



Report to: Development Services Committee

Report Date: April 25, 2016

SUBJECT: RECOMMENDATION REPORT
CIM Global Development LP
Draft Plan of Subdivision and Zoning By-law Amendment
applications to allow townhouse development and future
commercial development at 9900 Markham Road, 5899
Major Mackenzie Drive and the abutting property to the east.

File Nos: SU/ZA 14 130863

PREPARED BY: Stacia Muradali, M.C.I.P., R.P.P., Ext. 2008
Senior Planner, East District

REVIEWED BY: Sally Campbell, M.C.I.P., R.P.P., Ext. 2645
Manager, East District

RECOMMENDATION:

- 1) THAT the staff report titled “RECOMMENDATION REPORT, CIM Global Development LP, Draft Plan of Subdivision and Zoning By-law Amendment applications to allow townhouse development and future commercial development at 9900 Markham Road, 5899 Major Mackenzie Drive and the abutting property to the east, File Nos: SU/ZA 14 130863”, be received;
- 2) THAT the record of the Public Meeting held on April 21st, 2015 relating to the applications for Draft Plan of Subdivision and Zoning By-law Amendment submitted by CIM Global Development LP for 9900 Markham Road, 5899 Major Mackenzie Drive and the abutting property to the east, be received;
- 3) THAT the Zoning By-law Amendment application (ZA 14 130863) submitted by CIM Global Development LP to amend Zoning By-law 177-96, as amended, be approved and that the draft By-law attached as Appendix ‘A’ be finalized and enacted without further notice;
- 4) THAT Draft Plan of Subdivision 19TM- 14014 (SU 14 130863) be approved subject to the conditions of draft approval set out in Appendix ‘B’ of this report;
- 5) THAT Council grant servicing allocation for 195 townhouse units;
- 6) THAT the draft plan approval for plan of subdivision 19TM-14014 will lapse after a period of three (3) years commencing on the date of issuance of draft plan approval, in the event that a subdivision agreement is not executed within that period;
- 7) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report recommends approval of the applications for Draft Plan of Subdivision and Zoning By-law Amendment submitted by CIM Global Development LP to allow townhouse development and future commercial development at 9900 Markham Road, 5899 Major Mackenzie Drive and the abutting property to the east.

BACKGROUND:**Area context and subject lands**

The subject lands are comprised of 9900 Markham Road, 5899 Major Mackenzie Drive and the abutting property to the east (Part 1, Concession 7, Part Lot 20, RS64R8622) and are located on the south side of Major Mackenzie Drive East and on the west side of Markham Road (see Figure 1), adjacent to the existing Tim Hortons/ Wendys restaurants and Esso Gas Station, which are located at the south-west corner of the intersection (see Figures 1 and 3). The subject lands are approximately 6.6 hectares (16.3 acres) in area with an open water channel located along the north-easterly property line which eventually crosses Markham Road via a culvert and continues on the east side of the road. There is an existing heritage house, the “William Clarry House” located on the subject lands. Low density residential homes abut the subject lands to the west and commercial development is located to the south. A large vacant property located on the east side Markham Road, formerly owned and operated by Emerson Electric, is proposed for commercial development and possible future residential development by Villarboit Development Corporation.

Proposed townhouse and future commercial development

A draft plan of subdivision is proposed to create a 4.12 hectare (10.18 acre) residential block, a 1.8 hectare (4.4 acre) commercial block and a 0.683 hectare (1.69 acre) open space block. A common element condominium townhouse development, comprised of 195 freehold townhouses is proposed on the residential block. Site plan approval for the proposed townhouse development was delegated to Staff on June 23rd, 2015 by Development Services Committee. Future commercial development, which will be the subject of a future site plan application, is contemplated for the proposed commercial block fronting Markham Road. At this time the Owner has conceptually shown two (2) commercial buildings which are separated by a private east/west road connection to Markham Road. A private road, visitors parking and landscape buffer separate the townhouse development from the future commercial development. The open space block containing the water channel will be conveyed to the City. Two (2) private open space amenity areas will be provided as part of the proposed townhouse development. One will be located at the north-west corner of the subject site and will be approximately 1,030 square metres (11,086 square feet) and the second open space area will be adjacent to the existing heritage house and will be approximately 490 square metres (5,274 square feet).

Official Plan and Zoning

The majority of the subject lands are designated “Major Commercial” with the remainder of the lands designated “Urban Residential” and “Hazard Lands” in the City’s in-force Official Plan (Revised 1987), as amended. The Wismer Commons Secondary Plan designates the majority of the subject lands “Major Commercial” with the remainder of

the lands designated “Medium Density Residential” and “Hazard Lands/Open Space”. The City’s 2014 Official Plan (partially approved by the OMB on October 30th, 2015) designates the subject lands “Mixed Use Mid Rise” and “Greenway”.

The proposed development conforms with both the City’s in-force Official Plan (Revised 1987), as amended, and the City’s 2014 Official Plan (as partially approved by the OMB on October 30th, 2015) both of which provide for a range of commercial uses, as well as medium density residential uses such as townhouses. The protection and conveyance of the water channel open space block conforms to both the “Hazard Lands” and “Greenway” designations.

The subject lands are zoned “Major Commercial (MJC)” with site-specific exceptions and “Open Space (OS1)” under By-law 177-96. Certain commercial and residential land uses are permitted by the current zoning, including the proposed land uses.

OPTIONS/ DISCUSSION:

The zoning by-law amendment is appropriate

The purpose of this Zoning By-law amendment (see Appendix ‘B’) is as follows:

1. To rezone the area of the subject lands proposed for the townhouse development to an appropriate residential zone (R2) and to implement site-specific development standards. A minimum landscape strip width of 3 metres (9.8 feet) and a minimum building setback of 6 metres (19.8 feet) will be implemented to ensure that there is adequate setback between the existing development to the west and the proposed townhouses. A minimum 8 metre wide landscape strip is required at the south property limit, providing a buffer between the proposed townhouses and the commercial development to the south (see Figure 5).
2. To rezone the portions of the subject lands within the proposed open space block which are not currently zoned “Open Space One (OS1)”.
3. To establish appropriate setbacks between the future commercial development and the open space channel block and proposed townhouse development. A minimum 10 metre (32.9 feet) wide landscape strip will be required on the west side of the proposed commercial development adjacent to the mutual property line between the proposed residential and commercial development. The landscape strip together with the 6 metre (19.8 feet) wide private road and visitor parking bays will provide sufficient distance between the proposed townhouses and the future commercial development. The open space channel block includes a minimum 6 metre (19.8 feet) setback from the top of slope. The zoning by-law implements a further building setback of 4 metres (13 feet) to ensure that there is a total minimum setback of 10 metres (32.9 feet) between any future buildings and the top of slope which is in conformity with the City’s in-force Official Plan (Revised 1987), as amended, which requires a minimum 10 metre buffer.

Outstanding matters respecting the draft plan

There are still some key outstanding matters which remain to be resolved prior to issuance of draft plan approval or final approval (i.e. registration) of the draft plan:

1. Tree removal

There are trees located primarily at the north-west corner of the subject lands where a private open space amenity area is proposed and around the existing heritage house, as well as sporadically across the subject lands. The Owner proposes to preserve the existing trees located within the private open space amenity area at the north-west corner of the site; however all of the other trees are proposed to be removed. Staff has expressed a preference to preserve the trees around the heritage house, which add to the heritage context and setting of the house. Staff are reviewing information provided by the applicant regarding grading and tree preservation and are awaiting additional information including an appraisal of the value of all trees 40cm in diameter and over, to be provided by the applicant. This will be used to evaluate the appropriateness of removing the existing trees especially those located around the heritage house, as well as to determine the appropriate financial securities for tree preservation and also compensation for tree replacements if tree removals are contemplated. Staff will work with the Owner on the design of the open space amenity areas. To ensure that tree removal, protection and replacement on the site is appropriate conditions have been included in the draft plan conditions (see Appendix 'A').

2. Restoration and use of the existing heritage house

The City has requested that the Owner retain and restore the existing heritage house known as the "William Clarry House". In 2015 the Owner applied for, and obtained a Heritage Permit for the repair of the heritage house, including replacement of roof shingles as well as restoration of exterior windows and doors. At that time the applicant submitted a Letter of Undertaking outlining their intent to undertake the repairs. Staff are concerned that since issuance of the Heritage Permit no work has been done to undertake the repairs outlined in the Heritage Permit and the heritage house's condition has since deteriorated.

The most recent plans provided by the Owner show the heritage house on a raised area surrounded by a 3 to 1 slope. The plans do not reflect the ultimate lot line for the heritage property and the proposed use of the heritage house has yet to be determined by the Owner. Conditions to ensure that the visual appearance and functional appeal of the heritage house are enhanced, and that the heritage house is appropriately sited with proper grading have been included in the draft plan conditions, including a requirement that repairs to the roof, walls, foundation and any other elements of the heritage house be undertaken to return the structure to a sound condition (see Appendix 'A').

3. Transportation

The Owner has recently submitted an updated Transportation Impact Study to address City Staff's previous comments. It should be noted that the east/west road

connection from the Phase 1 land through the Phase 2 land to Markham Road will be constructed as part of the Phase 1 development. The main transportation concern respecting the draft plan of subdivision is the requirement for a southbound dedicated right turn lane on Markham Road into the subject lands to mitigate any potential queuing issues anticipated on Markham Road, once both Phases 1 and 2 are fully built out. The Owner is required to provide design drawings for the southbound right turn lane and revise the draft plan, if necessary, to provide any additional lands. This could impact the channel and open space block which will need to be revised to accommodate any additional land requirement and any adjustments to the water channel prior to final approval of the draft plan (see Appendix 'A' and Figures 4 and 5).

Other main transportation requirements which have been identified include the following;

- The Owner is required to coordinate the location of the site access with the landowner of 9999 Markham Road (on the east side of Markham Road) respecting the location of the Markham Road site access and revise the draft plan if required to accommodate the final location of the access road prior to final approval of the draft plan (see Appendix 'A'); and
- The Owner is required to provide a functional design for the Markham Road intersection which must include design of the future traffic signal and the aforementioned southbound right turn lane prior to final approval of the draft plan (see Appendix 'A');

Toronto and Region Conservation Authority requirements

The Owner has undertaken works approved by the Toronto and Region Conservation Authority (TRCA) to realign the existing water course and create a naturalized channel block. This will help to mitigate potential flooding risk on the subject lands and will result in an overall net ecological gain compared to the existing, degraded channel. The open space block, which contains the water channel, will be conveyed to the City as part of the subdivision process. The Owner is proposing an infiltration trench to assist with stormwater management, however, the TRCA has requested that the length of the infiltration trench be increased and located in an area of highest potential runoff generation. Conditions to address outstanding TRCA matters have been included in the draft plan conditions (see Appendix 'A').

Region of York requirements

Major Mackenzie Drive East is under the jurisdiction of the Region of York (the "Region"). The Region has restricted the proposed access on Major Mackenzie Drive to a right-in/ right-out only, and requires the extension of the existing median on Major Mackenzie Drive to prevent left turns. The Owner is also required to provide a 10m x 10m daylight triangle at the intersection of Major Mackenzie Drive and the proposed right-in / right-out access as well as provide a 0.3 metre reserve and widening across the full frontage of the site where it abuts Major Mackenzie Drive. The widening is required in order that a minimum of 22.5 metres from the centerline of Major Mackenzie Drive is

achieved towards the overall 43 metre wide right-of-way. Requirements of the Region are included in the draft plan conditions (see Appendix 'A').

Interface with existing commercial development to the south

There are existing access easements across the subject lands in favour of the property owner to the south intended to allow access from the commercial development at the south out to Major Mackenzie Drive and Markham Road respectively. The Owner is proposing changes to these easements and will be required to provide written confirmation from the property owner to the south agreeing to removal of the existing easement through the proposed townhouse development and realignment of the easement through the future commercial block to Markham Road.

There is currently a landscaped island with walkways and a portion of a driveway that straddle the property line between the subject lands and the property to the south. The Owner will be required to ensure that satisfactory arrangements are made to undertake work within these shared locations and to clearly indicate the timing of such works. Conditions have been included in the draft conditions to ensure that satisfactory arrangements are made with the landowner to the south (see Appendix 'A').

Ministry of Transportation (MTO) requirements

Highway 48 north of Major Mackenzie Drive is owned by the Ministry of Transportation. Therefore, the subject lands are within the MTO permit control area and a permit is required for construction on the subject lands. Approval from the MTO is required respecting stormwater runoff, site grading and servicing and traffic impact management to ensure that any potential impact of the proposed development on the Markham Road/Major Mackenzie Drive intersection is addressed to the MTO's satisfaction. The Owner is required to satisfy the requirements of the MTO prior to registration of the draft plan (see Appendix 'A').

Parkland dedication requirements

The Wismer Commons Developers Group Agreement outlines the obligations of participating land owners with respect to parkland dedication, which is required to be delivered in accordance with the Wismer Commons Community Design Plan and Open Space Masterplan. It should be noted that the proposed private open space areas are not credited for parkland dedication. Staff understand that the Owner has previously fulfilled these obligations to the Developers Group based on the subject lands being developed for commercial purposes. The Owner is now required to meet the increase in parkland dedication generated as a result of the proposed residential townhouse component. Cash in lieu of parkland is payable to the City based on the current appraised value of the subject land and a condition of draft plan approval has been included to ensure that this obligation is met prior to registration.

Developers Group release required

Development of the subject lands cannot proceed without the developer obtaining clearance from the Wismer Developers Group for their proportionate share for providing services and parkland in the Wismer Commons community. The Owner must provide a

clearance from the Trustee of the Wismer Developers Group prior to registration of the draft plan and this is included as a condition of draft plan approval (see Appendix 'A').

CONCLUSION:

Staff recommend approval of the draft plan of subdivision subject to the conditions in Appendix 'A' and approval of the implementing zoning by-law attached as Appendix 'B'.

FINANCIAL CONSIDERATIONS:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS:

Not applicable.

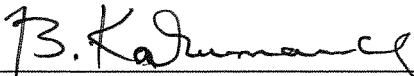
ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed development will align with the City's strategic priorities of growth management and the environment.

BUSINESS UNITS CONSULTED AND AFFECTED:

The applications have been reviewed by various City departments and external agencies. Requirements of the City and external agencies have been reflected in the conditions of draft plan of subdivision approval and the site-specific zoning by-law amendment.

RECOMMENDED BY:



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



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

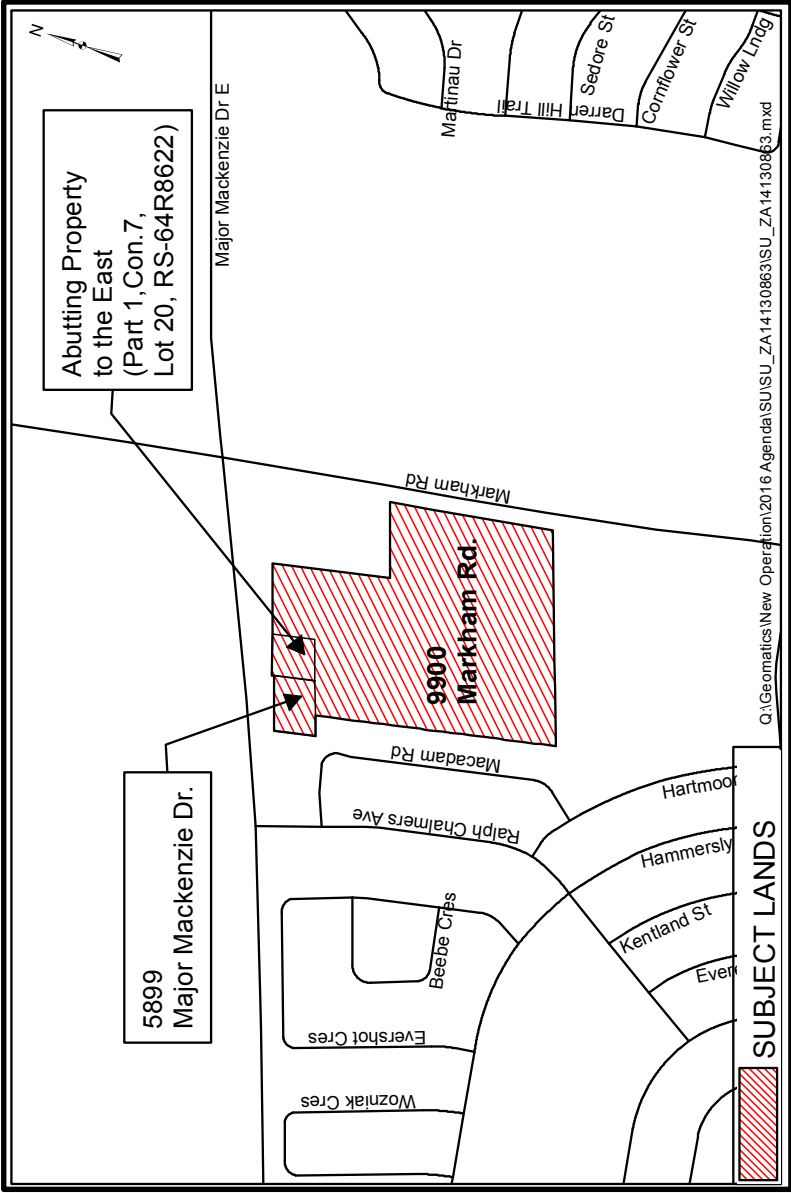
ATTACHMENTS:

Figure 1:	Location Map
Figure 2:	Area Context/ Zoning
Figure 3:	Air Photo
Figure 4:	Draft Plan
Figure 5:	Site Plan
Figure 6:	Elevations
Appendix 'A'	Conditions of Draft Plan Approval
Appendix 'B'	Zoning By-law Amendment

APPLICATION CONTACT:

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Tel: 416-947-9744
Email: kcooper@bousfields.ca

File path: Amanda\File 14 130863\Documents\Recommendation Report



AREA CONTEXT / ZONING

APPLICANT: CIM GLOBAL DEVELOPMENT LP
9900 MARKHAM ROAD, 5899 MAJOR MACKENZIE DR. EAST
AND THE ABUTTING PROPERTY TO THE EAST

FILE No. SU_ZA14130863 (SM)

 SUBJECT LANDS

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DATE: 08/04/2016



AERIAL PHOTO (2015)

APPLICANT: CIM GLOBAL DEVELOPMENT LP
 9900 MARKHAM ROAD, 5899 MAJOR MACKENZIE DR. EAST
 AND THE ABUTTING PROPERTY TO THE EAST

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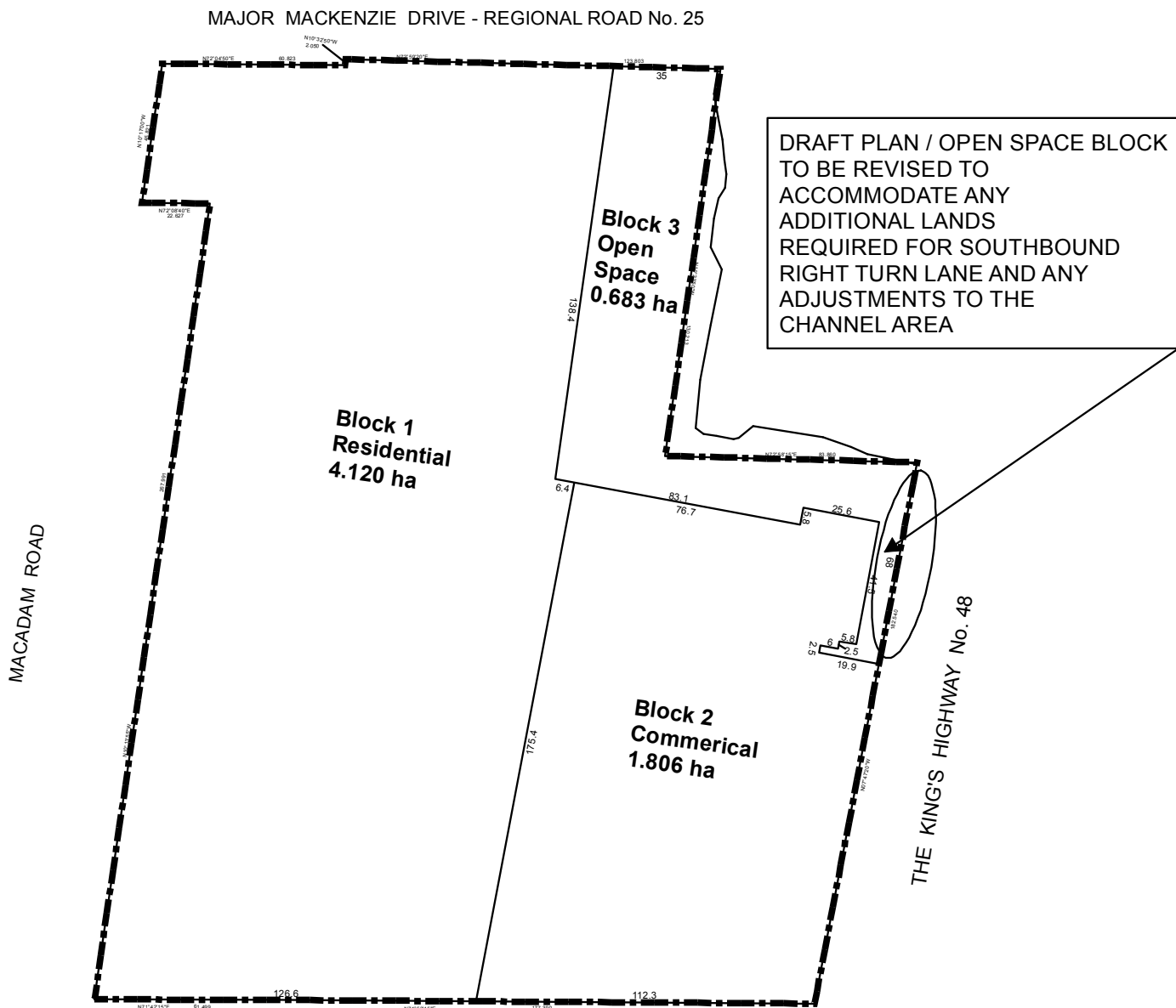


DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SM

FIGURE No.3



DRAFT PLAN OF SUBDIVISION

APPLICANT: CIM GLOBAL DEVELOPMENT LP
9900 MARKHAM ROAD, 5899 MAJOR MACKENZIE DR. EAST
AND THE ABUTTING PROPERTY TO THE EAST

FILE No. SU_ZA14130863 (SM)

 SUBJECT LANDS

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DATE: 08/04/2016



DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SM

FIGURE No.4

9999
MARKHAM
ROAD

**3m LANDSCAPE
STRIP
AND 6m
BUILDING
SETBACK**

PHASE 1

**HERITAGE
HOUSE**

**PRIVATE
OPEN
SPACE
AMENITY**

**FUTURE
SIGNALIZED
INTERSECTION**

PHASE 2

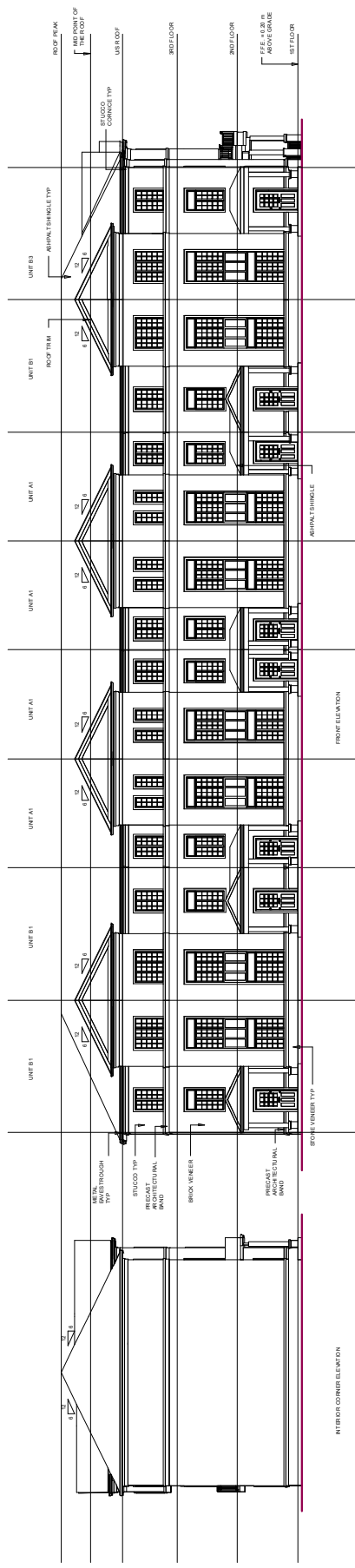
8m LANDSCAPE STRIP

10m LANDSCAPE STRIP AND SETBACK

FILE No. SU ZA14130863 (SM)

 SUBJECT LANDS

DATE: 08/04/2016



TOWNHOUSE NO. 6. 15. 23

TYPICAL TOWNHOUSE ELEVATION

APPLICANT: CIM GLOBAL DEVELOPMENT LP
9900 MARKHAM ROAD, 5899 MAJOR MACKENZIE DR. EAST
AND THE ABUTTING PROPERTY TO THE EAST

FILE No. SU_ZA14130863 9SM)

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DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SM

DATE: 08/04/2016

FIGURE No. 6

APPENDIX ‘A’

**THE CONDITIONS OF THE COUNCIL OF THE CITY OF MARKHAM
TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF
PLAN OF SUBDIVISION 19TM-14014
CIM GLOBAL DEVELOPMENT LP
ARE AS FOLLOWS:**

1. General

- 1.1 Approval shall relate to a draft plan of Subdivision prepared by Bousfields Inc, with a Surveyor’s Certificate from Schaeffer Dzaldov Bennett Ltd., dated March 9, 2016, and identified as Drawing Number 14150-17dp, and incorporating the following redline revisions:
- Revise the draft plan/ open space block to include additional lands along Markham Road for the southbound right turn lane and adjustments to the channel area to the satisfaction of the Director of Engineering and the Toronto and Region Conservation Authority.
 - Revise the draft plan if required, to accommodate the final location of the proposed site access on Markham Road, to the satisfaction of the Director of Engineering.
 - Revise the draft plan if required to accommodate any additional lands/ easements required for the Markham Road intersection signalization, to the satisfaction of the Director of Engineering.
- 1.2 This draft approval shall apply for a maximum period of three (3) years from date of issuance by the City, and shall accordingly lapse on XXXX unless extended by the City upon application by the Owner.
- 1.3 The Owner shall enter into a subdivision agreement with the City agreeing to satisfy all conditions of the City and Agencies, financial and otherwise, prior to final approval.
- 1.4 The Owner acknowledges and understands that prior to final approval of this draft plan of subdivision, amendments to the City’s in-force Official Plan (1987 Revised), as amended, the Wismer Commons Secondary Plan, and Zoning By-law 177-96, as amended to implement the plan shall have come into effect in accordance with the provisions of the Planning Act.
- 1.5 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the City, to implement or integrate any recommendations from studies required as a condition of draft approval, including, but not limited to, Traffic Impact Study, Internal Functional Traffic Design Study, Stormwater Management Study

(Environmental Master Drainage Plan), Internal Servicing Study, Noise Impact Study, Exhibition Creek Enhancement Design Brief Report, confirmation of alignment of roads with the locations shown in the draft approved plans, as well as any comments and conditions received from municipal departments and external agencies after draft approval is granted. Further, the Owner agrees to provide additional lands/easements is required, to the satisfaction of the Director of Engineering, to implement or integrate any recommendations from these studies.

- 1.6 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, traffic signals or any other services that are required to be constructed on Markham Road to the satisfaction of the Director of Engineering and City Solicitor.
- 1.7 The Owner acknowledges and agrees to provide the appropriate public art contribution, to the satisfaction of the Director of Planning and Urban Design.
- 1.8 Prior to final approval of the draft plan, the Owner acknowledges and agrees to obtain required approval from TRCA, Region of York and any other applicable public agencies to the satisfaction of the Director of Engineering.
- 1.9 The Owner shall covenant and agree in the subdivision agreement to obtain approval of Site Alteration Plans in accordance with the City's Standards prior to proceeding with any on-site works and more particularly topsoil stripping.
- 1.10 The Owner covenants and agrees to provide a list of sustainable initiatives which will be incorporated into the proposed townhouse development (Phase 1), to the satisfaction of the Director of Planning and Urban Design, prior to site plan endorsement of the proposed townhouse development (Phase 1) on Block 1 of the draft plan.

2. Community Design

- 2.1 The Owner shall implement and incorporate all requirements of the approved Highway 48, Wismer Commons Community Design Plan into all landscape plans, architectural control guidelines, engineering plans and any other required design documents.
- 2.2 The Owner shall agree to follow and implement the Wismer Commons Community Architectural Design Guidelines prepared by Watchorn Architect Inc, dated July 2000 and to retain a design consultant to implement the Architectural Control Guidelines.

- 2.3 Plans submitted for model home permits for any building within the plan of subdivision shall bear an approval stamp identifying the architectural company retained for architectural control and the signature of the control architect. The approval stamp shall certify that the floor plans, building elevations and site plans are designed in accordance with the approved architectural control guidelines.
- 2.4 The Owner shall ensure that the design architect for any buildings within the plan of subdivision shall not also assume the role of control architect for the plan of subdivision.
3. Parks and Open Space
- 3.1 The Owner shall convey land to the City for park purposes in accordance with the Wismer Commons Community Design Plan or in alternative form as agreed to by the Director of Planning and Urban Design.
- 3.2 The Owner shall post approved copies of any Open Space Plans, Conceptual Park Development Master Plans and Conceptual Facility Fit Plans for the Wismer Commons Community. Such plans to include, but not be limited to parks, schools, employment lands and retail/ commercial development, adjacent municipal roads and Provincial Highway/ Transitway in all sales offices for dwelling units within the draft plan of subdivision.
4. Landscape Works
- 4.1 Prior to execution of the subdivision agreement, the Owner shall submit landscape plans prepared by a qualified person based on the approved Wismer Commons Open Space Master Plan and Community Design Plan and with the City of Markham Streetscape Manual, dated June 2009, as amended, into all landscape works, to the satisfaction of the Director of Planning and Urban Design, which may include but not be limited to:
- a) one street tree per lot or unit;
 - b) 1.8m high wood corner lot fencing;
 - c) 1.5m high black vinyl chain link fence on the property line where residential lots abut open space and valleylands;
 - d) buffer planting for the open space blocks and single loaded road allowances abutting Street A;
 - e) noise attenuation fencing in accordance with an approved noise study;
 - f) fencing and planting of the walkway blocks; and

g) any other landscaping as determined by the Community Design Plan and the Environmental Master Drainage Plan.

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

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

4.4 The Owner shall not permit their builders to charge home purchasers for the items listed in Condition 5.1.

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

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

- STREET TREES (TREES PLANTED IN THE CITY BOULEVARD OR IN ADJACENT PUBLIC LANDS OR PRIVATE LOTS TO MEET 5.1 a) AND 5.1a)
- CORNER LOT FENCING
- REAR LOT LINE FENCING AT LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
- TREE PLANTING IN REAR YARDS ADJOINING THE LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
- NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY
- FENCING OF SCHOOL, PARK, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS
- BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES
- SUBDIVISION ENTRY FEATURES AND DECORATIVE FENCING AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE CITY

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

5. Tree Inventory and Tree Preservation Plans

- 5.1 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.
- 5.2 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.
- 5.3 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.
- 5.4 The Owner shall submit for approval, as part of the tree inventory and tree preservation plan, in accordance with the City of Markham Streetscape Manual a tree compensation schedule detailing replacement and enhancement planting or the replacement value based on the following:
 - a) Trees between 20cm and 40cm diameter at breast height (DBH) shall be replaced at a ratio of 2:1
 - b) All trees over 40cm DBH shall have an individual valuation submitted to the City by an ISA certified Arborist in accordance with the Council of Tree and Landscape Appraisers (CTLA) Guide for Plant Appraisal (2000)
 - c) Where a site does not allow for the 2:1 replacement, the City will negotiate a credit for tree planting on alternate sites
 - d) The requirement for the replacement or equivalent economic value following unauthorized tree removal or damage shall be determined by the City
 - e) Compensation and/or replacement of trees to be received shall be provided in addition to the requirements listed in Condition 5.1a)

6. Financial

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

7. Noise Impact Study

- 7.1 Prior to final approval of the draft plan, the Owner shall submit a Noise Impact Study, prepared by a qualified noise consultant, with recommended mitigation measures for noise generated by road traffic and by any other identified noise

sources, to the satisfaction of the City, in consultation with the Region of York. The Owner further agrees to make any revisions to the draft plan that may be required to achieve the recommendations of the Noise Impact Study.

- 7.2 The Owner shall covenant and agree in the subdivision agreement to implement noise control measures and warning clauses as recommended by the approved Noise Impact Study, to the satisfaction of the City (Commissioner of Development Services), in consultation with the Region of York.

8. Stormwater Management

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

9. Municipal Services

- 9.1 Prior to final approval of the draft plan, the Owner shall prepare, to the satisfaction of the City (Commissioner of Development Services), a Functional Servicing Report to determine the infrastructure required for all municipal services internal to the subdivision and potential upgrades to municipal infrastructure downstream of the subdivision resulted from this development. Any requirements resulting from this Report shall be incorporated into the draft plan and provided for in the subdivision agreement. The owner shall covenant and agree in the subdivision agreement to pay for all external municipal infrastructure upgrades.
- 9.2 Prior to final approval of 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, stormwater management detail plans, south bound turn lane and intersection design on Markham Road and site access, etc. to the satisfaction of the Director of Engineering.
- 9.3 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Services has been

advised by the Fire Chief that there is an adequate water supply for firefighting operations and acceptable access for firefighting equipment is available.

- 9.4 The Owner shall acknowledge and agree in the subdivision agreement that, notwithstanding that the City may approve an interim servicing connection for a portion of the lands/ development within the draft plan of subdivision, no building permits will be issued for any development beyond that which can be adequately serviced by an interim connection, until a further servicing allocation is approved by Council.

10. Easements

- 10.1 The Owner shall grant required easements to the appropriate authority for existing municipal sewers where applicable, public utilities, drainage purposes or turning circles, upon registration of the plan of subdivision. Any off-site easements and works necessary to connect watermains, storm and sanitary sewers to outfall trunks and stormwater management facilities shall be satisfactory to, and dedicated to, the City.
- 10.2 Prior to approval of the site plan for Block 2, the Owner covenants and agrees to grant required easements to the City for the construction of the traffic signal works at the intersection of Markham Road and the site access to the proposed development to the satisfaction of the Director of Engineering.
- 10.3 Prior to approval of the draft plan, the Owner covenants and agrees to grant required access easements to the City for the maintenance of Exhibition Creek Block 3 to the satisfaction of the Director of Engineering.

11. Utilities

- 11.1 The Owner shall covenant and agree in the subdivision agreement that hydro electric, telephone, gas and television cable services and any other form of telecommunication services shall be constructed at no cost to the City as underground facilities within the public road allowances or within other appropriate easements, as approved on the Composite Utility Plan, to the satisfaction of the City (Commissioner of Development Services) and authorized agencies.
- 11.2 The Owner shall covenant and agree in the subdivision agreement to enter into any agreement or agreements required by any applicable utility companies, including PowerStream, Enbridge, telecommunications companies, etc.
- 11.3 The Owner shall covenant and agree in the subdivision agreement to facilitate the construction of Canada Post facilities at locations and in manners agreeable to the City of Markham in consultation with Canada Post and that where such facilities

are to be located within public rights-of-way they shall be approved on the Composite Utility Plan and be in accordance with the Community Design Plan.

- 11.4 The Owner shall covenant and agree in the subdivision agreement to include in all offers of purchase and sale a statement that advises prospective purchasers that mail delivery will be from a designated Community Mailbox. The Owners will further be responsible for notifying purchasers of the exact Community Mailbox locations prior to the closing of any home sale.
- 11.5 The Owner shall covenant and agree in the subdivision agreement to provide a suitable temporary Community Mailbox location(s) which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to new residents as soon as homes are occupied.
- 11.6 Standard Community Mailbox installations are to be done by Canada Post at locations approved by the municipality and shown on the Composite Utility Plan. Should the developer propose an enhanced Community Mailbox installation, any costs over and above the standard installation must be borne by the developer, and be subject to approval by the City in consultation with Canada Post.
- 11.7 The Owner covenants and agrees that it will permit any telephone or telecommunication service provider to locate its plant in a common trench within the proposed subdivision prior to registration provided the telephone or telecommunications services provider has executed a Municipal Access Agreement with the City. The Owner shall ensure that any such service provider will be permitted to install its plant so as to permit connection to individual dwelling units within the subdivision as and when each dwelling unit is constructed.

12. Transportation Impact Study/Internal Functional Traffic Design Study

- 12.1 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 the Region of York. The Owner shall incorporate the requirements and criteria of the Traffic Impact Study into the draft approved plan and subdivision agreement.
- 12.2 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.

13. Development Charges

- 13.1 The Owner covenants and agrees to provide written notice of all development charges related to the subdivision development, including payments made and any amounts owing, to all first purchasers of lands within the plan of subdivision at the time the lands are transferred to the first purchasers.
- 13.2 The Owner shall pay all fees and development charges as set out in the subdivision agreement.

14. Environmental Clearance

- 14.1 The Owner covenants and agrees to retain a “Qualified Person” as defined by the *Environmental Protection Act* and its regulations to carry out all necessary environmental testing, evaluation and remediation in accordance with this Agreement. The Owner acknowledges that it has retained a “Qualified Person” for the execution of the Owner’s obligation hereunder. The Owner agrees that it shall not substitute the “Qualified Person” without the prior written consent of the Director of Engineering.
- 14.2 The Owner covenants and agrees that, prior to execution of this Agreement, an environmental clearance shall be provided to the City for all lands or interests in lands to be conveyed to the City to the satisfaction of the Director of Engineering. The City shall be satisfied that the lands are environmentally suitable for their proposed use and be certified as such by the “Qualified Person” as defined in Ontario Regulation 153/04, all of which shall be in accordance with the *Environmental Protection Act* and its regulations. The “Qualified Person” shall file a Record of Site Condition on the Provincial Environmental Site Registry for all lands to be conveyed.
- 14.3 The Owner covenants and agrees that if, during construction of the Works, contaminated soils or materials are discovered, the Owner shall inform the Director of Engineering immediately, and undertake at its own expense, the necessary measures to identify and remediate the contaminated soils or groundwater, all in accordance with the *Environmental Protection Act* and its regulations, to the satisfaction of the Director of Engineering and the Ministry of the Environment. After remediation, the “Qualified Person” shall file an updated Record of Site Condition on the Provincial Environmental Site Registry, in accordance with Ontario Regulation 153/04, for all lands to be conveyed to the City.
- 14.4 The Owner covenants and agrees to assume full responsibility for the environmental condition of the Lands and agrees to indemnify and save harmless the City, its directors, officers, Mayor, Councillors, employees and agents from

any and all actions, causes of action, suits, claims, demands, losses, expenses and damages whatsoever that may arise either directly or indirectly from the approval and Assumption by the City of the Works, the construction and use of the Works or anything done or neglected to be done in connection with the use or any environmental condition on or under the Lands, including any work undertaken by or on behalf of the City in respect of the Lands and the execution of this Agreement.

15. Heritage

- 15.1 Prior to final approval of the draft plan of subdivision or any phase thereof, the Owner 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 in proximity to the heritage resource prior to the issuance of a letter from the Ministry of Culture (Heritage Branch) to the City indicating that all matters relating to heritage resources have been addressed in accordance with licensing and resource conservation requirements.
- 15.2 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.
- 15.3 The Owner covenants and agrees to retain the Heritage Building (William Clarry House), known municipally as 9900 Markham Road on its original site (identified as building number 145 on the Site Plan- Sheet Number SD1- dated 2016-03-07 prepared by David Johnston Architect).
- 15.4 The Owner covenants and agrees to protect and conserve the Heritage Building through the following means:
- a) To undertake repairs to the roof, walls, foundation and any other elements of the vacant Heritage Buildings requiring immediate attention to return the Heritage Building to a sound condition;
 - b) To maintain the Heritage Building in good and sound conditions at all times prior to and during the development of the property;
 - c) To undertake the following:
 - secure and protect the buildings from damage through procedures carried out according to the City of Markham Guidelines for Boarding Heritage Structures;
 - erect a “No-trespassing” sign in a visible location on the property indicating that the Heritage Building is to be

preserved onsite and should not be vandalized and/or scavenged; and

- install a 8ft high fence around the perimeter of the house to protect the dwelling until the completion of construction in the vicinity or the commencement of long-term occupancy of the dwelling as confirmed by City (Heritage Section) staff.

15.5 Prior to final approval of the plan of subdivision or any phase thereof, the Owner is to implement the following measures to protect the Heritage Building:

- a) The Owner is to provide at its expense a legal survey of the Heritage Building lot to facilitate the registration of the existing heritage designation and easement agreements on the created lot;
- b) The Owner is to provide a Letter of Credit for the Heritage Building to ensure the preservation of the existing building (total \$106,938.00). The letter of credit shall be retained for use by the City and shall not be released until the following has been addressed:
 - construction and grading on the subject lands and adjacent lots, and roads have been completed to the satisfaction of the City (Commissioner of Development Services);
 - the Heritage Building has been restored to sound condition;
 - the Heritage Building has been connected to municipal services;
 - the exterior restoration of the Heritage Building is complete;
 - the buildings meet the basic standards of occupancy as confirmed by the Building Standards Department; and
 - all other heritage requirements of the Subdivision Agreement have been completed.
- c) The Owner is to enter into a site plan agreement with the City for the Heritage Building, containing details on the site plan such as driveway, grading, connections to municipal services, trees to be preserved and detailed elevations outlining the proposed restoration plan, any additions and alterations, and any proposed garage. Specific site plan conditions for the Heritage Building are to be included with the overall site plan agreement for the entire development.

15.6 The Owner shall covenant and agree in the subdivision agreement to preserve the Heritage Building through the following means:

- a) to provide and implement a traditional restoration plan for the Heritage Building, prepared by a qualified architect with demonstrated experience in heritage restoration projects, that would be reviewed and approved by the City (Heritage Section). The restoration plan is to be included in a site

- plan agreement for the property;
 - b) to complete the exterior restoration of the Heritage Building, connection of all municipal services to the allocated lot (water, gas, hydro, cable, telephone etc.) and ensure basic standards of occupancy as confirmed by the Building Standards Department within two (2) years of registration of the plan of subdivision;
 - c) to ensure that the architectural design and elevations of dwellings proposed for adjacent lots is compatible with the restored heritage dwelling;
 - d) to ensure that the final proposed grading on the lots adjacent to the Heritage Building is consistent with the existing historic grading of the Heritage Building;
 - e) to ensure that the historic front of the Heritage Building retains a front yard appearance, the type of fencing should be limited to a low residential picket fence rather than privacy fencing,
- 15.7 The Owner shall covenant and agree in the subdivision agreement to prepare and implement a marketing plan, to the satisfaction of the Commissioner of Development Services, which details the ways and means by which the Heritage Building will be marketed to prospective purchasers;
- 15.8 The Owner shall covenant and agree in the subdivision agreement to provide notice and commemoration of the Heritage Building through the following means:
 - a) to provide and install at its cost, an interpretive baked enamel plaque for the Heritage Building, in a publicly visible location on the property. The plaque is to be designed according to the specifications of the “Markham Remembered” program, and outline the history of the house. Details of the design and location of the plaque are to be submitted for review and approval of the City (Heritage Section);
 - b) to include the following notice in each Offer of Purchase and Sale for the Heritage Building:

“Purchasers are advised that the existing building on this property is designated pursuant to the Ontario Heritage Act, and is subject to a heritage easement agreement with the City of Markham. Any proposed additions or alterations to the exterior of the existing dwelling shall be subject to review and approval of plans by the City.”
- 15.9 Prior to final approval of the plan of subdivision or any phase thereof, the Manager of Heritage Planning shall advise that Conditions 16.1 to 16.8 inclusive, have been satisfied.

16. Well Monitoring Program and Mitigation Plan

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

17. Other City Requirements

- 17.1 The Owner acknowledges and agrees that firebreak lots within the draft plan shall be designated in the subdivision agreement, to the satisfaction of the Fire Chief. The Owner shall provide a letter of credit in an amount to be determined by the Fire Chief at the subdivision agreement stage to ensure compliance with this condition.
- 17.2 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Services has been advised by the Fire Chief that there is an adequate water supply for firefighting operations and acceptable access for firefighting equipment is available. The Owner shall further covenant and agree that fire protection sprinklers (if required) are installed to the satisfaction of the Fire Chief or his designate.
- 17.3 The Owner shall acknowledge and agree that the adequacy and reliability of water supplies for firefighting purposes are subject to review and approval of the Fire Chief or his designate.
- 17.4 The Owner shall covenant and agree in the subdivision agreement to include warning clauses in agreements of purchase and sale for all units with single car garages advising purchasers of the following:
- the City's parking by-law requires a minimum of two parking spaces, one in the driveway and one in the garage;
 - the City's zoning by-law restricts the width of the driveway, this width does not allow two cars to park side by side; and,
 - overnight street parking will not be permitted unless an overnight street parking permit system is implemented by the City
- 17.5 The Owner shall provide and post display plans in all sales offices which clearly indicate the location of the following facilities in relation to the lot being purchased, prior to any Agreements of Purchase and Sale being executed by the Owner, a builder or their real estate agents:

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

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

- 17.6 The Owner covenants and agrees to purchase from the City two (2) recycling containers, one (1) green bin and one (1) kitchen collector per residence so that each purchaser may participate in the City's waste diversion program. Furthermore, the Owner shall ensure that the recycling containers, green bins, kitchen collectors and educational materials are deposited in each home on or before the date of closing.
- 17.7 The Owner covenants and agrees to contact the City at least four (4) weeks prior to unit occupancy to arrange an appointment time in which the recycling containers, green bins, kitchen collectors and educational materials are to be collected by the Owner.
- 17.8 The Owner covenants and agrees to pay to the City the cost for recycling containers, green bins and kitchen collectors and to provide said recycling containers, green bins and kitchen collectors to purchasers at the same cost as paid to the City.
- 17.9 The Owner covenants and agrees that during the construction phase of the development, unobstructed roadway access to a width no less than 6 metres will be provided for the safe passage of municipal waste and recycling collection vehicles on the designated collection day. Furthermore, if required, the Owner shall provide vehicle turning space that meets the City's engineering design standards. The Owner agrees that at times when the above defined access cannot be provided, the Owner shall be responsible for moving all residential waste, recyclables and organics from the occupied units to an agreed upon centralized location at the Owner's expense, for collection by the City.
- 17.10 Prior to final approval of the draft plan, the Owner shall convey Block 38 to the City, for the purpose of a buffer for the Ministry of Transportation (MTO), free of all costs and encumbrances, in a manner which is satisfactory to the Commissioner of Development Services and the Ministry of Transportation (MTO).
- 17.11 Prior to final approval of the draft plan, the Owner shall convey Blocks

40 and 41 to the City, for the purposes of public walkways, free of all costs and encumbrances, in a manner which is satisfactory to the Commissioner of Development Services.

18. Region of York

- 18.1 The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the area municipality and York Region.
- 18.2 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.
- 18.3 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.
- 18.4 Prior to final approval, the engineering drawings showing the layout of the watermains and sewers shall be submitted to the Regional Infrastructure Asset Management Branch for review.
- 18.5 In the event that there is no means of servicing the proposed development through the City of Markham's water or wastewater system, the Owner shall agree in the subdivision agreement that any direct connection (temporary or permanent) to a York Region water or wastewater system requires Regional approval prior to construction, and engineering drawings showing details of the connection shall be submitted to the Infrastructure Asset Management Branch for approval.
- 18.6 For all the subject lands, the Holding (H) provisions of Section 36 of the Ontario Planning Act shall be used in conjunction with all residential zoning by-law categories. This will help to ensure that final approval of the subdivision and development of the subject lands does not occur until such time that the Holding (H) symbol is removed in accordance with the provisions of the Ontario Planning Act. The zoning by-law shall specify the terms under which Council may consider removing the Holding (H) symbol. Such terms shall include a minimum of the following:
 - a) the City of Markham approves a transfer of servicing allocation to this development that is not dependent upon the completion of infrastructure; or,
 - b) York Region has advised in writing that the required infrastructure to support the capacity assignment associated with this development will be completed within a time frame acceptable to the Region (typically 6 to 36 months dependent upon the complexity of development) to permit plan registration; or,

- c) the Regional Commissioner of Environmental Services confirms servicing allocation for this development by a suitable alternative method and the City of Markham allocated the capacity to this development.
- 18.7 Prior to final approval, the Owner shall agree that a basic 45 metres Right-of Way is required for this section of Major Mackenzie Drive. As such, all municipal setbacks shall be referenced from a point 22.5 metres from the centerline of construction on major Mackenzie Drive and any additional lands required for turn lanes at intersections will be conveyed to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of the York Region Solicitor.
- 18.8 Prior to final approval, the Owner shall agree to provide direct shared pedestrian and cycling connections from the proposed development to Major Mackenzie Drive and other public streets to support active transportation and public transit. A drawing shall be provided to illustrate the connections.
- 18.9 Prior to final approval, the Owner shall agree to provide a communication strategy, as part of the Traffic Impact Study report, to communicate and notify the Region and the City of Markham to effectively deliver the Information Packages and pre-loaded Presto Cards to the residents. This strategy shall also include a physical location for distribution of the Information Packages and pre-loaded Presto Cards.
- 18.10 Prior to final approval, the Owner shall submit an updated Transportation Impact Study and Internal Functional Traffic Design to the satisfaction of the Region.
- 18.11 Prior to final approval, the Owner shall have prepared, by a qualified professional transportation consultant, a functional transportation report/ plan outlining the required Regional road improvements for this subdivision. The report/ plan, submitted to the Community Planning and Development Services Division for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues.
- 18.12 Prior to final approval, the Owner shall provide a written undertaking, to the satisfaction of the Community Planning and Development Services Division that the Owner agrees to implement the recommendations of the functional transportation report/ plan as approved by the Community Planning and Development Services Division.
- 18.13 Prior to final approval, the Owner shall submit detailed engineering drawings, to the Community Planning and Development Services Division for review and approval, that incorporate the recommendations of the functional transportation report/ plan as approved by the Community Planning and Development Services Division. Additionally, the engineering drawings shall include the subdivision storm drainage system, erosion and siltation control plans, site grading and

servicing, plan and profile drawings for the proposed intersections, construction access and mud mat design, utility and underground servicing location plans, pavement markings, electrical drawings for intersection signalization and illumination design, traffic control/ construction staging plans and landscape plans.

- 18.14 Prior to final approval, the Owner shall provide drawings for the proposed servicing of the site to be reviewed by the Engineering Department of the area municipality. Three (3) sets of engineering drawings (stamped and signed by a professional engineer), and MOE forms together with any supporting information shall be submitted to the Community Planning and Development Services Division, Attention: Mrs. Eva Pulnicki, P. Eng.
- 18.15 Prior to final approval, the location and design of the construction access for the subdivision work shall be completed to the satisfaction of the Community Planning and Development Services Division and illustrated on the Engineering Drawings.
- 18.16 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 shall be removed as part of the subdivision work, at no cost to York Region.
- 18.17 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Community Planning and Development Division, that elevations along the streetline shall be 0.3 metres above the centerline elevations of the York Region roadway, unless otherwise specified by the Community Planning and Development Services Division.
- 18.18 The Owner shall agree prior to the development approval of any development blocks in this plan of subdivision, that direct vehicle access from any development lots to Major Mackenzie Drive will not be permitted. Access must be obtained through the internal road network.
- 18.19 Prior to final approval, the access to Major Mackenzie Drive shall be restricted to a Right-in/Right-out only, The existing median on Major Mackenzie Drive shall be extended westerly to a point to be determined by the Region.
- 18.20 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 Rights-of-Way shall be avoided to the

extent possible/ practical. Financial or other compensation may be sought based on the value of trees proposed for removal,

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

Tree planting shall be undertaken in accordance with York Region standards as articulated in Streetscaping Policy and using species from the York Region Street Tree Planting List. These documents may be obtained from the Forestry Section. If any landscaping or features other than tree planting (eg. 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 the 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 the Region.

- 18.21 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 the York Region Solicitor:

- a) A widening across the full frontage of the site where it abuts Major Mackenzie Drive of sufficient width to provide a minimum of 22.5 metres from the centerline of construction of Major Mackenzie Drive; and
- b) A 10m x 10m daylight triangle at the intersection of the proposed access to Major Mackenzie Drive; and
- c) A 0.3metre reserve across the full frontage of the site where it abuts Major Mackenzie Drive and adjacent to the above road widening.

- 18.22 Prior to final approval, in order to determine the property dedications (if any) required to achieve the ultimate Right-of-Way width for Major Mackenzie Drive 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 Major Mackenzie Drive.

- 18.23 The Owner shall provide a solicitor's certificate of title in a form satisfactory to the Regional Solicitor, at no cost to the Region, with respect to the conveyance of these lands to York Region. Alternatively, the Owner shall submit documentation to York Region confirming that the existing streetline represents sufficient Right-of-Way as required by York Region.

- 18.24 The Owner shall arrange for the preparation, review and deposit on title of a reference plan describing the lands to be conveyed to the Region, as described above, to the satisfaction of the Regional Community Planning and Development Services Division.

18.25 The 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 1 Environmental Site Assessment (“Phase 1 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 1 ESA cannot be more than 2 years old as of the actual date title to the Conveyance Lands is transferred to the Region. If the Phase 1 ESA is linked to different phases of development and there will be multiple conveyances of lands, the Phase 1 ESA prepared in respect of a specific conveyance and phase of development cannot be more than two years old as of the actual date of transfer of title to the Region. If a Phase 1 ESA is or would be more than two years old as of the actual date of transfer of title to the Region, the Phase 1 ESA will need to be either updated or a new Phase 1 obtained by the Owner in accordance with the requirements of this section. The Region, at its discretion, may require further study, investigation, assessment and delineation to determine whether any remedial or other action is required regardless of the findings or conclusions of the Phase 1ESA. 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 1 ESA and any subsequent environmental reports or other documentation prepared in respect of the environmental condition of the lands must be provided to the Region and : (i) will be addressed to “The Regional Municipality of York”, (ii) contain wording to the effect that the region is entitled to rely on such reports or documentation in their entirety; and (iii) the terms and conditions of the reliance extended (including any wording seeking to limit liability) must be satisfactory to the Region.

The Owner shall also provide the Region’s 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 the Region (including soils, substrata, surface water and groundwater, as applicable); (i) at the time of conveyance, at a level of concentration that exceeds the Environmental Protection Act O. Reg. 153/04 (as amended) full depth generic site condition standards applicable to the intended use of such lands by the Region or any other remediation standards published or administered by governmental authorities applicable to the intended land use; and (ii) in such a manner, condition or state, or is emanating or migrating from such lands in a way, that would contravene applicable environmental laws.

The preparation and delivery of the Phase 1 ESA, any subsequent environmental reports, other documentation, reliance and the Owner’s certified written statement shall be provided at no cost to the Region.

- 18.26 Prior to final approval, the Owner shall demonstrate to the satisfaction of the Community Planning and Development Services Division that the proposed access to Major Mackenzie Drive shall be designed to intersect Major Mackenzie Drive at a right angle, or on a common tangent.
- 18.27 Prior to final approval, the Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of the Community Planning and Development Services Division recommending noise attenuation features.
- 18.28 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.
- 18.29 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Community Planning and Development Services Division, that where berm, noise wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a professional engineer to have been installed as specified by the approved Noise Study and in conformance with the Ministry of Environment guidelines and the York Region Noise Policy.
- 18.30 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.”
- 18.31 Where noise attenuation features will abut a York Region Right-of-Way, the Owner shall agree in the subdivision agreement, in wording satisfactory to York Region’s Community Planning and Development Services Division, as follows:
- a) That no part of any noise attenuation feature shall be constructed on or within the York Region Right-of-Way;
 - b) That noise fences adjacent to York Region roads may be constructed on the private side of the 0.3 metre reserve and may be a maximum 2.5 metres in height, subject to the area municipality’s concurrence;
 - c) That maintenance of the noise barriers and fences bordering on York Region’s Right-of-Way shall not be the responsibility of York Region; and
 - d) That any landscaping provided on York Region Right-of-Way by the Owner or the area municipality for aesthetic purposes must be approved by the Community Planning and Development Services Division and shall be maintained by the area municipality with the exception of the usual grass maintenance.

- 18.32 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 to the satisfaction of the area municipality.
- 18.33 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, at no cost to the Region.
- 18.34 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Community Planning and Development Services Division that the Owner will be responsible for determining the location of all utility plants within York Region Right-of-Way and for the cost of relocating, 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.
- 18.35 Prior to final approval, the Owner shall satisfy the Regional Municipality of York Transportation Service Department and the area municipality that the services to be installed by the Owner within or in conjunction with the Plan will provide a concrete pedestrian access connection from the internal roadways to the Regional roadways. The concrete pedestrian access connection shall meet the local municipality's standards for sidewalks and shall be obtained and maintained by the area municipality.
- 18.36 The Owner shall agree in the subdivision agreement to convey lands to the municipality to provide for such pedestrian access connection referred to in Condition 18.35 above.
- 18.37 The Owner shall satisfy the Regional Municipality of York Transportation Service Department that the services to be installed within or in conjunction with the Plan will provide passenger standing area/shelter identified below and shall be installed to the satisfaction of the local municipality and York Region Transit. The Region confirms that all such passenger standing area/ shelter pad shall be owned and maintained by the Region and that the local municipality shall have no responsibility for those notwithstanding that they may be included in the subdivision agreement.

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

ON Street	AT Street	Location	Standard	Traffic Signal Request
Markham Road	Internal roadway shown between Major Mackenzie Dr & Castlemore Ave	NW 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 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 shall confirm with YRT/Viva the final bus stop location/ requirements. The Owner is to contact YRT/Viva Facilities Supervisor (tel. 905-762-2111) to confirm final details.

- 18.38 Prior to final approval, the Owner shall submit drawings showing, as applicable concrete pedestrian access, passenger standing area and shelter pad to the satisfaction of York Region.
- 18.39 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 18.35. 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 Plans maps are available from YRT/Viva upon request.

18.40 The Owner shall satisfy the Regional Municipality of York Transportation Services Department that the services to be installed within or in conjunction with the Plan will include illumination in accordance with the local municipality's design standards along all streets which have transit services, sidewalks, pedestrian access and bus stop location.

18.41 Prior to final approval, the Owner shall address the following comments related to the Transportation Impact Study & Internal Functional Traffic Design dated December 2014 prepared by MMM Group to the satisfaction of the Region:

- a) The Transportation Impact Study must include the retail/commercial component in order to assess the full potential impact of the entire development.
- b) The northern access to Major Mackenzie Drive shall be restricted to a Right-in Right-out only access. The existing median on Major Mackenzie Drive shall be extended west to restrict the left-turn movements at the north access.
- c) The eastbound right-turn taper at the north access shall be extended west to accommodate the right-turn movements into the development. Functional drawings for the north access shall be provided for the Region's review.

The study assesses transportation impact for the 2017 horizon year. This represents the opening year of the proposed development. According to the York Region Transportation Impact Study Guideline, small developments shall be assessed during the opening year or 5 years (whichever is the maximum). Since a 5 year horizon (horizon year 2019) is further than the 2017 opening year, this study shall be revised to include a 5 year horizon.

- d) Section 4.1 of the report assumes different inbound/outbound modal split rates for the weekday AM, PM and Saturday Midday periods. The report shall justify the use of different modal split reductions for the different periods. In addition, the report shall provide a comparison with other studies in the area related to modal split percentage reduction.
- e) The report shall include a drawing to illustrate the proposed locations of the pedestrian/cycling connections to Major Mackenzie Drive and Markham Road. This drawing will also identify the location of the available transit stops and the location of bicycle parking.
- f) Section 7 of the report recommends carpool-only parking spaces will be designated for both employees and patrons of the development. As Phase 1 of the development does not include offices or retail uses, therefore

carpool-only parking spaces are not applicable. The report shall be updated accordingly.

- g) The Smart Commute Membership is a service targeted for employment uses only. As the Phase 1 of the proposed development consists of only residential uses, this TDM measure is not applicable. The study shall be updated accordingly.

18.42 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.

18.43 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.

18.44 The Regional Community Planning and Development Services Branch shall advise that Conditions 18.1 to 18.43 inclusive, have been satisfied.

19. Ministry of Natural Resources (MNR)

19.1 The Owner shall agree in the subdivision agreement to satisfy all requirements of the MNR with respect to the endangered species and any potential impacts on the draft plan of subdivision, and to provide written confirmation that it has consulted with MNR in this respect, to the satisfaction of the Commissioner of Development Services.

20. Ministry of Transportation (MTO)

20.1 The Owner shall agree in the subdivision agreement that Ministry permits are required for all buildings located within 46m from the Markham Road property line or a radius of 180m from the centre point of Markham Road and Major Mackenzie Drive, prior to any construction being undertaken.

20.2 Prior to final approval, the Owner shall submit to the Ministry of Transportation for review and approval, a copy of the Stormwater Management Plan, Site Grading and Servicing Plan, addressing the intended treatment of the calculated runoff.

20.3 Prior to final approval, the Owner shall submit to the Ministry of Transportation for review and approval, a copy of a detailed Traffic Impact Study assessing the impact on Markham Rd/ Major Mackenzie intersection.

- 20.4 The Owner shall provide to the Ministry of Transportation, an engineering plan with the location of the proposed access to the development for review and to ensure that the proposed access will not negatively impact the operation of Markham Rd/ Major Mackenzie Dr intersection.
- 20.5 That prior to final approval, the Owner provides a clearance letter from the Ministry of Transportation indicating that Conditions 20.1 to 20.4 inclusive have been satisfied.

21. Toronto and Region Conservation Authority (TRCA)

- 21.1 That prior to any development, pre-servicing or site alteration, or registration of this plan or any phase thereof, the applicant shall submit, provide and/or attain the approval from the TRCA for:
- a) a detailed engineering report stamped by a professional engineer that in addition to describing the storm drainage system for the proposed development of the subject lands, includes:
 - i. location and description of all outlets and other facilities, grading site alterations or development which may require a permit pursuant to Ontario Regulation 166/06, the Authority's Development, Interface with Wetlands and Alterations to Shorelines and Watercourse Regulation;
 - ii. confirmation that all of TRCA's stormwater management criteria have been met or exceeded for this development including the 5mm on-site stormwater retention/ erosion control criteria;
 - iii. confirmation that the proposed stormwater management scheme complies with the approved Master Environmental Servicing Plan for the area;
 - iv. water balance measures with supporting calculations;
 - v. detail drawings, locations and plans for proposed water balance measures on the appropriate drawings;
 - vi. detailed grading plans and site servicing plans.
 - b) An Erosion and Sediment Control Report as per TRCA's *Erosion and Sediment Control Guideline for Urban Construction 2006*. The report should identify the risks on and adjacent to the site and demonstrate how these risks will be managed through ESC design, monitoring and maintenance.
 - c) A detailed and comprehensive Erosion and Sediment Control Plan, which complies with the TRCA's *Erosion and Sediment Control Guidelines for Urban Construction 2006*.

- d) A copy of the implementing zoning by-law confirming that the naturalized channel and associated buffer areas have been placed into an appropriate Open Space zoning category which has the effect of prohibiting development and structural encroachment, and ensuring the long term preservation of lands in perpetuity, to the satisfaction of the TRCA.
- 21.2 That the established channel block (Block 3) be conveyed into public ownership, free and clear of all encumbrances.
- 21.3 To carry out, or cause to be carried out, the cleaning and maintenance of all stormwater management infrastructure prior to assumption of the subdivision by the City of Markham.
- 21.4 That prior to any development or site alteration on the commercial block (Block 2 on Draft Plan of Subdivision 19TM-14014, prepared by Bousfields Inc., dated March 9, 2016) the applicant shall attain approval from the TRCA through any required Planning Act development applications (such as Site Plan Control) as well as obtain all necessary TRCA permits pursuant to Ontario Regulation 166/06 (as amended).
- 21.5 That the Owner agrees in the subdivision agreement, in wording acceptable to the TRCA:
- a) to carry out, or cause to be carried out, to the satisfaction of the TRCA, the recommendations of the technical reports and analyses to be approved by the TRCA, including water balance and water infiltration measures identified in the engineering report;
 - b) to agree to, and implement, the requirements of the TRCA's conditions in wording acceptable to the TRCA;
 - c) to design and implement on-site erosion and sediment controls in accordance with current TRCA standards, and maintain these controls in a manner satisfactory to the TRCA;
 - d) to maintain all stormwater management and erosion and sedimentation control structures operating in good repair during the construction period, in a manner satisfactory to the TRCA;
 - e) to preserve the infiltration capability of the areas in which the low impact development (LID) measures are proposed to be installed and to avoid any unnecessary compaction, in a manner satisfactory to the TRCA;
 - f) to complete the proposed channel realignment/ naturalization of works as well as commit to the associated monitoring in accordance with an

approved TRCA permit and to verify as-built conditions reflect the approved works;

- g) to gratuitously convey the naturalized channel and associated buffer area blocks into public ownership;
- h) to obtain all necessary TRCA permits pursuant to Ontario Regulation 166/06 (as amended) from the TRCA;
- i) to provide for planting, restoration and enhancement within the naturalized channel and associated buffers in accordance with the approved planting and restoration plans (by the TRCA). And, that monitoring and replanting of these areas to be completed for a minimum warranty period in accordance with City of Markham standards, with sufficient funds being secured through a letter of credit in favor of the City of Markham or other appropriate measure;
- j) to provide and install the LID measures identified in the engineering report for the purchaser prior to occupancy;
- k) that a clause be included in the Condominium Declaration and the Condominium Agreement that all LID measures (including infiltration trenches) be maintained in perpetuity under the responsibility of the future Condominium Corporation;
- l) that a clause be included in the Condominium Agreement that all landscaped/ sodded areas will be maintained in perpetuity under the responsibility of the future Condominium Corporation and will not be hardened through the installation of patios, paving, decks or any other structures.
- m) that a warning clause be included in all agreements of purchase and sale, and information is to be highlighted on all community information maps and promotional sales materials for lots with infiltration measures which identifies the following:

“The infiltration galleries located on the subject property form an integral part of the stormwater management infrastructure for the community. It is the Owner’s responsibility to clean and undertake ongoing maintenance of this system and to ensure proper drainage is maintained. Grading within these areas such as swales which convey stormwater to this system, must remain in their original form. No alteration of grades, placement of ancillary or accessory structures shall be permitted within these areas.”
- n) That a warning clause be included in all agreements of purchase and sale, and information is to be highlighted on all community information maps

and promotional sales materials for lots abutting natural areas which identifies the following:

“The lands abutting the rear property line is a vegetated buffer block adjacent to environmental protected lands which are under jurisdiction of the TRCA. The buffer block is considered to be part of the publicly owned environmental protection area and will be maintained in a naturalized state”.

- 21.6 The draft plan to be red-lined revised (if necessary), to meet the requirements of TRCA’s conditions, or to meet current established standards in place as of the date of a request for registration of the plan or any phase thereof.
- 21.7 That a copy of the fully executed subdivision and condominium agreement be provided to the TRCA when available, in order to expedite the clearance of conditions of draft approval.

22. Enbridge Gas Distribution

22.1 The Owner covenants and agrees in the subdivision agreement:

- a) To contact Enbridge Gas Distribution’s Customer Connections department by emailing SalesArea30@enbridge.com for service and metre installation details and to ensure that gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells and/or soil trenches) and/or asphalt paving.
- b) If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phase construction, all costs are the responsibility of the Owner.
- c) In the event that easement(s) are required to serves this development, the applicant will provide the easement(s) to Enbridge Gas Distribution at no cost.
- d) In the event that a pressure reducing regulator station is required, the applicant will provide a 3 metre by 3 metre exclusive use location that is within the municipal road allowance. The final size and location of the regulator station will be confirmed by Enbridge Gas Distribution’s Customer Connections department.
- e) The Owner will grade all road allowances to as final elevation as possible, provide necessary field survey information and all approved municipal road cross-sections, identifying all utility locations prior to the installation

of the gas piping.

23. Canada Post

23.1 The Owner covenants and agrees in the subdivision agreement to comply with the following conditions:

- a) The Owner/ developer agrees to include on all purchases and sale, a statement that advises the prospective purchaser that mail delivery will be from a designated Community Mailbox.
- b) The Owner/ developer will be responsible for notifying the purchaser of the exact Community Mailbox locations prior to the closing of any home sale.
- c) The Owner/developer will consult with Canada Post to determine suitable locations for the placement of Community Mailboxes and to indicate these locations on the appropriate servicing plans.
- d) The Owner/ developer will provide the following for each Community Mailbox site and include these requirements on the appropriate servicing plans:
 - i) a concrete pad to place the Community Mailboxes on;
 - ii) any required walkway across the boulevard; and
 - iii) any required curb depressions for wheelchair access.

23.2 The Owner/developer further agrees to determine and provide a suitable temporary Community Mailbox(s) location(s) which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community mailbox locations. This will enable Canada Post to provide mail delivery to the new homes as soon as they are occupied.

24. Bell

24.1 The Owner covenants and agrees in the subdivision agreement that prior to commencing any work within the Plan, the Owner/ developer must confirm that sufficient wire-line communication/ telecommunication infrastructure is available within the proposed development to provide communication/ telecommunication service to the proposed development. In the event that such infrastructure is not available, the Owner/ developer is hereby advised that the Owner/developer may be required to pay for the connection to and/or extension of the existing communication/ telecommunication infrastructure. If the Owner/developer elects not to pay for the such connection to and/or extension of the existing communication/telecommunication infrastructure, the Owner/ developer shall be

required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e. 911 Emergency Services).

25. Exhibition Creek Valley Enhancement

- 25.1 The Owner shall convey Block 3 to the City, for the enhancement of Exhibition Creek (the “Creek”), free of all costs and encumbrances, to the satisfaction of the City and TRCA, upon registration of the plan of subdivision.
- 25.2 Prior to final approval of the draft plan, the Owner shall submit a detailed design plan for Block 3 prepared by a qualified consultant, to the satisfaction of the TRCA and the Director of Engineering.
- 25.3 The Owner shall covenant and agree in the subdivision agreement to obtain approval of Site Alteration Plans in accordance with the City’s Standards prior to proceeding with any Creek works.
- 25.4 Prior to final approval of the draft plan, the Owner shall prepare, to the satisfaction of the City (Director of Engineering), a Design Report including flood plain analysis for the Creek. Any requirements resulting from this Report shall be incorporated into the draft plan and provided for in the subdivision agreement. The Owner shall covenant and agree in the subdivision agreement to pay for all works including monitoring required for Exhibition Creek enhancement to the satisfaction of the Director of Engineering.
- 25.5 The Owner shall prepare and submit to the City a detailed monitoring and evaluation program for the Creek to the satisfaction of the Director of Engineering. The Owner agrees to retain the services of a qualified consultant to undertake the monitoring and evaluation program. The Owner agrees to monitor the Creek in compliance with the approved program for a minimum period of six (6) years from the date of completion of construction of the Creek. The Owner shall submit semi-annually a monitoring report for the first three (3) years, annual inspection report for the next three (3) years and a Final report at the end of the monitoring period. The Final Report shall determine the future inspection and maintenance requirements of the creek. The Director of Engineering may extend the monitoring period up to an additional two (2) years, if in his or her sole opinion, further monitoring is necessary.
- 25.6 The Owner agrees that the City shall not reduce the Securities submitted for Public works as per Schedule ‘E’ below \$100,000 until the Final Report is accepted by the Director of Engineering and all monitoring and evaluation have been completed to the satisfaction of the Director of Engineering.

- 25.7 Prior to acceptance for maintenance of the Creek, the Owner shall prepare, to the satisfaction of the City (Director of Engineering), as-constructed drawings for the Creek and updated flood plain analysis model and report.
- 25.8 The Owner acknowledges that the City requires southbound turn lanes on Markham Road for the proposed development and additional lands will be required for the turn lane. Prior to final approval of the draft plan, the Owner agrees to revise the channel Block 3 as required and update the channel report and modeling, if required, and submit to the City and the TRCA the update report and model for approval to the satisfaction of the Director of Engineering.
26. Financial Contribution for Inflow/ Infiltration Reduction, Monitoring and Repairs of Downstream Sanitary Sewer
- 26.1 Prior to final approval of the draft plan, the Owner covenants and agrees to pay to the City a financial contribution of \$150,000.00 for inflow/ infiltration reduction, monitoring, upgrades and repairs of the downstream sanitary sewers as the proposed development will generate sanitary flows beyond the allowable flows, to the satisfaction of the Director of Engineering.
27. Site Access from Highway 48/ Markham Road
- 27.1 The Owner acknowledges that the City requires that the site access for the proposed development be directly opposite to the proposed site access for the proposed development (9999 Markham Road) to the east. The Owner agrees to cooperate and coordinate the location of the site access with the landowner for 9999 Markham Road (to the east), to the satisfaction of the Director of Engineering. The Owner further agrees to update the draft plan if required to accommodate the final location of the access road to the satisfaction of the Director of Engineering.
28. External Works on Markham Road/ Highway 48
- 28.1 The Owner acknowledges that the City has received an application from Villarmark Inc/ Villarboit Development Corporation for a proposed development for the property east of Markham Road hereafter referred to as “Villarboit”. The Owner acknowledges that there is a proposed signalized intersection (the “Intersection”) of Markham Road and the site access to the proposed development and Villarboit.

Prior to final approval of the draft plan, the Owner agrees to provide a functional

design for the Intersection at the Owners cost, to the satisfaction of the Director of Engineering. The functional design shall reflect the Intersection configuration proposed in accordance with to the phasing plan and must include design of traffic signals and southbound right turn lane. The Owner covenants and agrees to provide securities to the City for construction of the turning lane and traffic signals at the Intersection to the satisfaction of the Director of Engineering.

28.2 Southbound turn lanes on Markham Road

- i) Prior to final approval of the draft plan, the Owner acknowledges and agrees to provide design drawings for the southbound turn lane and revise the draft plan to provide additional lands for the southbound right turn lane at the Owners cost to the satisfaction of the Director of Engineering.
- ii) Prior to site plan endorsement of Phase 2 (Block 2), the Owner covenants and agrees to complete all construction works required for construction of the lane on Markham Road at no cost to the City and to the satisfaction of the Director of Engineering.

28.3 Traffic Signal at intersection on Markham Road

- i) Prior to final approval, the Owner covenants and agrees to:
 - provide a traffic signal design for the Intersection;
 - submit to the City design drawings for the Intersection; and
 - dedicate additional lands to facilitate the Intersection works at no cost to the City and to the satisfaction of the Director of Engineering.
- ii) Prior to site plan endorsement of Phase 2 (Block 2) within this draft plan, or endorsement of the first site plan application by Villarboit, whichever comes first, the Owner further covenants and agrees to complete all works required for the construction of the Intersection at the Owners cost to the satisfaction of the Director of Engineering.
- iii) The Owner agrees to enter into a private cost sharing agreement with Villarboit or the Owner of 9999 Markham Road, for the design and construction of the Intersection.

29. External Clearances

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

- a) The Regional Municipality of York Planning Department shall advise that Condition 18 has been satisfied.

- b) The Ministry of Culture shall advise that Conditions 15.1 and 15.2 have been satisfied.
- c) The Ministry of Transportation shall advise that Condition 20 has been satisfied.
- d) The Toronto and Region Conservation shall advise that Condition 21 has now been satisfied.
- f) Enbridge Gas Distribution shall advise that Condition 22 has now been satisfied.
- g) Canada Post shall advise that Condition 23 has now been satisfied.
- h) Bell shall advise that Condition 24 has now been satisfied.

Dated: XXXXXX , 2016

Ron Blake, Senior Development Manager



BY-LAW 2016-____

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

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

- 1.0 By-law 177-96, as amended, is hereby further amended as follows:
- 1.1 By rezoning the lands outlined on Schedule ‘A’ attached hereto as follows:

from
**Major Commercial*187 (MJC*187) and
Major Commercial*187*363 (MJC*187*363)**
to
**Residential Two*550 (R2*550);
Major Commercial*551 (MJC*551); and
Open Space One (OS1)**

- 1.2 By adding the following subsection to Section 7- EXCEPTIONS

“7.550 CIM Global Development LP on the south side of Major Mackenzie Drive, west side of Major Mackenzie Drive – Phase 1 (Residential Development)

Notwithstanding any other provisions of By-law 177-96, as amended, the provisions in this Section shall apply to those lands denoted by the symbol *550 on Schedule ‘A’ of this By-law.

7.550.1 Special Zone Provisions

The following special zone provisions shall apply:

- a) *Minimum required yard:*
 - i) *westerly side yard – 6 m;*
 - ii) *easterly side yard – 3.5 m*
 - iii) *rear yard – 14 m; and*
 - iii) *front yard – 4.5 m,*
- b) *Minimum width of a townhouse dwelling unit – 5.5 m;*
- e) *Minimum width of an end townhouse dwelling unit flanking onto a private street – 6.7 m;*
- f) *Minimum landscaped open space along the west lot line – 3 m;*
- g) *Minimum landscaped open space along the south lot line – 8 m;*
- h) *Maximum number of townhouse dwelling units – 195;*
- i) *Maximum number of single detached dwelling units – 1; and*
- j) *Notwithstanding any further division or partition of*

any of the lands subject to this Section, all lands zoned R2*550 shall be deemed to be one *lot* for the purposes of this By-law.”

“7.551 CIM Global Development LP on the south side of Major Mackenzie Drive, west side of Markham Road – Phase 2 (Commercial Development)

Notwithstanding any other provisions of By-law 177-96, as amended, the provisions in this Section shall apply to those lands denoted by the symbol *551 on Schedule ‘A’ of this By-law.

7.551.1 Special Zone Provisions

The following special zone provisions shall apply:

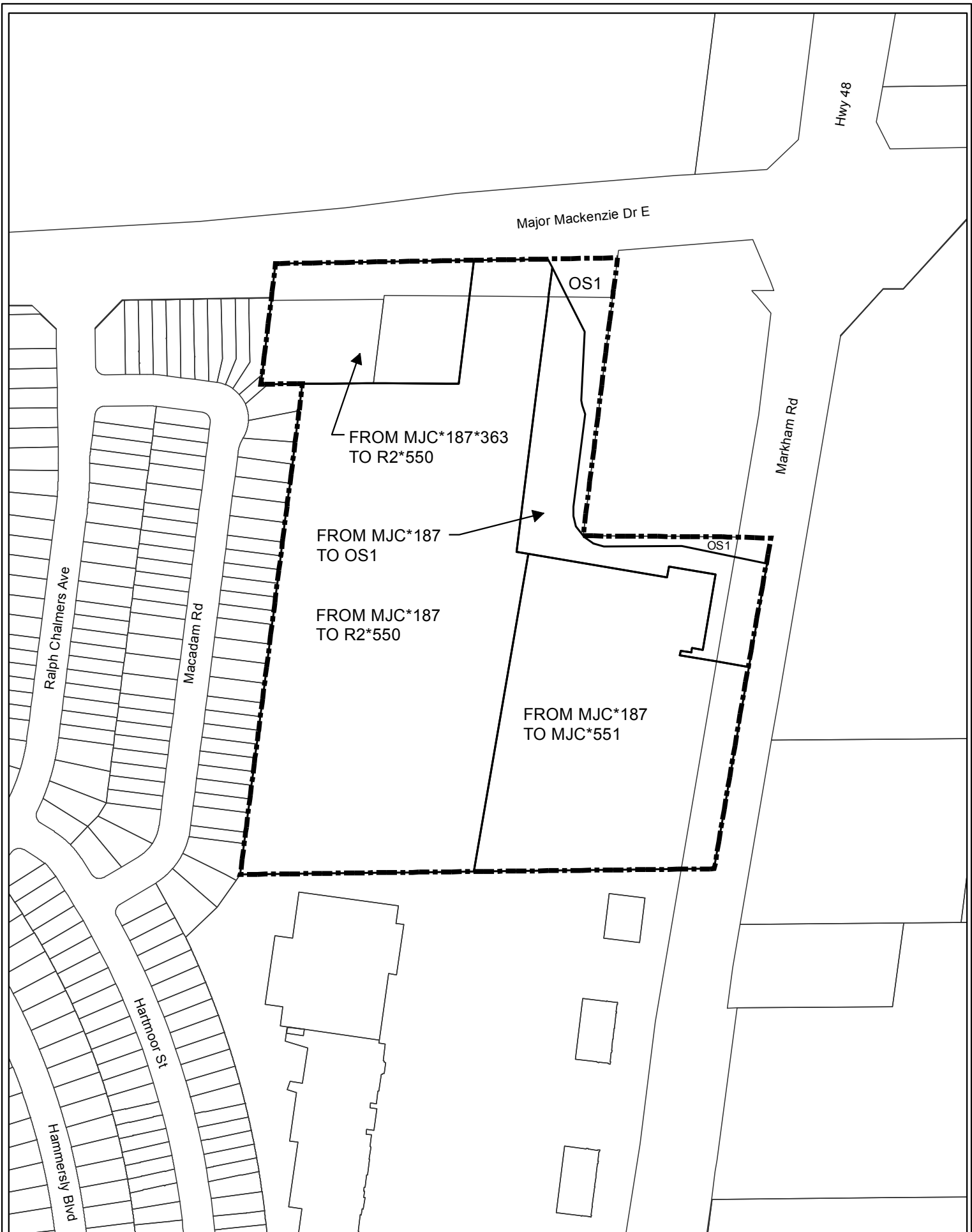
- a) Minimum *landscaped open space* along the west *lot line* – 10m; and
- b) *Minimum required yard:*
 - i) *rear yard* – 10 m;
 - ii) *northerly side yard* – 4 m”.

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

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

AMANDA File No.: _____



SCHEDULE "A" TO BY-LAW

AMENDING BY-LAW 177-96 DATED



- BOUNDARY OF AREA COVERED BY THIS SCHEDULE
- BOUNDARY OF ZONE DESIGNATION(S)
- R2

 RESIDENTIAL TWO

MJC

 MAJOR COMMERCIAL

OS1

 OPEN SPACE ONE

*No.

 EXCEPTION SECTION NUMBER

Q:\Geomatics\New Operation\By-Laws\SU\SU_ZA14130863\SU_ZA14130863.mxd

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



EXPLANATORY NOTE

BY-LAW 2016-_____

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

CIM Global Development LP

5899 Major Mackenzie Dr E, 5899 Major Mackenzie Drive and the abutting property to the east

CON 7 PT LOT 20

Lands Affected

The proposed by-law amendment applies to 6.6 hectares (16.3 acres) of land comprised of three (3) properties located on the south side of Major Mackenzie Drive, west side of Markham Road and municipally known as 9900 Markham Road, 5899 Major Mackenzie Drive and the abutting property to the east.

Existing Zoning

By-law 177-96, as amended, currently zoned the subject lands as Major Commercial *187 (MJC*187) Zone, Major Commercial *187*363 (MJC*187*363) Zone and Open Space One (OS1) Zone.

Purpose and Effect

The purpose and effect of this By-law is to amend By-law 177-96, as amended, to rezone the subject property to “Residential Two*550 (R2*550)”, “Major Commercial*551 (MJC*551)” and “Open Space One (OS1)”, in order to facilitate townhouse development and future commercial development on the subject lands, including the introduction of site-specific development standards.