DEVELOPMENT SERVICES COMMISSION

Drawn By: DD

Checked By: SH

FIGURE No. 9



ARTIST RENDERING OF APARTMENT DEVELOPMENTS -VIEWED FROM NORTH

APPLICANT: 2310601 ONTARIO INC. (HILDEBRAND GARDEN)
3912 & 3928 HIGHWAY 7

FILE No. OP.13113228 ; ZA. 13113228 & SU. 13113228 (SH)

Q:\Geomatics\New Operation\2016 Agenda\OPI\OP_ZA_SU13113228\OP_ZA_SU13113228.mxd

DATE: 05/20/16



DEVELOPMENT SERVICES COMMISSION

Drawn By: DD

Checked By: SH

FIGURE No. 10

OFFICIAL PLAN
of the
MARKHAM PLANNING AREA
AMENDMENT No. XXX

To amend the Official Plan (Revised 1987), as amended, and to incorporate Amendment No. 7 to Secondary Plan (PD 1-15) for part of the Markham and Unionville Planning District (Planning District No. 1).

2310601 Ontario Inc.
(3912 and 3928 Highway 7)

June 2016

OFFICIAL PLAN
of the
MARKHAM PLANNING AREA
AMENDMENT NO. XXX

To amend the Official Plan (Revised 1987), as amended, and to incorporate amendment No. 7 to Secondary Plan (PD 1-15) for part of the Markham and Unionville Planning District (Planning District No. 1).

CONTENTS

PART I – INTRODUCTION

1.	GENERAL	5
2.	LOCATION	5
3.	PURPOSE	5
4.	BASIS	5

PART II – THE AMENDMENT

1.	THE AMENDMENT	8
2.	IMPLEMENTATION AND INTERPRETATION	8

PART III – THE SECONDARY PLAN AMENDMENT

1.	THE SECONDARY PLAN AMENDMENT	10
2.	IMPLEMENTATION AND INTERPRETATION	11

PART I – INTRODUCTION

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

PART I - INTRODUCTION

1. GENERAL

- 1.1 Part I – INTRODUCTION is included for information purposes and is not an operative part of the 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 Secondary Plan PD 1-15 for part of the Markham and Unionville Planning District (Planning District No. 1). Part II is an operative part of the Official Plan Amendment.
- 1.3 Part III – THE SECONDARY PLAN AMENDMENT, including Schedule “A” attached thereto, constitutes Amendment No. 7 to Secondary Plan (PD 1-15) for part of the Markham and Unionville Planning District (Planning District No. 1). This amendment may be identified by the symbol PD 1-15-7. Part III is an operative part of this Official Plan Amendment.

2. LOCATION

This amendment applies to approximately 1.5 hectares of land in part of Lot 10, Concession 5, located north side of Highway 7 East between Village Parkway and Verclaire Gate, as shown on Schedule “A” of Part III of this Amendment. The lands are the south portion of the lands municipally known as 3912 and 3928 Highway 7.

3. PURPOSE

The purpose of this Amendment is to amend Secondary Plan (PD 1-15) to permit a proposed apartment development.

4. BASIS OF THIS AMENDMENT

The subject lands are located on Highway 7, a Regional Arterial Road, at the southern limit of the Markham and Unionville Planning District.

The subject lands are designated ‘URBAN RESIDENTIAL’ in the Markham Official Plan (Revised 1987), as amended.

The subject lands are within the designated area of Secondary Plan (PD 1-15) for Part of the Markham and Unionville Planning District. The south portion of the subject lands is designated 'Urban Residential High Density 1' in the Secondary Plan. This designation permits apartments and other multiple housing types at an overall density not to exceed 87 units per hectare (35 units per acre) and a maximum building height of 5 storeys. The north portion is designated "Urban Residential – Medium Density 1" in the Secondary Plan. This designation permits a range of multiple housing types at an overall density not to exceed 31 units per hectare (12.5 units per acre) and maximum building heights in the range of 2 to 3 ½ storeys.

The owner proposes to develop the subject lands with an 8-storey, apartment development at a floor space index of 3.5.

The lands are well suited for residential intensification given their proximity to Markham Centre, ready access to transit, and separation from existing low density residential uses to the north.

The proposed development conforms with approved Provincial and Regional policies, and is consistent with the City's 2014 Official Plan, as partially approved by the Ontario Municipal Board on October 30, 2015 and May 26, 2016.

PART II – THE OFFICIAL PLAN AMENDMENT

(This is an operative part of Official Plan Amendment No. XXX)

PART II – THE OFFICIAL PLAN AMENDMENT

(This is an operative part of Official Plan Amendment No. XXX)

1. THE 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 is hereby amended by the addition of the number XXX to the list of amendments, including any required grammatical and punctuation changes in the bullet item dealing with Secondary Plan (PD 1-15) for part of the Markham and Unionville Planning District (Planning District No. 1).
- 1.3 Section 9.2.12 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 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 also being made to incorporate changes to Schedule “AA” – DETAILED LAND USE and text of the Secondary Plan (PD 1-15) for a portion of lands north of Highway 7, being part of the Markham and Unionville Planning District (Planning District No. 1). These changes are outlined in Part III which comprises Amendment No. 7 to Secondary Plan (PD 1-15).

2. 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 and site plan approval, in conformity with the provisions of this Amendment.

PART III – THE SECONDARY PLAN AMENDMENT (PD 1-15-7)

(This is an operative part of Official Plan Amendment No. XXX)

PART III – THE SECONDARY PLAN AMENDMENT (PD 1-15-7)

(This is an operative part of Official Plan Amendment No. XXX)

1.0 THE AMENDMENT

(Amendment No. 7 to the Secondary Plan (PD 1-15) for part of the Markham and Unionville Planning District).

Secondary Plan (PD 1-15) for part of the Markham and Unionville Planning District is hereby amended for the subject lands as follows:

1.1 Schedule “AA” – DETAILED LAND USE is amended by redesignating a portion of the lands municipally known as 3912 and 3928 Highway 7 from ‘Urban Residential Medium Density 1’ to ‘Urban Residential High Density 1’ as shown on Schedule “A” attached hereto.

1.2 Section 5.2 is hereby amended by the addition of subsection 5.2.13 as follows:

“5.2.13 3912 and 3928 Highway 7 East

The following provisions apply to the lands municipally known as 3912 and 3928 Highway 7 East. Should there be a conflict between these provisions and any other provisions in this Secondary Plan, the provisions of this section shall prevail for the subject lands:

(a) The portion of the subject lands that is designated ‘Urban Residential High Density 1’ may be used for apartment development in building(s) having a minimum height of 6 storeys and a maximum height of eight storeys, and commercial uses in the ground floor level of building(s).

(b) Apartment development shall be subject to the following specific design guidelines:

- Building setbacks should be minimized to create an urban relationship to streets that is conducive to pedestrian activity.
- Prominent at-grade pedestrian entrances should be provided from the buildings to the adjoining streets.
- The majority of street frontages of buildings should contain fenestration/openings providing views into and out of the building. Blank building walls facing public streets should be minimized and where unavoidable should be mitigated by landscaping and building detailing.

- All major loading and waste management facilities should be enclosed and screened from public view.
- Underground parking structures, if not incorporated as part of the main building massing, should not project above the finished grade adjoining streets. Entrances to underground parking garage(s) from public streets should be avoided.
- The development should incorporate sustainable design features to, among other things, reduce energy consumption, minimize the heat island effect, minimize stormwater runoff, harvest rainwater for irrigation, reduce water consumption, and maximize the use of sustainable materials and resources.
- The first two storeys of building massing should be articulated in a manner that is of high visual and architectural quality and responds to human scale.”

2. IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan (Revised 1987), 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(s) to the City’s Zoning By-laws, and Site Plan Approval in conformity with the provisions of this Amendment.

June, 2016



BY-LAW 2016 - _____

A By-law to amend By-law 118-79, as amended
(To delete lands from the designated area of By-law 118-79)
and to amend By-law 177-96, as amended

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

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

- 1. THAT By-law 118-79, as amended, is hereby further amended by deleting the lands shown on Schedule ‘A’ attached hereto, from the designated area of By-law 118-79, as amended.
- 2. THAT By-law 177-96, as amended, is hereby further amended as follows:
 - 2.1 By expanding the designated area of By-law 177-96, as amended, to include the lands shown on Schedule ‘A’ attached hereto.
 - 2.2 By zoning the lands outlined on Schedule ‘A’ attached hereto as follows:

Community Amenity Area 3 Hold [CA3*558(H)] Zone
Open Space Two (OS2*559) Zone

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

“7.558 2310601 Ontario Inc. (Hildebrand Site)
3912-3928 Highway 7 East
Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol *558 on Schedule ‘A’ of this By-law.

7.558.1 Only Permitted Uses
The following uses are the only permitted uses:

- a) *Apartment Dwellings*
- b) *Retirement Home*
- c) *Business Office*
- d) *Retail Store*
- e) *Personal Service Shop*
- f) *Commercial Fitness Centre*

7.558.2 Special Zone Provisions
The following special zone standards shall apply:

- a) Maximum *height* – 30.0 m
- b) Maximum number of *storeys* – 8
- c) Minimum number of *storeys* – 6, except for portions of the building as otherwise provided for in subsections j) and k) below
- d) Minimum *lot frontage* – 60 m
- e) Minimum *lot area* – 1.3 ha
- f) Maximum *Floor Space Index* – 3.5
- g) Maximum number of *guest suites* – 2
- h) For the purposes of this by-law, the *front lot line* shall be the *lot line* abutting Highway 7 East

- i) Minimum *front yard* - 1.2 m, except that the minimum front yard for any *dwelling unit* located on the first floor shall be 4.2 m
- j) Minimum *side yard*:
 - a. First and second *storey* above *established grade* – 4.0 m
 - b. All *storeys* above the second *storey* – 7.0 m
- k) Minimum *rear yard*:
 - a. First and second *storey* above *established grade* – 1.2 m
 - b. All *storeys* above the second *storey* - maximum of 165.0 m from the front property line;
- l) Minimum Parking Requirements:
 - a. *Apartment Dwellings* – 0.8 parking spaces per *dwelling unit*
 - b. Visitor parking – 0.15 parking spaces per *dwelling unit*;
- m) The provisions of Table B7 – Part 2 of 4 (Section CC) shall not apply;
- n) Notwithstanding any further division or partition of lands subject to this Section, all lands zoned with Exception *558 shall be deemed to be one lot for the purposes of this By-law.

**7.559 2310601 Ontario Ltd. (Hildebrand Site)
3912-3928 Highway 7 East – Public Park and
School Blocks**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol *559 on Schedule ‘A’ of this By-law.

7.559.1 Only Permitted Uses

The following uses are the only permitted uses:

- a) *Public Parks*
- b) *Public Schools*”

3. Holding Provision

- 3.1 For the purposes of this By-law, a Holding (H) provision is hereby established and is identified on Schedule ‘A’ attached hereto by the letter (H) in parenthesis following the zoning symbol.

No person shall hereafter erect or alter any building or structure on lands subject to the Holding (H) provision for the purpose permitted under this By-law until amendment(s) to this By-law to remove the letter (H) have come into effect pursuant to the provisions of Section 36 of the Planning Act.

Prior to removing the Holding (H) provision on all or part of the lands shown on Schedule ‘A’, the following conditions must be met to the satisfaction of the City of Markham:

- i. The Owner has entered into a site plan agreement with the City (including review, through the site plan approval process, of a TDM report).
- ii. The Owner has entered into a developers group agreement or has made other alternative arrangements with the City to ensure the fair and equitable cost sharing of community infrastructure and facilities, to the satisfaction of the City’s Commissioner of Development Services and City Solicitor.

- iii. The Owner has entered into a Section 37 Agreement with the City pursuant to Section 37 of the Planning Act and in accordance with the City's Official Plan policies regarding Section 37 contributions, to the satisfaction of the City.
 - iv. The Archdiocese of Toronto has confirmed in writing that satisfactory arrangements have been made for the construction of a driveway to the St Justin Martyr Catholic Church from the proposed north-south local road and for the restoration of any of the church property which is required to be re-graded to accommodate the proposed development.
- 3.2 Notwithstanding the above, driveways and underground *parking garages* are permitted to be constructed prior to the removal of the Holding provision (H).

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

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW 2016-_____

A By-law to amend By-law 177-96, as amended and By-law 118-79, as amended

2310601 Ontario Inc.

3912-3928 Highway 7 East

Zoning By-law Amendment to Permit Apartment Dwellings, a School Block and an Open Space Block

Lands Affected

The proposed by-law amendment applies to ____hectares (____acres) of land located at 3912-3928 Highway 7 East, on the north side of Highway 7 East, west of Village Parkway.

Existing Zoning

The subject lands are currently zoned “Residential Development” (RD) Zone by By-law 118-79, as amended.

Purpose and Effect

The purpose and effect of this By-law is to delete lands from the designated area of By-law 118-79 and incorporate those lands into By-law 177-96, as amended, and to rezone the subject lands to Community Amenity Area 3 Hold [CA3*558(H)] Zone and Open Space 2 (OS2*559) Zone. The zoning is intended to facilitate the development of apartment dwellings on the southerly portion of the site along Highway 7, and a school block and an open space block on the northerly portion of the site.

A Holding (H) provision will be placed on a portion of the subject lands to ensure certain conditions are met prior to any development proceeding.

THE CONDITIONS TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION
OF PLAN OF SUBDIVISION 19TM-13004 (2310601 Ontario Inc.) ARE AS
FOLLOWS:

General

- 1.1 Approval shall relate to a draft plan of subdivision prepared by Stantec, with a last revision date of November 23, 2015 (the “Draft Plan”) incorporating the following redline revisions:
 - Finalize the configuration and design of the intersection of Street A and Street B (Buchanan Drive) to the satisfaction of the City (Director of Engineering).
 - Finalize the configuration and design of the intersection of Street A and Highway 7 to the satisfaction of York Region and the City.
 - Any modifications to the Draft Plan required by external agencies.
- 1.2 This Draft Plan Approval shall apply for a maximum period of three (3) years from date of approval, and shall accordingly lapse on ----- unless the plan of subdivision is registered or draft approval is extended by the City, upon application by the Owner, prior to the lapsing of Draft Plan Approval.
- 1.3 The Owner shall enter into a Subdivision Agreement with the City agreeing to satisfy all conditions of the City and public agencies including the Regional Municipality of York, and other applicable public agencies, financial and otherwise, prior to final approval of the Draft Plan.
- 1.4 The Owner shall agree in the Subdivision Agreement that the holding zoning (H) provision(s) shall not be removed by the City until the conditions outlined in the zoning by-law have been satisfied to the satisfaction of the City.
- 1.5 The Owner acknowledges and agrees that the Draft Plan and associated conditions of Draft Plan Approval may require revisions, to the satisfaction of the Director of Engineering, to implement or integrate any recommendations from studies required as a condition of draft approval.
- 1.6 The Owner acknowledges that the City may update the conditions of Draft Plan Approval and require revisions to the Draft Plan to respond to updates to implementing studies/plans/guidelines, and City and Public Agency requirements.
- 1.7 The Owner covenants and agrees to enter into a construction agreement and/or encroachment agreement or any other agreement deemed necessary to permit construction of services, roads, stormwater management facilities or any other services that are required external to the plan of subdivision (or site plan) and

that are required to service the proposed development, to the satisfaction of the City's Director of Engineering and the City Solicitor.

2 Cost Sharing

- 2.1 Prior to the release for registration of any phase of the Draft Plan, the Owner shall enter into a developers group agreement or make other alternative arrangements with the City to ensure the fair and equitable cost sharing of community infrastructure and facilities, to the satisfaction of the City Commissioner of Development Services and the City Solicitor.
- 2.2 Where the Owner has entered into a developers' group agreement(s), prior to the release for registration of any phase of the Draft Plan, the Trustee(s) of the applicable developers' group(s) shall deliver a release(s) to the City indicating the Owner has satisfied all conditions of the group agreement(s) and the Trustee(s) has no objection to the registration of the applicable phase of the plan. The Owner acknowledges that where it has elected to make alternative arrangements to ensure the fair and equitable cost sharing of community infrastructure and facilities, the City shall notify the Trustee(s) of the local developers' group(s) of such arrangements at least 60 days prior to the release for registration of any phase of the Draft Plan.

3 Servicing Allocation

- 3.1 The Owner shall agree in the Subdivision Agreement that final approval of any development within the Draft Plan shall be subject to the City's Commissioner of Development Services and York Region being satisfied that adequate water supply and sanitary sewer capacity is available and allocated to service the development and the allocation is formally granted by Markham City Council.
- 3.2 The Owner shall agree in the Subdivision Agreement that building permits shall not be sought or issued for any residential uses within the Draft Plan for which servicing allocation has not been confirmed.
- 3.3 Prior to the issuance of draft plan approval by the City's Director of Planning and Urban Design, the Owner shall enter into an agreement with the City securing its commitment not to market any residential units for which servicing allocation has not been confirmed.
- 3.4 The City reserves the right to revoke or reassign servicing allocation should construction not proceed in a timely manner.

4 Holding Provisions

4.1 The zoning of the Block 1 shall be subject to a holding (H) provision. Prior to the release for development of Block 1, the Owner shall apply to the City to release the hold (H) provision. The City shall not be obliged to release the hold (H) provision until the conditions outlined in Clause 4.2 have been met. Additional studies and supporting material may be required to the satisfaction of the City and other approval agencies/authorities and additional agreement(s) may be required to be executed, and financial guarantees submitted, prior to the City releasing the hold (H) provision.

4.2 The conditions of hold removal for Block 1 are as follows:

- The Owner has entered into a site plan agreement with the City (including review, through the site plan approval process, of a TDM report).
- The Owner has entered into a developers group agreement or has made other alternative arrangements with the City to ensure the fair and equitable cost sharing of community infrastructure and facilities, to the satisfaction of the City's Commissioner of Development Services and City Solicitor.
- The Owner has entered into a Section 37 Agreement with the City pursuant to Section 37 of the Planning Act and in accordance with the City's Official Plan policies regarding Section 37 contributions, to the satisfaction of the City.
- The Archdiocese of Toronto has confirmed in writing that satisfactory arrangements have been made for the construction of a driveway to the St Justin Martyr Catholic Church from the proposed north-south local road and for the restoration of any church lands which are required to be re-graded to accommodate the proposed development.

5 Environmental Sustainability Measures

5.1 The Owner shall agree in the Subdivision Agreement to incorporate the following features into the design and construction of all apartment buildings to be developed on the lands within the Draft Plan, to the satisfaction of the City's Commissioner of Development Services:

- Minimum LEED Silver certification, or the achievement of LEED Silver equivalency.
- Potential connection to the district energy system.
- Travel demand management plan.
- Building design and management to minimize bird strikes and achieve "dark sky compliance."

6 Heritage

- 6.1 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.
- 6.2 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.

7 Roads

- 7.1 The public road allowances and any private shared driveways within the Draft Plan shall be named to the satisfaction of the City and York Region.
- 7.2 The public road allowances within the Draft Plan shall be dedicated to the City as a public highway, free of all costs and physical or title encumbrances (except as may be authorized in writing by the City Solicitor) to the satisfaction of the City's Director of Engineering and City Solicitor, upon registration of the Draft Plan.
- 7.3 The Owner shall agree in the Subdivision Agreement to construct the roads and to install all required municipal services and utilities (above and below grade) within the Draft Plan in accordance with the approved draft plan or such other development agreement to be entered into with the City and all approved site servicing drawings, and to provide financial security in respect of such work, notwithstanding that title to the road lands may be vested in the City.
- 7.4 The subdivision agreement shall require the Owner to:
- Design and construct the Public Works (limited to any works to be assumed by the City) in accordance with the City's Design Criteria and Standard Drawings to the satisfaction of the Director of Engineering and the Director of Planning and Urban Design.
 - Design and construct temporary turning circles, where required. When directed by the Director of Engineering, temporary turning circles shall be removed and the road completed to the ultimate condition. The design of the temporary turning circles, and any implications on surrounding land use, including posting of a separate Letter of Credit for their removal, shall be addressed in the subdivision agreement to the

satisfaction of the Director of Engineering and the Director of Planning and Urban Design.

- 7.5 Upon registration of the plan of subdivision, the Owner shall convey, 0.3m reserve(s) as required by the City or other agencies, free of all costs and physical or title encumbrances, to the satisfaction of the City.
- 7.6 The Owner shall covenant and agree in the Subdivision Agreement that construction access will be restricted to Highway 7. Prior to any site alteration works, the Owner shall obtain the approval from York Region and provide the Director of Engineering with a copy of the Region's approval.
- 7.7 The Owner shall covenant and agree in the subdivision agreement to implement the traffic calming measures identified in the Internal Functional Traffic Study. The Owner shall further covenant and agree to implement additional traffic calming measures, prior to assumption of the plan of subdivision, if it is determined by the City that additional traffic calming measures are required.

8 Transportation Demand Management (TDM)

- 8.1 Prior to execution of a site plan agreement(s) for Block 1, the Owner shall prepare a Transportation Demand Management Plan (TDM Plan), for review and approval by the City that will outline a strategy, for the subject blocks, that will improve available transportation options, reduce auto dependence and increase the mode share of non-auto modes.

9 Noise

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

10 Stormwater Management

- 10.1 The Owner shall covenant and agree in the Subdivision Agreement to comply with all the requirements of the Master Servicing and Drainage Plan (MSDP) titled "Markham Avenue 7 Landowners Group" prepared by SCS Consulting Group Ltd., dated September 21, 2011, and accepted by the City

(Commissioner of Development Services) and the TRCA and any updated or alternative servicing scheme accepted by the Director of Engineering.

- 10.2 Prior to execution of the Subdivision Agreement for the Draft Plan, the Owner shall submit a stormwater management study in accordance with the MSDP or approved alternative servicing scheme, 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 approval by the City and the TRCA.
- 10.3 The Owner shall covenant and agree in the subdivision agreement to undertake the monitoring of watercourse temperatures which may be effected by storm drainage from its development, subject to consultation with, and to the satisfaction of the City.
- 10.4 The Owner shall covenant and agree in the Subdivision Agreement to obtain approval of Site Alteration Plans in accordance with the City's Standards and all applicable guidelines prior to proceeding with any on-site works and more particularly topsoil stripping.

11 Environmental Site Assessment (ESA)

- 11.1 Prior to the execution of the Subdivision Agreement for the Draft Plan, the Owner shall submit an environmental site assessment report(s) prepared by a Qualified Person for the applicable phase in accordance with the Record of Site Condition Regulation (O. Reg. 153/04). The report(s) shall describe the current conditions of any lands to be conveyed to the City and any proposed remedial action plan, for peer review and concurrence. The Owner shall pay all costs associated with the City retaining a third-party reviewer for the peer review service.
- 11.2 At the completion of any necessary site remediation process, the Owner shall submit certification from the Qualified Person that the necessary clean up has been carried out and that the land to be conveyed to the City meets the Site Condition Standards of the intended land use.
- 11.3 The Owner shall file a Record of Site Condition on the Provincial Environmental Site Registry for the land to be conveyed to the City.
- 11.4 The Owner shall covenant and agree in the Subdivision Agreement that if during construction of any infrastructure or building within the subdivision contaminated soils are discovered, the Owner shall submit a further remedial action plan to the City for peer review and concurrence prior to carrying out the clean up, to the satisfaction of the Director of Engineering.

12 Well Monitoring Program and Mitigation Plan

- 12.1 Prior to execution of the Subdivision Agreement or start of construction, whichever is earlier, the Owner shall investigate any existing water wells within 500m of the boundary of the Draft Plan (Zone of Influence). If the investigation shows that there are active water wells, the Owner shall submit a well monitoring program and mitigation plan to the Director of Engineering for review and acceptance.
- 12.2 If there are active water wells, the Owner shall covenant and agree in the Subdivision Agreement to provide financial securities to ensure the well monitoring program and mitigation plan are implemented and to implement the recommendations prior to any dewatering activity.

13 Municipal Services

- 13.1 The Owner shall acknowledge and agree in the Subdivision Agreement that final approval of any development within the Draft Plan shall be subject to adequate sanitary sewer capacity and water supply to service the development being allocated by City Council.
- 13.2 Prior to execution of the Subdivision Agreement for the Draft Plan, the Owner shall prepare, to the satisfaction of the Director of Engineering, a Functional Servicing Report in accordance with the MSDP or approved alternative servicing scheme to determine the infrastructure required for all municipal services internal to the subdivision.
- 13.3 The Owner shall agree in the subdivision agreement to construct the roads and to install all required municipal services and utilities (above and below grade) within the Draft Plan in accordance with the approved site servicing drawings and to provide financial security in respect of such work, notwithstanding that title to the road lands may be vested in the City.
- 13.4 Prior to execution of the Subdivision Agreement for the Draft Plan, detailed engineering drawings shall be provided 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, pavement marking and signage plans, stormwater management detail plans, etc., in accordance with the Functional Servicing Report and MSDP where applicable, to the satisfaction of the Director of Engineering.
- 13.5 The Owner shall acknowledge and agree in the Subdivision Agreement that building permits will not be issued for lands in any stage of development within the Draft Plan 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.

14 Dewatering

- 14.1 The Owner shall agree in the Subdivision Agreement to prepare a ground water constraint assessment that will examine existing and proposed ground water levels in relation to the proposed development, underground construction and servicing and stormwater management infrastructure, to the satisfaction of the City's Director of Engineering. Interactions between untreated (or insufficiently treated) surface and groundwater, shallow ground water, and dewatering requirements must be identified, with refinements and/or revisions made as necessary to the stormwater management system to mitigate against any potential impacts, to the satisfaction of the City. Permanent dewatering of groundwater or interflow associated with any component of this development may be permitted, provided it can be demonstrated to the satisfaction of the City, that any potential impacts to groundwater resources can be adequately mitigated.
- 14.2 The need for liners associated with the stormwater management system shall be assessed, and suitable liners shall be provided, where necessary.

15 Traffic impact Study/Internal Functional Traffic Design Study

- 15.1 Prior to final approval of the draft plan, the Owner shall prepare a Traffic Impact Study/Internal Functional Traffic design Study to the satisfaction of the City and York Region. The Owner shall incorporate the requirements and criteria of the Traffic Impact Study into the draft approved plan and subdivision agreement.

16 Recoveries to Bramalea Development and Baif Development Ltd.

- 16.1 Upon execution of the Subdivision Agreement, the Owner shall provide the Director of Engineering with a letter of release from Bramalea Development and Baif Development Ltd. (the "upfronting developer") in a form satisfactory to the City Solicitor confirming that the Owner has satisfied all of its obligations to the Upfronting Developer for Village Parkway - Land Fronting and Road Construction Works.

17 Municipal Infrastructure

- 17.1 The Owner and the City acknowledge that this subdivision, when fully constructed, will tentatively have the following City's municipal infrastructure:
- Lanes: n/a
 - Local Roads: approx. 160 m
 - Minor/Major Collectors: approx 55 m
 - Sidewalks: approx 270 m
 - Streetlights: to be determined
 - Watermain: to be determined
 - Sanitary Sewers: to be determined

- Storm Sewers: to be determined

18 Recycling

- 18.1 The Owner shall covenant and agree in the Subdivision Agreement to:
- Purchase from the City two recycling containers upon application for occupancy permits so that each purchaser may participate in a waste diversion program;
 - Ensure that the containers and educational materials are deposited in each home on or before the day closing;
 - Contact the City at least four weeks in advance of occupation to arrange an appointment time in which blue boxes, green bins and kitchen collectors are to be collected by the Owner;
 - Pay the City the cost for the containers and units. The Owner covenants and agrees to collect from the City all required recycling containers, and that all containers shall be provided to the purchasers at the same cost as paid to the City.

19 Development Charges

- 19.1 The Owner covenants and agrees to pay all applicable Area Specific and City-Wide Development Charges, as required by, and at the time they become due under, the applicable Development Charge By-laws, as they may be amended or re-enacted from time to time.
- 19.2 The Owner covenants and agrees to provide written notice of all development charges related to the Subdivision development, including payments made and any amounts owing, to all first purchasers of lands within the plan of subdivision at the time the lands are transferred to the first purchasers.

20 Easements

- 20.1 The Owner shall grant required easements to the appropriate authority for public utilities, drainage purposes or turning circles, upon registration of the Draft Plan. Any off-site easements and works necessary to connect watermains, storm and sanitary sewers to outfall trunks and stormwater management facilities shall be satisfactory to, and dedicated to, the City.

21 Utilities

- 21.1 Prior to execution of the Subdivision Agreement for the Draft Plan, the Owner shall prepare an overall utility distribution plan (Composite Utility Plan), if required by the City, to the satisfaction of the City and all affected authorities.
- 21.2 The Owner shall covenant and agree in the Subdivision Agreement that hydro electric, telephone, gas, district energy, Canada Post 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.

- 21.3 The Owner shall covenant and agree in the Subdivision Agreement that it will permit any telephone or telecommunication service provider to locate its plant in a common trench within the proposed subdivision prior to registration of the plan of subdivision 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 buildings within the subdivision as and when each building is constructed.
- 21.4 The Owner shall covenant and agree in the Subdivision Agreement to enter into any agreement or agreements required by any applicable utility companies, including Canada Post, Markham Hydro, Markham District Energy (if applicable), natural gas and telecommunications companies, etc. and to undertake to provide the services in a manner which serves to minimize the exposure of above grade service structure/equipment.
- 21.5 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.
- 21.6 The Owner shall covenant and agree in the Subdivision Agreement to construct public streets in accordance with municipal standards; grade all streets to final elevation prior to the installation of the gas lines, and provide the necessary field survey information required for the installation of the gas lines, all to the satisfaction of the natural gas provider and the City .
- 21.7 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.
- 21.8 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, the natural gas provider, telecommunications companies, etc.
- 21.9 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 release for registration of any phase of the draft plan 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.

22 Fire Department

- 22.1 The Owner shall covenant and agree in the Subdivision Agreement to:
- provide watermains which are of a size that is acceptable to the Fire Department to meet requirements for firefighting purposes.
 - provide fire hydrants spaced at intervals satisfactory to the Fire Chief or his designate.
 - provide two water supply connections, to the satisfaction of the Fire Chief, or his designate, to ensure adequacy and reliability of water supply at all times for firefighting purposes.

23 Section 37 Contribution

- 23.1 Prior to execution of the site plan agreement for Block 1, the Owner shall enter into a Section 37 Agreement with the City in accordance with the City's Official Plan policies regarding Section 37 contributions.

24 Tree Preservation

- 24.1 The Owner shall submit for approval a tree inventory and tree preservation plan to the satisfaction of the Director of Planning and Urban Design in accordance with the City of Markham Streetscape Manual dated 2009, as amended from time to time.
- 24.2 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.
- 24.3 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.
- 24.4 The Owner shall submit for approval, as part of the tree inventory and tree preservation plan, in accordance with the City of Markham Streetscape Manual a tree compensation schedule detailing replacement and enhancement planting or the replacement value based on the following:
- a) Trees between 20cm and 40cm diameter at breast height (DBH) shall be replaced at a ratio of 2:1

- b) All trees over 40cm DBH shall have an valuation submitted to the City by an ISA certified Arborist in accordance with the Council of Tree and Landscape Appraisers (CTLA) Guide for Plant Appraisal (2000)
- c) Where a site does not allow for the 2:1 replacement, the City will negotiate a credit for tree planting on alternate sites
- d) The requirement for the replacement or equivalent economic value following unauthorized tree removal or damage shall be determined by the City.

25 Parkland Dedication

- 25.1 The Owner shall agree in the Subdivision Agreement to dedicate Block 2 as parkland and/or provide Cash-in-lieu in accordance with Section 42 of the Planning Act at Site Plan Stage;
- 25.2 The Owner shall agree to enter into a restrictive covenant respecting Block 2, pursuant to Section 118 of the Land Titles Act, prohibiting the transfer or charge of the lands without prior written consent of the City solicitor for The Corporation of the City of Markham.

26 Parks and Open Space delivery

- 26.1 In the Subdivision Agreement the Owner shall agree to provide the following in respect of Block 2 to the satisfaction of the Director of Planning and Urban Design:
 - Rough grade to accommodate a minimum 300mm depth of topsoil;
 - Hydro-seed the sub-grade of the park;
 - Provide access to sufficient topsoil to cover parks at the specified depths when constructed;
 - Locate topsoil pile off site of park block;
 - 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, if required by the City;
 - Electrical servicing;
 - Meet the minimum for compaction levels;
 - Fencing of park block to OPSD standards;
 - Maintenance of undeveloped park block.
- 26.2 Notwithstanding condition 25.1 above:
 - a) Park block 2 shall be maintained until such time that the park block has been constructed and is formally assumed by the City for maintenance purposes. The school and other vacant blocks shall be maintained until such time that the lands are transferred.

- b) The Owner shall provide topsoil in accordance with the Streetscape Manual in the entire municipal boulevard adjoining Block 2 to appropriately plant boulevard trees to the satisfaction of the Director of Planning and Urban Design.
- c) The Owner shall submit grading, servicing and survey plans prepared by a qualified person for Block 2 to the satisfaction of the Director of Planning and Urban Design
- d) The Owner shall provide a current geotechnical report by a qualified person for Block 2 to the satisfaction of the Director of Planning and Urban Design.
- e) At the written request of the Director of Planning and Urban Design, the Owner will re-monument Block 2.

27 Streetscape Plan

- 27.1 The Owner shall prepare at no cost to the City and submit a Streetscape Plan and Implementation Plan to the satisfaction of the Director of Planning and Urban Design. The Plan is to be prepared by a qualified landscape architect in good standing with the O.A.L.A. and shall include the following:
- a) Boulevard design and street tree planting in accordance with the Markham streetscape Manual 2009 as amended from time to time
 - b) Grading and composite utility information
 - c) Street furniture and lighting details
- 27.2 The Owner shall construct all landscaping in accordance with the approved Streetscape Plan and Implementation plan and at no cost to the City.
- 27.3 No changes or substitutions shall be made to the approved Streetscape Plan without the written approval of the City's Director of Planning and Urban Design.
- 27.4 The Owner shall retain a qualified Landscape Architect satisfactory to the City for landscape construction management, site inspection and project control to ensure compliance with this Agreement and the approved Streetscape Plan and Implementation Plan.
- 27.5 Provision shall be made in the subdivision agreement for a letter of credit, in an amount to be determined by the City, to ensure compliance with the approved Streetscape Plan and Implementation Plan. If the value of the landscape works within the draft plan on the approved plans is higher than the estimated Letter of Credit provided, then the Owner shall, forthwith upon written demand, provide an additional Letter of Credit to the City for the difference owing.

If the value of the landscape works is less than the estimated Letter of Credit provided for in this Agreement, then the City shall reduce the letter of Credit amount for the difference owing.

27.6 The prescribed works shall be guaranteed for two (2) years from the date of the City's receipt of the Landscape Architect's certificate of substantial completion.

27.7 The Owner shall maintain all boulevards within the draft plan until accepted for maintenance by the City.

27.8 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)
- SIDE YARD FENCING (IF SPECIFICALLY REQUIRED BY THE CITY)
- TREE PLANTING/LANDSCAPING IN REAR OR FRONT YARDS (IF SPECIFICALLY REQUIRED BY THE CITY)
- NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY

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

27.9 The City recognizes that the final streetscaping and landscaping may be phased and there may be the need for an interim treatment for the public right-of-way. Any interim treatment that does not conform to the Streetscape Plan shall be fully removed and replaced at the Owner's expense in accordance with the Streetscape Master Plan.

27.10 The Owner covenant and agrees that the street tree landscape plans for all regional roads will be provided to the Region of York, Regional Transportation and Works Department and that a copy of the submission letter, letter of approval for the landscape works and a copy of the agreement with the Region, if required by the Region for the landscape works will be provided to the City prior to the execution of the subdivision agreement.

28 Site Plan Approval

28.1 The Owner covenants and agrees to submit site plan application(s) for Block 1 to the City for approval to ensure appropriate building placement, elevation treatments, and landscaping.

29 Vacant Lands

29.1 The Owner shall rough grade, topsoil, seed, maintain and install a post and wire fence around all parcels that are expected to be vacant for six (6) months following the registration of this Agreement, to the satisfaction of the Director of Planning and Urban Design and the Owner shall:

- (a) cut the herbaceous vegetation a minimum of three times per year;
- (b) remove the post and wire fence when requested by the Director of Planning and Urban Design in writing to do so;
- (c) not store or allow the storage of any materials, including topsoil and construction materials, on any such parcel without the written approval of the Director of Planning and Urban Design; and.
- (d) in respect of lands conveyed or to be conveyed for park purposes, grade 300mm below engineered final grade.

Public Agencies

30 Telecommunications Provider

30.1 Prior to the execution of the Subdivision Agreement, the Owner shall enter into an agreement (Letter of Understanding) with a telecommunications provider complying with any underground servicing conditions imposed by the municipality, and if no such conditions are imposed the Owner shall advise the municipality of the arrangement made for such servicing.

30.2 The Owner shall provide to its telecommunications provider one or more conduit or conduits of sufficient size from each unit to the electrical room and one or more conduits from the electrical room to street line.

31 Regional Municipality of York

31.1 The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the City of Markham and York Region.

31.2 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.

- 31.3 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.
- 31.4 Prior to final approval, the engineering drawing(s) showing the layout of the watermain and sewers shall be submitted to the Infrastructure Asset Management Branch for review and approval.
- 31.5 The Owner shall agree in the Subdivision Agreement that any direct connection to and/or the crossing of a York Region water or wastewater system requires Regional approval prior to construction. Engineering drawings showing details of the connection(s) and/or crossing shall be submitted to the Infrastructure Asset Management Branch for approval.
- 31.6 For all lands, the Holding (H) provisions of Section 36 of the *Ontario Planning Act* shall be used in conjunction with all residential zone categories in order to ensure that final plan approval and development of these lands does not occur until such time as the Holding (H) symbol is removed in accordance with the provisions of the *Ontario Planning Act*. The Zoning Bylaw shall specify the terms under which Council may consider the removal of the Holding (H) symbol. Said terms shall include a minimum of the following:
- The City of Markham approves a transfer of servicing allocation to this development that is not dependent upon the completion of infrastructure; or,
 - York Region has advised in writing that the required infrastructure to support the capacity assignment associated with this development will be completed within a time period acceptable to the Region (usually 6 to 36 months depending on the complexity of the development) to permit the plan registration; or,
 - The Regional Commissioner of Environmental Services confirms servicing allocation for this development by a suitable alternative method and the City of Markham allocates the capacity to this development.
- 31.7 Prior to approval, the Owner shall agree to provide direct shared pedestrian and cycling connection from the proposed development to Highway 7 East to support active transportation and public transit. York Region will not assume any financial responsibility for implementing the provision of the pedestrian and cycling connections. A drawing shall be provided to illustrate the locations of the connections.

- 31.8 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 shall be submitted to the Transportation Services for review and approval, explain all transportation issues and recommend mitigative measures for these issues.
- 31.9 Prior to final approval, the Owner shall provide a written undertaking, to the satisfaction of the Community Planning and Development Services Division that the Owner agrees to implement the recommendations of the functional transportation report/plan as approved by the Transportation Services.
- 31.10 The Owner shall agree in the Subdivision Agreement that:
- Private vehicular access to Highway 7 East shall not be permitted; and
 - Any permitted access to Highway 7 East from this plan of subdivision, shall take the form of a public roadway connecting directly to Buchanan Drive to the north as the future Chimenti Court extension in order to create a fine grid public road network, and be at the sole discretion of York Region and at a location acceptable to York Region.
- 31.11 The Owner shall acknowledge in the subdivision agreement that hydro poles have been installed across the frontage of the subject lands in accordance with York Region's Highway 7 East construction design, which will impact the design of Street 'A' at Highway 7 East.
- 31.12 The Owner shall agree in the subdivision agreement that the Owner shall assume financial responsibility for the cost of relocating any hydro pole and other infrastructure and associated works to accommodate the construction of Street 'A' at Highway 7 East, based on a design approved by the York Region, to the satisfaction of York Region.
- 31.13 Prior to final approval, the Owner shall submit detailed engineering drawings to Community Planning and Development Services Division for review and approval that incorporate the recommendations of the functional transportation report/plan as approved by the Transportation Services. Additionally, the engineering drawings shall include, but not limited to, 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, traffic control/construction staging plans, landscape plans and electrical design.

The Owner agrees that detailed engineering drawings shall include the detailed design of the Church's westerly right-in/right out access.

- 31.14 Prior to final approval, the Owner shall provide York Region with written consent from the property owner at 3882 Highway 7 East (St. Justin Martyr Church) that they acknowledge the closure of the existing east driveway access and the restriction of the existing west driveway access to right-in and right-out operations only.
- 31.15 Prior to final approval, the Owner shall be responsible for preparing an Environmental Site Assessment for any lands to be conveyed to York Region on the Church property (3882 Highway 7 East) to accommodate Street 'A', free of all costs and encumbrances, to the satisfaction of the York Region Solicitor.

The Owner agrees that if the Church does not agree to convey lands to York Region for the daylight triangle, York Region will consider accepting an easement in place of a land conveyance. The Owner further agrees that it will be responsible for the preparation of all drawings and associated works required for the preparation of the easement, free of all costs and encumbrances, to the satisfaction of the York Region Solicitor.

- 31.16 Prior to final approval, the Owner shall provide a Transportation Demand Management (TDM) Plan, to the satisfaction of York Region. The TDM Plan shall include:
- a) A communication strategy to communicate and notify York Region and the City of Markham to effectively deliver the Information Packages and pre-loaded PRESTO Cards to residents. This strategy shall also include a physical location for distribution of the Information Packages and pre-loaded PRESTO Cards; and
 - b) A TDM recommendations checklist that summarizes the programs and measures, responsibility of the applicant, and the estimated costs to implement the TDM recommendations.
- 31.17 Prior to final approval, the Owner shall agree that the following lands will be conveyed to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of York Region Solicitor:
- a) A widening across the full frontage of the site where it abuts Highway 7 East of sufficient width to provide a minimum of 28.58 metres from the centreline of construction of Highway 7 East;
 - b) Any additional lands required for turning lanes;

- c) A 0.3 metre reserve across the full frontage of the site, except at the approved access location, adjacent to the above noted widening, where it abuts Highway 7 East; and
 - d) Should York Region permit a signalized intersection from the development and Highway 7 East, York Region will require the applicant to convey a 10 m x 10 m daylight triangle.
- 31.18 The Owner shall agree in the subdivision agreement that all costs associated with the signalization and construction of Street 'A' and Highway 7 is the sole financial responsibility of the Owner.
- 31.19 The Owner agrees to provide York Region with detailed engineering drawings of the intersection of Street 'A' and Highway 7 including all electrical works for review and approval by York Region.
- 31.20 Prior to final approval, in order to determine the property dedications (if any) required to achieve the ultimate right-of-way width of Highway 7 East abutting the subject site, the applicant shall submit a recent plan of survey for the property that illustrates the existing centre line of construction of Highway 7 East.
- 31.21 Prior to final approval, the Owner shall provide a solicitor's certificate of title in a form satisfactory to York Region Solicitor, at no cost to York Region with respect to the conveyance of the above noted lands to York Region.
- 31.22 York Region requires the Owner to submit to it, in accordance with the requirements of the *Environmental Protection Act* and *O. Reg. 153/04 Records of Site Condition Part XV.1 of the Act* (as amended) ("O. Reg. 153/04"), a Phase I environmental site assessment ("Phase I ESA") of the Owner's lands that are the subject of the application, including the lands to be conveyed to the Region (the "Conveyance Lands"). The Phase I ESA cannot be more than 2 years old as of the actual date title to the Conveyance Lands is transferred to York Region. If the Phase I ESA is linked to different phases of development and there will be multiple conveyances of lands, the Phase I ESA prepared in respect of a specific conveyance and phase of development cannot be more than two years old as of the actual date of transfer of title to York Region. If a Phase I ESA is or would be more than two years old as of the actual date of transfer of title to the Region, the Phase I ESA will need to be either updated or a new Phase I ESA obtained by the Owner in accordance with the requirements of this section. York Region, at its discretion, may require further study, investigation, assessment and delineation to determine whether any remedial or other action is required regardless of the findings or conclusions of the Phase I ESA. Any Phase II environmental site assessment required by or submitted to the Region must be prepared in general accordance with the requirements of *O. Reg. 153/04* (as noted above). Reliance on the Phase I ESA and any subsequent

environmental reports or other documentation prepared in respect of the environmental condition of the lands must be provided to York Region and: (i) will be addressed to “The Regional Municipality of York”; (ii) contain wording to the effect that York Region is entitled to rely on such reports or documentation in their entirety; and (iii) the terms and conditions of the reliance extended (including any wording seeking to limit liability) must be satisfactory to the Region.

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

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

- 31.23 Prior to final approval, the location and design of the construction access for the subdivision work shall be completed to the satisfaction of Community Planning and Development Services Division and illustrated on the engineering drawings.
- 31.24 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Community Planning and Development Services Division, that all existing driveway(s) along the Regional road frontage of this subdivision will be removed as part of the subdivision work, at no cost to York Region.
- 31.25 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Community Planning and Development Services Division that elevations along the streetline shall be based on the Regional Highway 7 East road reconstruction design, unless otherwise specified by the Community Planning and Development Services Division.
- 31.26 Prior to final approval, the Owner shall submit drawings depicting the following to the satisfaction of York Region staff:

- a) All existing woody vegetation within the York Region road right-of-way,
- b) Tree protection measures to be implemented on and off the York Region road right-of-way to protect right-of-way vegetation to be preserved,
- c) Any woody vegetation within the York Region road right-of-way that is proposed to be removed or relocated. However, it is to be noted that tree removal within York Region road right-of-way shall be avoided to the extent possible/practical. Financial or other compensation may be sought based on the value of trees proposed for removal, and
- 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 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 City and be supported by a Maintenance Agreement between the City and York Region for City 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 York Region.

- 31.27 The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the Community Planning and Development Services Division to be responsible to decommission any existing wells on the owner's lands in accordance with all applicable provincial legislation and guidelines and to the satisfaction of the City of Markham.
- 31.28 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Community Planning and Development Services Division that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region's right-of-way, then the Owner shall provide a satisfactory buffer or easement to the City of Markham, at no cost to York Region.

- 31.29 The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the Community Planning and Development Services Division that the Owner will be responsible for determining the location of all utility plants within York Region's 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.
- 31.30 Prior to final approval, the Owner shall engage the services of a consultant to prepare and submit for review and approval, an updated noise study to the satisfaction of the Community Planning and Development Services Division recommending noise attenuation features.
- 31.31 The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the Community Planning and Development Services Division, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of the Community Planning and Development Services Division.
- 31.32 The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the Community Planning and Development Services Division that where berm, noise wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a professional engineer to have been installed as specified by the approved Noise Study and in conformance with the Ministry of Environment and Climate Change guidelines and the York Region Noise Policy.
- 31.33 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."
- 31.34 Where noise attenuation features will abut a York Region right-of-way, the Owner shall agree in the Subdivision Agreement, in wording satisfactory to York Region's Community Planning and Development Services Division, as follows:
- a) That no part of any noise attenuation feature shall be constructed on or within the York Region right-of-way;

- b) That noise fences adjacent to York Region roads may be constructed on the private side of the 0.3 metre reserve and may be a maximum of 2.5 metres in height, subject to the City of Markham'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 City of Markham for aesthetic purposes must be approved by the Community Planning and Development Services Division and shall be maintained by the City of Markham with the exception of the usual grass maintenance.

31.35 Prior to final approval, the Owner shall satisfy the Community Planning and Development Services Division 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 City of Markham's standards, and be provided by the Owner along the subject lands' frontage onto roadways that have transit services.

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

- Highway 7 East

31.36 The Owner shall satisfy the Community Planning and Development Services Division that the services to be installed within or in conjunction with the Plan will provide the passenger standing area/shelter pad identified below and shall be installed to the satisfaction of the local municipality and York Region Transit. York Region confirms that all such passenger standing area/shelter pad shall be owned and maintained by York Region and that the City of Markham shall have no responsibility for those notwithstanding that they may be included in the Subdivision Agreement.

Subject to approval by YRT/Viva, passenger standing area and shelter pad shall be provided at the following location:

- On Highway 7 East between Verclaire Gate and Village Parkway (NE corner) – YRT-1.02

The passenger standing area/shelter pad 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 stop, passenger standing area, shelter or corner sightlines. Bus stop located in front of the employment areas shall be incorporated into the landscape design.

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

- 31.37 Prior to final approval, the Owner shall submit drawings showing, as applicable, the sidewalk location, concrete pedestrian access, passenger standing area and shelter pad, to the satisfaction of York Region.
- 31.38 The Owner shall agree in the Subdivision Agreement to advise all potential purchasers of the existing transit services in this development as identified in Condition 35 This includes current 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.
- 31.39 The Owner shall satisfy the Community Planning and Development Services Division that the services to be installed within or in conjunction with the Plan will include illumination in accordance with the City of Markham's design standards along all streets which have transit services, sidewalks, pedestrian access and bus stop location.
- 31.40 Prior to final approval, the Owner shall provide a copy of the Subdivision Agreement to the Community Planning and Development Services Division outlining all requirements of the Community Planning and Development Services Division.
- 31.41 The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable prior to final approval in accordance with By-law # 2012-36.
- 31.42 The Regional Community Planning and Development Services Division shall advise that Conditions 30.1 to 30.41 inclusive, have been satisfied.

32 York Region District School Board

- 32.1 The following conditions of draft approval to be imposed upon the subject Draft Plan of Subdivision 19TM-13004 relative to the York Region district School board:

- a) That prior to final approval, the owner shall have made an Agreement satisfactory to the York Region District School Board for the transfer of a partial elementary school site. The partial elementary school site, Block 3, shall contain not less than 0.825 ha. (2.0386 acres).
- b) That the owner shall agree in the Subdivision Agreement in wording satisfactory to the York Region District School Board:
 - i. To grade Block 3 and in doing so compact, fill with clean material, replace any topsoil disturbed in the grading process and, at the same time, sod/seed the same lands to specifications determined by the Board;
 - ii. To remove any building on Block 3;
 - iii. To remove any trees, as required to accommodate school layout;
 - iv. To provide a letter of credit pertaining to stockpiling and removal of topsoil, by taking the volume of topsoil to be stored upon the school site and multiplying such volume by 200% of the current market prices for waste material disposal, as set forth in the latest version of Hanscomb's Yardsticks for Costing, Cost Data for the Canadian Construction Industry, to the satisfaction of the York Region district School board;
 - v. To remove stockpiled topsoil within 30 days of written notice by the Board and in doing so compact, fill with clean material, replace any topsoil disturbed in the grading process and at the same time sod/seed the same lands to the specifications determined by the Board;
 - vi. To construct a black vinyl chain link fence, Type II 1 ½" mesh, 1.8 metre high along all boundaries of the school blocks, including road frontage(s) at the discretion of the Board;
 - vii. To construct the fences prior to the issuance of the first building permit within the subdivision;
 - viii. To erect and maintain a sign on the public school site at such time as the relevant access roads are constructed, indicating that the date has not been set for the construction of the school;
 - ix. To provide a geotechnical investigation and Phase 1 and Phase 2 environmental site assessment conducted by a qualified engineer. For an elementary school site a minimum of eight boreholes shall be required and for a secondary school site a minimum of sixteen boreholes shall be required;

- x. To provide an Environmental Impact Study for the School Block and secure all required clearances and permits from but not limited to the Toronto Region Conservation Authority for the development of a school on the school block
 - xi. To provide the foregoing at no cost to the Board;
 - xii. To assume any upstream and downstream charges for hydro, natural gas, sanitary and storm drainage and water supply;
- c) That the Owner shall submit to the York Region District School Board, at no cost to the Board, a letter from a qualified consultant concerning:
 - i. The suitability of Block 3 for school construction purposes, relating to soil bearing factors, surface drainage, topography and environmental contaminants; and
 - ii. The availability of natural gas, electrical, water, storm sewer and sanitary sewer services.
- d) That the Owner shall agree in the Subdivision Agreement, in wording acceptable to the York Region District School Board, that the services referred to in Condition c) ii) shall be installed to the mid-point of the frontage of the elementary school site and positioned as designated by the Board, at no cost to the Board.
- e) That prior to final approval, the Owner shall submit to the School Board an initial set of engineering plans for review and approval, and subsequently, a copy of the final engineering plans as approved by the City of Markham which indicate the storm drainage system, utilities, and the overall grading plans for the complete subdivision area.
- f) That prior to final approval, the local hydro utility shall have confirmed in writing to the Board that adequate electrical capacity will be supplied to the school site frontage by the developer at no cost to the Board.
- g) That prior to final approval, the local hydro utility shall have confirmed in writing to the Board that they are satisfied that payment for any upstream and downstream charges will be made by the original developer.
- h) That the subdivision agreement include warning clauses advising the City, property owners and purchasers of lots within the draft plan that unless the provincial funding model provides sufficient funds to construct new schools, there can be no assurance as to the timing of new school construction nor a guarantee that public school accommodation will be provided within the subject plan notwithstanding the designation of the school site.

- 32.2 That the York Region District School Board shall advise that conditions a) to h) inclusive have been met to its satisfaction. The clearance letter shall include a brief statement detailing how each condition has been satisfied or carried out.

33 Canada Post

- 33.1 The Owner shall covenant and agree in the subdivision agreement to facilitate the construction of Canada Post facilities at locations and in manners agreeable to the City of Markham in consultation with Canada Post, and that where such facilities are to be located within public rights-of-way they shall be approved on the Composite Utility Plan and be in accordance with approved streetscape design criteria for Markham Centre.
- 33.2 Prior to execution of the subdivision agreement for the Draft Plan, the Owner will consult with Canada Post Corporation and work co-operatively with the City to identify suitable locations for Canada Post facilities, such as within or adjacent to buildings.

34 Natural Gas Provider

- 34.1 The Owner shall covenant and agree in the subdivision agreement to:
- install all of the natural gas distribution system within the proposed road allowances;
 - grade all streets to final elevation prior to the installation of the gas lines;
 - provide the necessary field survey information required for the installation of the gas lines, all to the satisfaction of the natural gas provider; and
 - coordinate the preparation of an overall utility distribution plan to the satisfaction of all effected authorities.

35 Markham District Energy

- 35.1 In the event the Owner has made arrangements with Markham District Energy for the provision of a centralized heating and cooling system for any building(s) within the draft plan, the Owner shall enter into an agreement with Markham District Energy. Prior to execution of the subdivision agreement, the design of the District Energy network and trench requirements in all right-of-ways shall be reviewed and approved by the Director of Engineering in consultation with Markham District Energy.

36 Powerstream

- 36.1 Prior to release for registration of the Draft Plan, and at least 9 months prior to construction of the subdivision, the Owner shall contact Powerstream to review the proposed development draft plan, and provide Powerstream with all required information including draft plans of subdivision, legal plans, the legal

name of the subdivision and developer, and any additional information required by Powerstream to design and estimate the costs of electrical services required for the subdivision.

37 Transport Canada

- 37.1 Prior to the release of any lands for development the Owner shall confirm that the proposal complies with Transport Canada's height requirements for the Buttonville Airport, and any other applicable height regulations, shall incorporate any noise warning clauses in purchase and sale agreements, and any other applicable requirements dealing with matters such as waste disposal and lighting, and comply with the provisions of any Clearance Form which may be issued.

38 Toronto and Region Conservation Authority

- 38.1 That prior to any site alteration or grading, the Owner covenants and agrees to undertake a Natural Heritage Evaluation (NHE) to determine the extent and function of the wetlands on the property, to the satisfaction of the City and the Toronto and Region Conservation Authority.
- 38.2 That prior to any site alteration or grading, the Owner covenants and agrees that subject to the findings of the NHE, the landowner obtains the appropriate permits, including but not limited to permits from the Toronto Region and Conservation Authority pursuant to Ontario Regulation 166/06, as amended.
- 38.3 The Toronto and Region Conservation Authority shall advise that Conditions 37.1 and 37.2 have been satisfied.

39 External Clearances

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

- a) The Regional Municipality of York Planning Department shall advise that Conditions 1.1 and 31.1 to 31.41 have been satisfied.
- b) The Ministry of Culture shall advise that Condition 6.1 has been satisfied.
- c) The telephone or telecommunications provider shall advise that its conditions and requirements have been satisfied.
- d) Canada Post Corporation shall advise that its conditions and requirements have been satisfied.
- e) The natural gas provider shall advise that its conditions and requirements have been satisfied.
- f) The York Region District School Board shall advise that Condition 32.1 has been satisfied.
- g) The Toronto and Region Conservation Authority shall advise that Conditions 38.1 and 38.2 have been satisfied.

ISSUED: XXXX, XX, 2016

XXXXXXXXXXXXXXXXXXXXXXXXXXXX