



Report to: Development Services Committee

Report Date: October 19, 2015

SUBJECT: Recommendation Report
Applications for Draft Plan of Subdivision and Zoning By-law Amendment by Kai Tak International Investment Inc. to permit a 32 unit low rise residential development including the restoration of a heritage dwelling at 9721 Kennedy Road

FILE NO'S: SU/ZA 14 134440

PREPARED BY: Geoff Day MCIP, RPP ext. 3071 – Senior Planner, West Development District

REVIEWED BY: David Miller MCIP, RPP ext. 4960 – Manager, West Development District

RECOMMENDATION

- 1) THAT the Staff report entitled “RECOMMENDATION REPORT, Applications for Draft Plan of Subdivision and Zoning By-law Amendment by Kai Tak International Investment Inc. to permit a 32 unit low rise residential development including the restoration of a heritage dwelling at 9721 Kennedy Road, File No’s: SU/ZA 14 134440”, be received;
- 2) THAT Draft Plan of Subdivision 19TM-14015, prepared by Evans Planning, revision dated August 10, 2015, be endorsed subject to conditions of draft plan approval set out in Appendix ‘A’ to this report;
- 3) THAT Draft Plan of Subdivision 19TM-14015, prepared by Evans Planning, revision dated August 10, 2015, be finalized prior to being forwarded to Council for approval;
- 4) THAT servicing allocation for 32 units be assigned to plan of subdivision 19TM-14015;
- 5) THAT the draft plan approval for plan of subdivision 19TM-14015 will lapse after a period of three years commencing on the date of issuance of draft plan approval, in the event that a subdivision agreement is not executed within that period;
- 6) THAT the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner;
- 7) THAT the Region of York be advised of the servicing allocation for this development;
- 8) THAT the draft amendments to Zoning By-laws 304-87 and 177-96 for the subject lands, attached to this report as Appendix ‘B’, be finalized prior to being enacted by Council;

- 9) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report provides an overview, evaluation and recommendation of subdivision and zoning applications (SU/ZA 14 134440) for the lands at 9721 Kennedy Road to permit the development of a thirty-two (32) unit low rise residential development. The development is comprised of thirty (30) townhouse dwellings and two (2) semi-detached dwellings, all on new public roads. The heritage home existing on the property will be restored and relocated approximately 10 metres (33 feet) to the east, and will become an end unit on a townhouse block. The report recommends approval of the draft plan of subdivision and implementing zoning By-law amendment, subject to conditions, and that Zoning By-laws 304-87 & 177-96 be finalized prior to being enacted by Council.

Applications deemed complete

The applications submitted by Kai Tak International Investment Inc. were deemed complete on February 3, 2015.

BACKGROUND**Subject property and area context**

The site is approximately 0.8ha (1.97 acre) in size. It is located on the east side of Kennedy Road, north of Bur Oak Avenue and south of Castlemore Avenue within the Berczy Village Secondary Plan area (Planning District 37-1) (Figure 1). The lands were occupied by the York Downs Garden Centre which closed in October of 2014. An existing heritage dwelling historically known as the Stiver Tenant Farmhouse, designated under Part IV of the Ontario Heritage Act, is also located on the property.

Surrounding uses include: (contextual Aerial Photo – Figure 3)

- To the north, a low density residential neighbourhood including single and semi-detached dwelling units;
- To the immediate south, a vacant parcel of land municipally known as 9703 Kennedy Road, owned by the York District School Board;
- Further to the south 9693 Kennedy Road is occupied by IPS (Industrial Property Services) and 10 Bur Oak Avenue is occupied by a multi-tenant commercial plaza;
- To the east, an unopened road allowance for the future extension of Harbord Street from Thomas Foster Street south to Bur Oak Avenue;
- East of future Harbord Street, are Pierre Elliott Trudeau High School and medium density residential townhouse dwelling units; and,
- To the west, Kennedy Road and further to the west, a low density residential neighbourhood within the Angus Glen Secondary Plan area.

Previous applications

On February 3, 2014, a preliminary report was sent to the Development Services Committee for a Zoning By-law Amendment application submitted by the previous owners of this property, JCY Developments. That proposal contemplated a 34 unit semi

detached low rise residential condominium development and the preservation of the heritage dwelling. The development proposed an access from Thomas Foster Street to the east, along a private common element road through the middle of the site which would have terminated in a 'hammerhead' turnaround adjacent to Kennedy Road. On April 10, 2014, an informal community meeting was held at the request of the local Ward Councillor. The meeting was well attended by the local community. A statutory Public Meeting was never held for the proposal. Staff were advised in September of 2014, that the sale of the property to the current Owner was imminent. The sale was finalized in October of 2014.

Proposal

The initial Draft Plan of Subdivision and Zoning By-law amendment applications contemplated the development of the site for a 35 unit 3 storey residential street townhouse development including the retention, relocation and restoration of the heritage dwelling (Figure 4). The proponent has modified the plan to respond to comments by City Staff, the Development Services Committee and members of the public (discussed later in this report).

The applicant is now proposing to develop the lands for a 30 unit, 3 storey residential street townhouse development (including the restoration of the heritage house) and 2, 3 storey semi-detached units (32 units in total) (See Table 1 – Development Statistics). The applicant remains committed to the retention and restoration of the heritage dwelling as an end unit on Block 1 of the proposed draft plan of subdivision (Figure 5 – Proposed Draft Plan of Subdivision & Figure 6 – Conceptual Site Plan).

The development proposes new public roads that extend Tannis Street, Lorne Glen Street and Thomas Foster St. into the proposed development. The proposed right-of-way (ROW) is consistent with the existing ROW's of both Tannis Street and Lorne Glen Street. The east-west portion of the road, which bisects the plan, will also connect to the existing terminus of Thomas Foster Street to the east (discussed later in this report). The ROW is consistent with the existing ROW of Thomas Foster Street.

The draft plan proposes a variety of unit/lot widths. The units/lots range from 5.5m (18 feet) to 14.24m (46.7 feet) (see Table 2).

History of Tannis Street and Lorne Glen Street

Tannis and Lorne Glen Streets were designed as temporary cul-de-sacs when Plan 65M-3536 to the north was registered (See Figure 8). Currently, 7 properties (15, 17 and 19 Tannis Street and 4, 6, 8 and Part of Block 118 on Registered Plan 65M-3536 on Lorne Glen Street), are subject to temporary easements along their associated lot frontages, which accommodate the temporary cul-de-sacs. The lands subject to these easements are owned privately by individual owners of the residential lots (Figure 8). The proposed extensions of Tannis and Lorne Glen Streets into the site will also provide for the release of the easements from title of the properties, allowing the temporary cul-de-sacs to be removed and the lands restored to landscaped front yards and driveways. The City has consulted the developer to the north, who is responsible for the restoration of the affected

front yard landscaping, driveways, infrastructure and roadwork. Fairglen Homes Limited has verbally committed to the restoration work required. The City is holding securities for the restoration and removal of the cul-de-sacs under the existing Subdivision Agreement for these affected properties.

Stiver Tenant House

The subject property is designated under Part IV of the Ontario Heritage Act (By-law 2010-24). The property contains a heritage building historically known as the Stiver Tenant Farmhouse. The Stiver Tenant Farmhouse, dating from c.1855, is a well-preserved representative example of a mid-19th century rural dwelling in red and buff brick, designed with the influence of the Georgian architectural tradition. The applicant has worked with Staff and the Heritage Markham Committee to integrate this cultural heritage resource into the proposed development (Heritage Markham extract found in Appendix 'C'). The former farmhouse will be relocated approximately 10 metres (33 feet) to the east of its original site, to accommodate the proposed road extension. It will become the end unit of a row of townhouses (Block 1- Figure 5). The exterior will be restored, including the full-width front veranda, as part of the site plan approval process. The original building will be extended with an addition to the rear which will include an attached garage. The relocation and restoration of the heritage dwelling is subject to site plan approval.

1987 and 2014 Official Plans

The in-force Official Plan (Revised 1987), as amended, designates the subject lands Community Amenity Area. In the adopted Markham Official Plan 2014 (not yet approved), the lands are bisected by the Mixed Use Mid Rise designation along the southerly half of the property and the Residential Low Rise designation along the northerly half of the property. The proposal is consistent with the policies contained in both the in-force Official Plan (Revised 1987) and the Markham Official Plan 2014 (not yet approved).

Secondary Plan

The subject lands are designated Community Amenity Area - Arterial in the Berczy Secondary Plan (Planning District 37-1). This designation provides for a variety of housing types including medium density housing in the forms of townhouse and semi-detached units at a net site density of 37.1 to 79.9 units per hectare (15 to 32.33 units per acre). The density of the proposed development is within the density range provided by the Secondary Plan. (See Table 3 - Subdivision Statistics)

Zoning

The lands are zoned Rural Residential 4 [RR4] by By-law 304-87, as amended (Figure 2). This zone permits agricultural and rural residential uses on large lots.

The subdivision is proposed to be zoned to permit street townhouses and semi-detached dwelling units and associated home occupations under the Residential Two *544 (R2*544) wide shallow provisions of By-law 177-96, as amended (Appendix 'B').

Further refinements to this draft by-law are under discussion with the applicant and the by-law will be brought to Council for enactment once it has been finalized.

OPTIONS/DISCUSSION:**Public Meeting held**

On May 19, 2015, a Public Meeting was held to obtain input from the public. Comments were raised by the Development Services Committee members and members of the public as follows:

- 1.) Additional traffic using the existing residential road network resulting from the extensions of both Tannis Street and Lorne Glen Street;
- 2.) Consider extending Thomas Foster Street into the proposed development;
- 3.) Lack of visitor parking within the proposed plan;
- 4.) Concern over the proposed relocation of the Heritage Dwelling;
- 5.) Clarification about how and when the front yards of the existing lots fronting onto Lorne Glen and Tannis Streets, will be restored to landscaped front yards and driveways;
- 6.) Proposed 5.0 wide units are too narrow. Consideration should be made to widen the proposed units, including consideration for the inclusion of singles or semi-detached units within the plan to be more compatible with the existing community to the north.

The applicant has addressed the items above, as follows:

1.) Concern over additional traffic

The applicant has submitted a transportation study in support of the proposed development. Based on the proposed development the study concludes that the proposed development will generate a total of 16 trips in the a.m. peak hour and 19 trips in the p.m. peak hour. It concluded that the expected site traffic will generate negligible impacts on the nearby local roads. City Staff have reviewed and found the rationale acceptable and concur with the consultant's opinion.

2.) Extension of Thomas Foster Street

The proposed plan has been modified to include the connection of Thomas Foster Street. This additional road connection will provide additional entry and egress options. However, the existing asphalt of Thomas Foster Street terminates approximately 13.5 metres (44.3 feet) to the east of the subject site. The subdivision agreement between the City and the developer of that subdivision stipulates that, prior to the City's assumption of this subdivision, Kennedy Mackenzie Consix Investments Limited will be required to extend Thomas Foster Street, free of cost and encumbrances to the City, to connect with the eastern boundary or the subject development.

3.) Lack of visitor parking

As the proposed townhouses will front on a public road, there is no requirement for additional visitor parking above the zoning requirement of 2 spaces per unit.

However, staff estimates that eleven on street parking spaces can be accommodated.

4.) Relocation of the Heritage Dwelling

The Heritage dwelling was originally proposed to be relocated to the southerly portion of the draft plan, immediately adjacent to Kennedy Road. Both Heritage Markham and the Development Services Committee requested that the dwelling be preserved in its original location. However, due to the proposed Tannis Street road extension, the Heritage Dwelling is now being relocated approximately 10 metres (33 feet) to the east of its present location. See Figure 6. This approach is supported by Heritage Markham and Markham Heritage Planning Staff (Appendix 'C').

5.) Landscaped front yards and driveways for the existing lots fronting onto Lorne Glen and Tannis Streets

City Staff have discussed, with the developer to the north, their obligation to restore the front yard landscaping, driveways, infrastructure and roadwork off the temporary cul-de-sacs. Fairglen Homes Limited has verbally acknowledged their responsibility to do this restoration work. The City is holding securities for the restoration and removal of the cul-de-sacs under the existing Subdivision Agreement for these affected properties. The timing of the required restoration work is dependent on the approval and infrastructure/roadwork required for this development as the connecting road network for this draft plan must be in place and open prior to the removal of the Tannis and Lorne Glen temporary cul-de-sacs.

6.) 5.0 wide units and the consideration for singles or semi-detached units within the plan

The initial plan proposed 24 of the 35 townhouse units (68.5% of the total units), with widths of 5.0 metres (16.4 feet). Concerns were raised at the Public Meeting that these units were undersized and not consistent with other similar infill developments recently approved. The new plan proposes 12 units with widths of 5.5metre (18 feet) and 18 townhouse units/lots with widths of 6.0 metres or greater. The draft Zoning By-law limits the number of 5.5metre (18 feet) wide units to 12 (37.5% of the total units), to ensure variation in the unit types within the plan.

Additional matters identified in Staff's Preliminary Report of April 21, 2015

The April 21, 2015 Preliminary Report identified a number of matters that needed to be resolved. These included:

1) Ensuring a high quality streetscape

The development is to be built in accordance with the approved '*Kai-Tak International Investment Inc Urban Design Brief*';

2) Ensuring that all building entries contain no more than four exterior risers

The elevation drawing shown on Figure 7 is conceptual. Further review at architectural design control stage will ensure conformity with this requirement. The draft zoning by-law includes a provision with respect to the height of the finished first floor above grade;

3) Sustainable design measures

The Owner has provided a list of sustainable design measures (see Appendix 'D');

4) Public parkland dedication and or cash-in-lieu of parkland

The applicant will need to become a member in good standing of the Berczy Village Landowners Group, including cost sharing contribution for parkland and other community facilities;

5) Ensuring that the development adheres to City of Markham dark sky and bird friendly requirements

The Owner has committed to adhering to this City policy including:

- “1. The street light illumination will have lighting that will be directed down as to not impact adjacent properties;
2. House illumination will have lighting that is consistent downward directed lighting; and,
3. Non reflective glazing will be installed on the dwelling units as to not reflect vegetation.”

Building modifications for the physically challenged

The developer was asked if the units are accessible to people with physical challenges.

Kai Tak International has acknowledged that the units can be modified on an “as needed” basis to accommodate people with different abilities. This may include the following:

- i. Lifts and/or ramps to facilitate movement between different levels of the home;
- ii. Widened hallways, doorways and landings to ensure ease of movement;
- iii. Accessible bathrooms (turning space and special fixtures); and,
- iv. Accessible kitchens (counter height, turning movement and special fixtures).

Landowners Group membership

The Berczy Village Landowners Group has advised that the Owner has joined the Group. However, their Trustee release has not yet been issued. Written confirmation of the Owners membership “in good standing” shall be confirmed prior to the registration of the plan.

Region of York has provided draft conditions

The Region of York has provided draft conditions, which may require revisions to the draft plan. Prior to being forwarded to Council for approval, the draft plan shall be finalized to the satisfaction of the Region of York.

FINANCIAL CONSIDERATIONS:

There are no financial matters to be considered in this report.

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

BUSINESS UNITS CONSULTED AND AFFECTED:

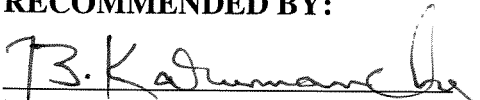
The applications have been reviewed by various City departments and external agencies. Requirements of the City and external agencies have been reflected in the conditions of draft plan of subdivision approval and the implementing zoning by-law amendments.

CONCLUSION:

Staff are of the opinion that the proposed plan of subdivision is appropriate for this area and provides the required extensions of Tannis, Lorne Glen and Thomas Foster Streets. Staff have been working closely with the applicant to produce a plan that is attractive, pedestrian friendly, and sympathetic to the existing subdivision to the north. Staff recommend that Council endorse the draft plan of subdivision and zoning, subject to the conditions set out in this report.

Staff anticipate continuing to work closely with the proponent to finalize the draft plan conditions and the zoning by-law prior to them being sent to Council for approval.

RECOMMENDED BY:



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



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

ATTACHMENTS:

Table 1: Development Statistics

Table 2: Unit/Lot Widths

Table 3: Subdivision Statistics

Figure 1: Location Map

Figure 2: Area Context and Zoning

Figure 3: Air Photo

Figure 4: Initial Draft Plan

Figure 5: Proposed Draft Plan

Figure 6: Conceptual Site Plan

Figure 7: Conceptual Elevations

Figure 8: Temporary Cul-de-sacs and associated temporary easements (Tannis Street and Lorne Glen Street)

Appendix 'A': Conditions of Draft Plan of Subdivision

Appendix 'B': Draft By-law Amendment to 177-96 and 304-87

Appendix 'C': Heritage Markham's resolution of September 21, 2015

Appendix 'D': Sustainable Design measures

Agent:

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TABLE 1
DEVELOPMENT STATISTICS

Site Area:	~0.80 hectares (1.97 acres)
Townhouse Units (including the retention of the Heritage Dwelling: Equivalent Population @ 2.86 people per unit (ppu):	30 85.8*
Semi-detached Units @ 3.69 people per unit (ppu):	2 7.38*
Net Residential Density - units per hectare (units per acre):	39.5 (16 upa)
Total projected population	93

* People per unit (ppu) multiplier was determined by the findings of the 2013 Hemson development charges background study

TABLE 2
UNIT/LOT WIDTHS

	Townhouse Unit/Lot Widths
Interior Units	5.5m (18 feet) - 12
	6.0m (19.7 feet) - 8
End Units	7.15m (23.5 feet) - 3
	7.50m (24.6 feet) - 3
	8.91m (29.2 feet) - 1
	9.33m (30.6 feet) - 1 ⁽¹⁾
	9.5m (31.2 feet) - 1 ⁽²⁾
	14.24m (46.7 feet) - 1 ⁽³⁾

(1) Abuts the future Harbord Street extension

(2) Abuts Kennedy Road

(3) Heritage dwelling

	Semi-detached Unit/Lot Widths
Interior Unit	7.2m (23.6 feet) - 1
End Unit	8.06m (26.4 feet) - 1

TABLE 3
SUBDIVISION STATISTICS

LAND USE	NO. OF UNITS	BLOCK NO.	HECTARES (ACRES)
Roads/Lanes			0.303 (0.748)
Townhouse Dwellings	30	1,2, 4-6	.488
Semi-detached Dwellings	2	3	(1.21)
Road Widening		7	0.005 (0.01)
TOTAL	32		0.796 (1.97)

FIGURE 1 – LOCATION

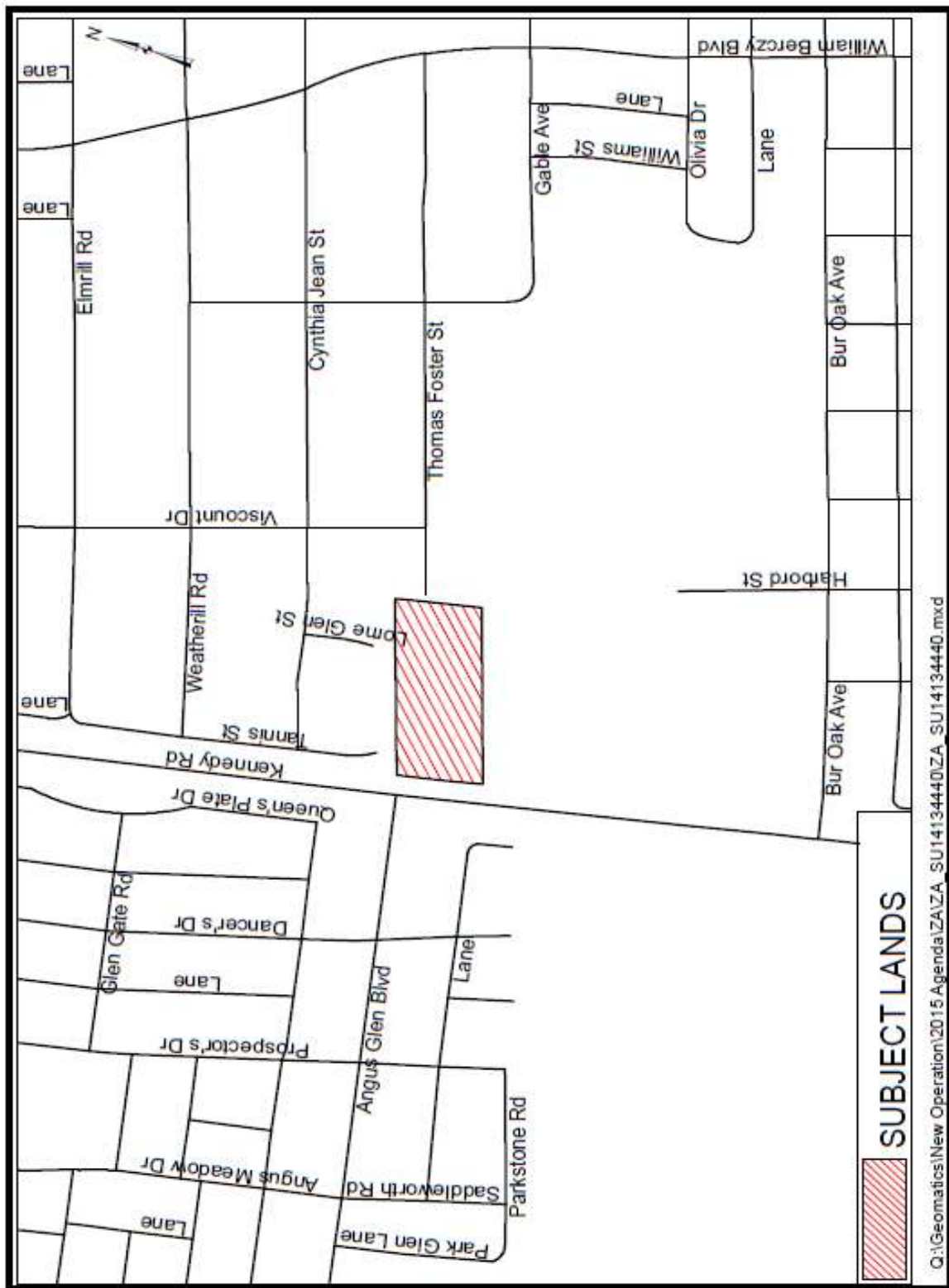


FIGURE 2 - AREA CONTEXT AND ZONING



FIGURE 3 - AIR PHOTO



FIGURE 4 - INITIAL DRAFT PLAN

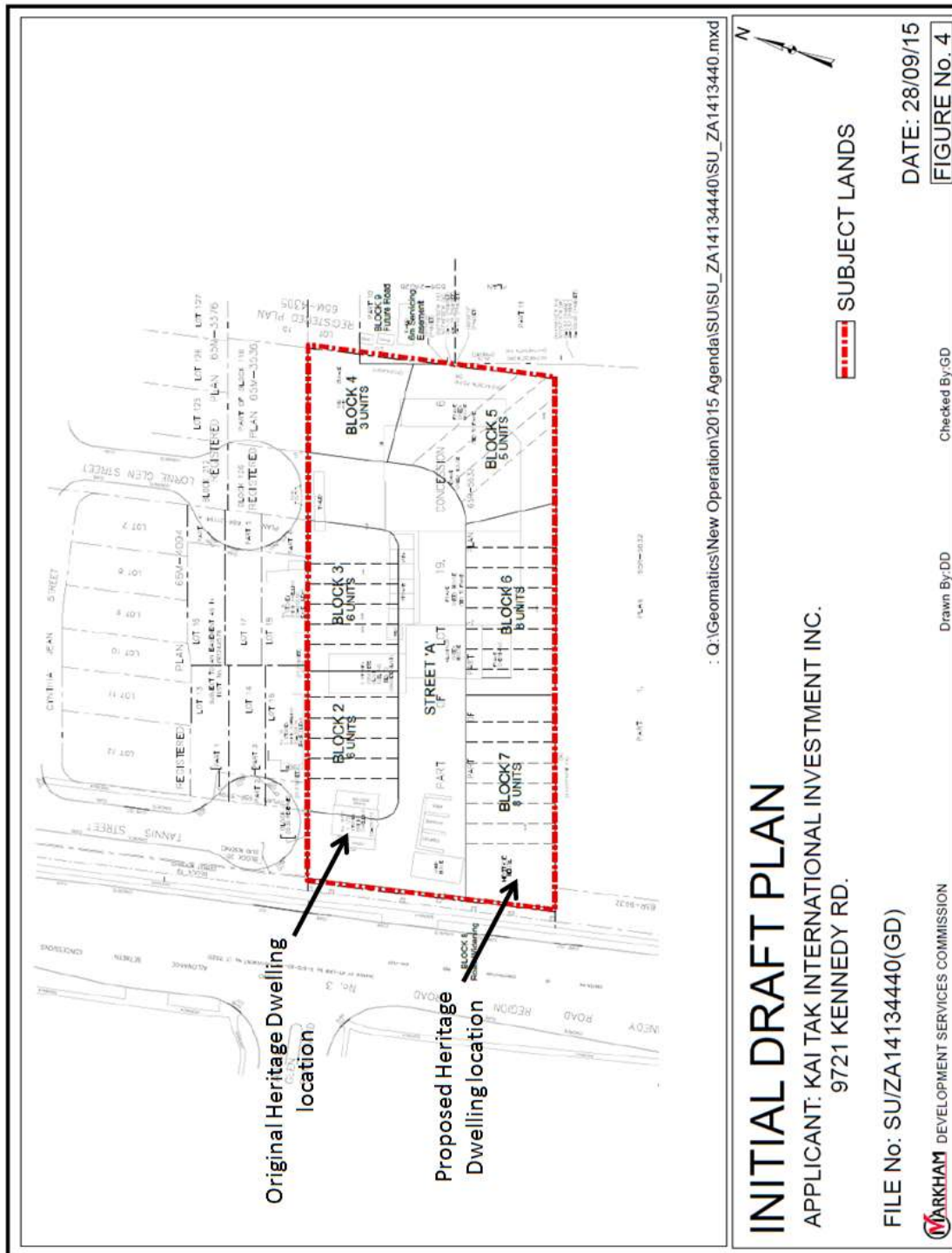


FIGURE 5 - PROPOSED DRAFT PLAN



FIGURE 6 - CONCEPTUAL SITE PLAN

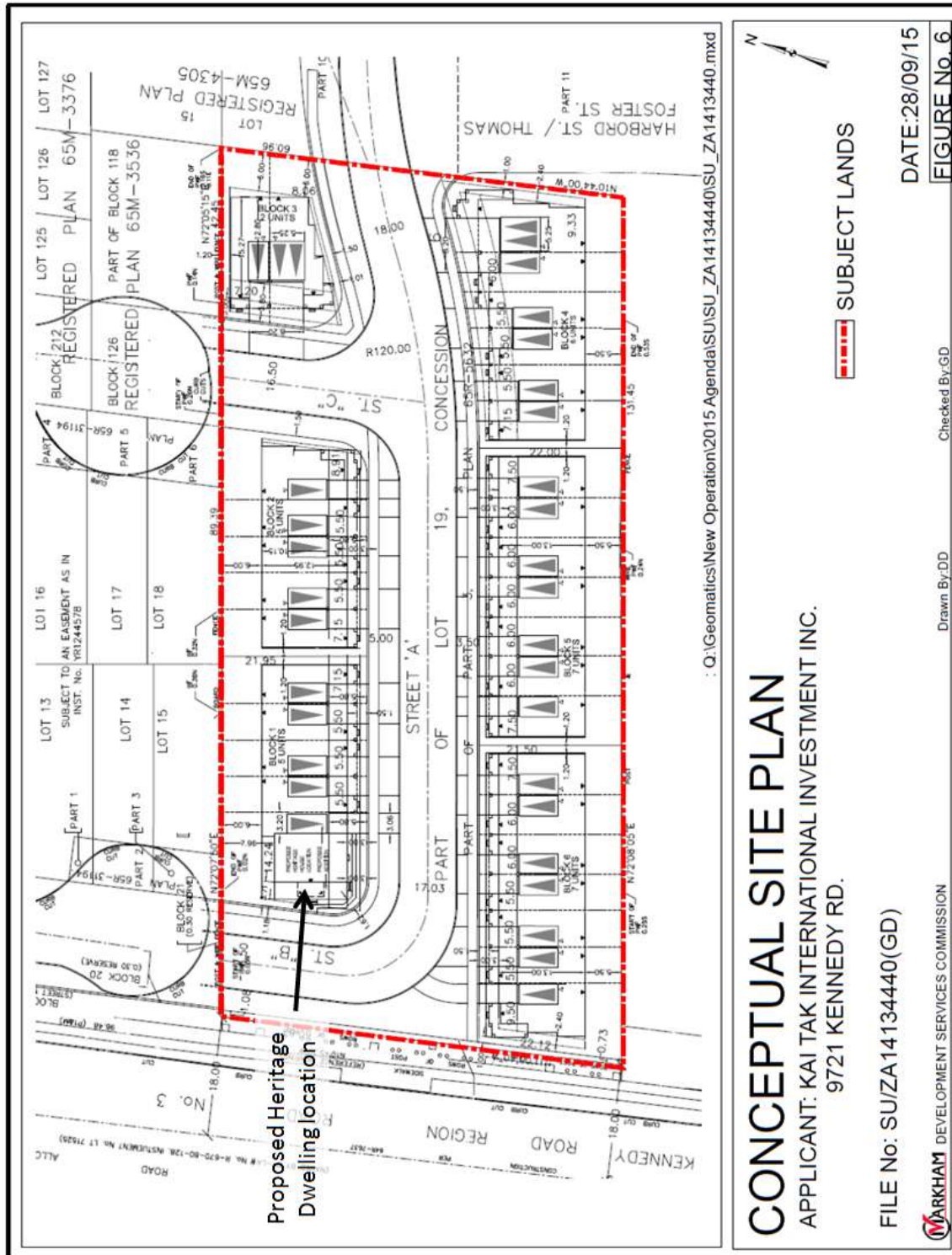
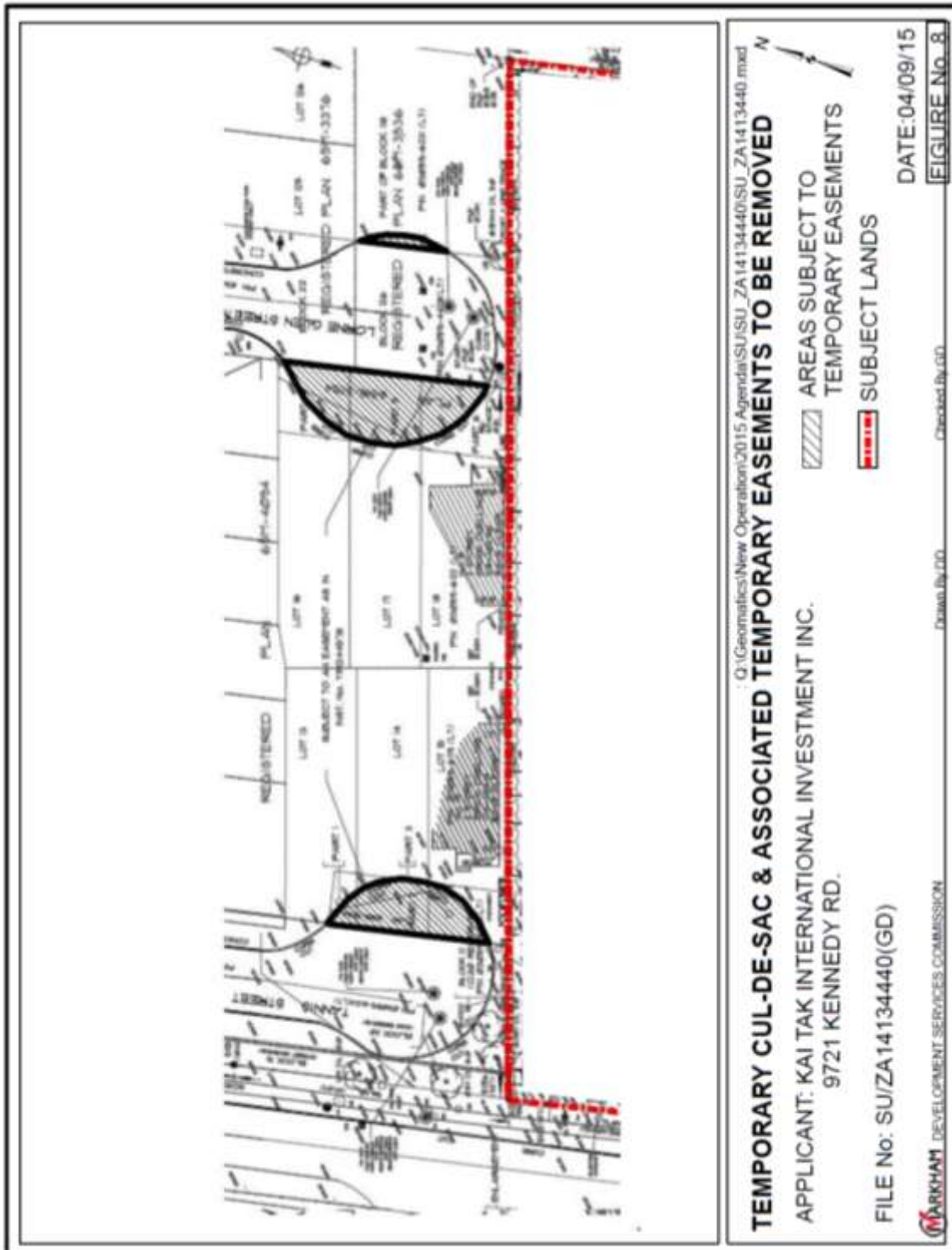


FIGURE 7 - CONCEPTUAL ELEVATIONS



FIGURE 8 - TEMPORARY CUL-DE-SACS AND ASSOCIATED TEMPORARY EASEMENTS (TANNIS STREET AND LORNE GLEN STREET)



Appendix 'A': Conditions of Draft Plan of Subdivision

**THE CONDITIONS OF THE COUNCIL OF THE CITY OF MARKHAM TO BE
SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF
SUBDIVISION 19TM-14015 (KAI TAK INTERNATIONAL INVESTMENT INC.)
ARE AS FOLLOWS:**

1. General

- 1.1 Approval shall relate to a Draft Plan of Subdivision 19TM-14015 prepared by Evans Planning, revision dated August 10, 2015.
- 1.2 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the City, to implement or integrate any recommendations from studies required as a condition of draft approval, including, but not limited to, Transportation Impact Study, Internal Functional Traffic Design Study, Stormwater Management Study, Internal Servicing Study, Noise Impact Study, confirmation of alignment of roads with the locations shown in the draft approved plans, as well as any comments and conditions received from municipal departments and Condition 20, if necessary, to the satisfaction of the City and the Region of York.
- 1.3 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 October 19, 2018, unless extended by the City upon application by the Owner.
- 1.4 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.
- 1.5 The Owner acknowledges and understands that prior to final approval of this draft plan of subdivision, amendments to Zoning By-laws 304-87 and 177-96 to implement the plan shall have come into effect in accordance with the provisions of the Planning Act.
- 1.6 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the City and the Region to implement or integrate any recommendations resulting from studies of other related matters identified.
- 1.7 Prior to execution of the subdivision agreement the Owner shall provide a letter of credit, in an amount to be determined by the Director of Planning and Urban Design, to ensure compliance with applicable tree preservation, fencing, streetscape, buffer and other landscaping requirements.

2. Roads

- 2.1 The road allowances within the draft plan shall be named to the satisfaction of the City and the Region of York.
- 2.2 The road allowances within the draft plan shall be dedicated as public highway, free of all costs and encumbrances.
- 2.3 The Owner shall covenant and agree in the subdivision agreement that the public highways shall be designed and constructed in accordance with established municipal standards to the satisfaction of the City (Commissioner of Development Services).
- 2.4 Prior to the final approval of the draft plan, the Owner shall show the ROW rounding radius and/or daylight triangles of all road intersections, as redlined on the draft plan, to the satisfaction of the City (Commissioner of Development Services).
- 2.5 The Owner shall coordinate the works of extending the watermain, sidewalks, roads (removal of temporary turning circles at Tannis Street and Lorne Glen Street), curbs, and other required infrastructure with the developers to the north (Fairglen Homes Ltd. 19TM-05003) to ensure that all the municipal infrastructure, boulevards, Streetlights and roads are extended to the satisfaction of Director of Engineering.
- 2.6 The Owner shall coordinate the works of extending the municipal services (Storm, Sanitary and Water), sidewalk, road (from current terminus of Thomas Foster Street and Street 'A), curbs, and other required infrastructure with the developer to the east (Kennedy Mackenzie Consix Investments Limited 19TM-040017)/Berczy Village Landowners Group to ensure that all the municipal infrastructure, boulevards, Street lights and roads are extended to the satisfaction of Director of Engineering.

3. Noise Impact Study

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

(Commissioner of Development Services), in consultation with the Region of York.

4. Tree Inventory and Tree Preservation Plans

- 4.1 The Owner shall submit for approval a tree inventory and tree preservation plan to the satisfaction of the Director of Planning and Urban Design in accordance with the City of Markham Streetscape Manual dated 2009, as amended from time to time (“Streetscape Manual”).
- 4.2 The Owner shall submit a site grading plan showing the trees to be preserved based on the approved Tree Preservation Plan prior to the issuance of a Top Soil Stripping Permit to the satisfaction of the Director of Planning and Urban Design.
- 4.3 The Owner shall provide tree protection in accordance with the City of Markham “Streetscape Manual” and the approved Tree Preservation Plan, to the satisfaction of the Director of Planning and Urban Design.
- 4.4 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 and within 6.0m of the property line in accordance with the “Streetscape Manual”.
- 4.5 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) Replacement trees to be with 60mm caliper trees appropriate for site conditions and listed in *Appendix A – Selected Species List* in the *City of Markham Trees for Tomorrow Streetscape Manual*.
 - e) Tree replacement must occur within 5 years of tree removal. Replacement trees to be under warranty for a period of 2 years from substantial performance acceptance from the City of Markham.

- f) The requirement for the replacement or equivalent economic value following unauthorized tree removal or damage shall be determined by the City.

5. Community Design

- 5.1 The Owner shall implement and incorporate all requirements of the approved *Kai-Tak International Investment Inc Urban Design Brief*.
- 5.2 The Owner shall retain a design consultant to prepare *Architectural Control Guidelines* (“ADG”) to be submitted to the Director of Planning and Urban Design for approval prior to execution of the subdivision agreement.
- 5.3 The Owner shall retain a design consultant to implement the Architectural Control Guidelines (“ADG”).
- 5.4 Plans submitted for model home permits for any building within the plan of subdivision shall bear an approval stamp identifying the architectural company retained for architectural control and the signature of the control architect. The approval stamp shall certify that the floor plans, building elevations and site plans are designed in accordance with the approved architectural control guidelines.
- 5.5 The Owner shall ensure that the design architect for any buildings within the plan of subdivision shall not also assume the role of control architect for the plan of subdivision.

6. Parks and Open Space

- 6.1 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.
- 6.2 The Owner shall provide a letter from the Trustee confirming parkland dedication obligation associating with this draft plan of subdivision has been satisfied. In the event of under-dedication, the owner shall provide parkland dedication in the form of cash-in-lieu to the City of Markham, and in accordance with the City’s Parkland Dedication By-law enforce at the time, prior to the execution of subdivision agreement.

7. Landscape Works

- 7.1 The Owner shall submit landscape plans based on the approved *ADG* and *CDP* into all landscape works, to the satisfaction of the Director of Planning and Urban Design:

- a) Minimum 1 street tree per lot, planted in accordance with the “Streetscape Manual”;
- b) Required soil quality and volume in accordance with the “Streetscape Manual” including but not limited to the use of silva cell soil system where deemed necessary;
- c) 1.8m high wood screen corner lot fencing with masonry pillars;
- d) Decorative fence and planting along Kennedy Road. Fence design and material to match existing decorative fence to the north.
- e) Noise attenuation fencing as determined by an approved noise study;
- f) Fencing between residential and non-residential sites;
- g) Sidewalks on both sides of Tannis Street; and
- h) Any other landscaping as determined by the *CDP* and the *Environmental Master Drainage Plan*.

- 7.2 The Owner shall construct all landscaping in accordance with the approved plans at no cost to the City.
- 7.3 The Owner shall provide a minimum 200mm depth of topsoil in the entire municipal boulevard to appropriately plant boulevard trees to the satisfaction of the Director of Planning and Urban Design.
- 7.4 The Owner shall provide a soil report for approval in accordance with the “Streetscape Manual”, to the satisfaction of the Director of Planning and Urban Design, prior to the installation of any soil within the boulevard and on public lands.
- 7.5 The Owner shall arrange with the Director of Planning and Urban Design inspections of all areas of landscape works prior to the installation of any planting soil and plant materials in accordance with the approved plans.
- 7.6 The Owner shall notify the Director of Planning and Urban Design 72 hours prior to any landscape works commencing.
- 7.7 The Owner shall guarantee the prescribed works for two (2) years from City receipt of the Landscape Architect’s accepted certificate of substantial completion.
- 7.8 The Owner shall not permit their builders to charge home purchasers for the items listed in Conditions 7.1 and 7.9.
- 7.9 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)
- CORNER LOT FENCING
- 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 WALKWAY AND OTHER AREAS AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE CITY
- BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND SINGLE LOADED STREET ALLOWANCES
- SUBDIVISION ENTRY FEATURES AND OTHER LANDSCAPE WORKS AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE CITY

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

8. Municipal Services

- 8.1 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.
- 8.2 The Owner shall covenant and agree in the subdivision agreement that they shall be required to construct, or pay for the construction of, roads, bicycle lanes, curbs, gutters, sidewalks, sidewalk connection to Kennedy Road (in accordance with the applicable Council policy and City’s design standards), underground and above ground services, street lights, street signs, utilities, stormwater management facilities, etc., to the satisfaction of the City (Commissioner of Development Services).
- 8.3 Prior to final approval of the draft plan, detailed engineering drawings shall be provided in accordance with the City’s Design Criteria, by the Owner which will include, but not be limited to grading control plans, plan

and profile drawings of all underground and aboveground services, general plans, drainage plans, streetlighting design drawings, composite utility plans, stormwater management detail plans, etc. to the satisfaction of the City (Commissioner of Development Services).

- 8.4 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Services has been advised by the Fire Chief that there is an adequate water supply for firefighting operations and acceptable access for firefighting equipment is available.

9. Transportation Demand Management (TDM) Plan

- 9.1 The Owner covenants and agrees as follows, all to the satisfaction of the Director of Engineering or other approval as set out in this clause:

- (a) That the Owner shall prepare a Transportation Demand Management Plan (the "TDM Plan"), for review and approval by the City, which TDM Plan shall outline strategies for the 32 residential units to improve available transportation options, reduce auto dependence and increase the mode share of non-auto modes. The Owner covenants and agrees to implement the recommendations of the TDM Plan.
- (b) That the Owner shall implement the requirements of the TDM Plan which shall include, but not be limited to:
- Contacting the manager of marketing and communications at York Region Transit to obtain further information on providing transit subsidies to residents.
 - Provision of walking support facilities such as sidewalk that are accessible, convenient and visible. The location of such walking facilities shall be clearly indicated on a site plan drawing.
 - Preparation and provision of welcome packages to promote on-site TDM facilities and alternative transportation options to new and prospective residents upon occupancy. The information package to each purchaser will include but is not limited to, information regarding bus routes and schedules, and bicycle network, to the satisfaction of the Commissioner of Development Services.

- Participate in the City's monitoring program, including but not limited to mode split reporting, and pre/post-occupancy survey, to evaluate the success of the proposed TDM measures.

10. Well Monitoring Program and Mitigation Plan

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

11. 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 on all offers of purchase and sale a statement that advises prospective purchasers that mail delivery will be from a designated Community Mailbox. The Owners will further be responsible for notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sale.
- 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. Telephone or telecommunication provider:

- 12.1 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 service 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 connections to individual dwelling units within the subdivision as and when each dwelling unit is constructed.
- 12.2 Prior to release for registration of the draft plan of subdivision, the telephone or telecommunication provider shall confirm that satisfactory arrangements, financial and otherwise, have been made with the telephone or telecommunications provider for any telephone or telecommunications facilities serving this draft plan of subdivision which are required by the Municipality to be installed underground; a copy of such confirmation shall be forwarded to the Municipality.
- 12.3 The Owner shall agree in the Subdivision Agreement, in words satisfactory to the telephone or telecommunications provider, to grant to the provider any easements that may be required for telecommunication services.

13. Canada Post:

- 13.1 The Owner shall covenant and agree in the Subdivision Agreement to include on all offers of purchase and sale, a statement that advises the prospective purchaser that mail delivery will be from a designated Community Mail Box. The Owner will be responsible for notifying the purchaser of the exact Community Mailbox locations prior to the closing of any home sale.
- 13.2 Prior to release for registration of the draft plan of subdivision, the Owner will consult with Canada Post Corporation to determine suitable locations for the placement of Community Mailboxes, and will indicate on the appropriate servicing plans:
- the locations of Community Mailboxes;
 - an appropriately sized section (concrete pad) as per municipal standards, to place the Community Mailboxes on;
 - any required walkways across the boulevard, as per municipal standards; and
 - any required curb depressions for wheelchair access to the satisfaction of the Commissioner of Development Services and Canada Post.
- 13.3 The Owner shall covenant and agree in the Subdivision Agreement to provide suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalk, and final grading have been completed at the permanent Community Mailbox locations.
- 13.4 The Owner shall covenant and agree in the subdivision agreement to facilitate the construction of Canada Post facilities at such locations in a manner which is agreeable to Canada Post and the City (Commissioner of Development Services) and that where such facilities are to be located within public highway rights-of-way, such facilities shall be approved on the Composite Utility Plan and shall be constructed in accordance with the Community Design Plan.
- 13.5 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 installations, any costs over and above the standard installation must be borne by the developer, and be subject to approval by the City in consultation with Canada Post.

14. Enbridge Gas Distribution:

- 14.1 The Owner shall covenant and agree in the Subdivision Agreement to:

- install all of the natural gas distribution system within the proposed road allowances;
- grade all streets to final elevation prior to the installation of the gas lines;
- provide the necessary field survey information required for the installation of the gas lines, all to the satisfaction of Enbridge Gas Distribution; and,
- coordinate the preparation of an overall utility distribution plan to the satisfaction of all affected authorities

15. Development Charges

- 15.1 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.
- 15.2 The Owner covenants and agrees to pay all necessary fees and development charges at the time of execution of the subdivision agreement.

16. Environmental Clearance

- 16.1 The Owner covenants and agrees to submit Environmental Site Assessment (ESA) report(s) including any remediation reports prepared by a “Qualified Person”, in accordance with the Environmental Protection Act and its regulations and all applicable standards, for peer review and concurrence. The Owner covenants and agrees to pay all costs associated with the City retaining a third-party consultant to peer review ESA reports. The “Qualified Person” shall be defined as the person who meets the qualifications prescribed by the Environmental Protection Act and O. Reg. 153/04, as amended.
- 16.2 The Owner covenants and agrees that, prior to execution of this Agreement, an environmental clearance shall be provided to the City for the Lands, to the satisfaction of the Director of Engineering. The City shall be satisfied that the Lands are environmentally suitable for their proposed use, in accordance with the Environmental Protection Act and its regulations. An Environmental Clearance and Reliance Letter as per the City’s standard, signed by the Qualified Person, shall be submitted to the City. The City will not accept any modifications to the standard Environmental Clearance and Reliance Letter. The Qualified Person shall file a Record of Site Conditions on the Provincial Environmental Site Registry for all lands to be conveyed to the City.

- 16.3 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, and City's requirements to the satisfaction of the Director of Engineering and the Ministry of Environment.
- 16.4 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, suite, claims, demands, losses, expenses and damages whatsoever that may arise either directly or indirectly from the approval and Assumption by the City of the Works, the construction and use of the Works or anything done or neglected to be done in connection with the use or any environmental condition on or under the Lands, including any work undertaken by or on behalf of the City in respect of the Lands and the execution of this Agreement.

17. Heritage

- 17.1 Prior to final approval of the draft plan of subdivision or any phase thereof, the Owners shall carry out a cultural heritage resource assessment for the lands within the draft plan to ensure the assessment and identification of appropriate treatment of archaeological resources, and further to mitigate any identified adverse impacts to significant heritage resources to the satisfaction of the City (Commissioner of Development Services) and the Ministry of Culture. No demolition, grading, filling or any form of soil disturbances shall take place on the lands within the draft plan prior to the issuance of a letter from the Ministry of Culture to the City indicating that all matters relating to heritage resources have been addressed in accordance with licensing and resource conservation requirements.
- 17.2 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.
- 17.3 The Owner covenants and agrees to relocate the Heritage Building (Stiver Tenant House), known municipally as 9721 Kennedy Road to Block 1 of the draft plan.
- 17.4 The Owner covenants and agrees to protect and conserve the Heritage Building through the following means:

- a) To keep the Heritage Building occupied for as long as possible prior to commencement of site/construction work to prevent vandalism and deterioration;
- b) To maintain the Heritage Building in good and sound conditions at all times prior to and during the development of the property;
- c) Once the Heritage Building is unoccupied, 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 8 ft 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.

17.5 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 to facilitate the registration of the designation and easement agreements on the created/proposed lot;
- b) The Owner is to enter into a Heritage Easement Agreement for the Heritage Building with the City;
- c) The Owner is to provide a \$125,000.00 Letter of Credit for the Heritage Building to ensure the successful relocation of the building to the new lot within the proposed subdivision;
- d) Once the Heritage Building has been lowered and attached to the new foundation to the satisfaction of the City (Heritage Section) staff, the letter of Credit for the Heritage Building may be reduced to \$94,500.00 to ensure the preservation of the existing building. This 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 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;
 - e) 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.
- 17.6 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 Building Standards Department within two 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 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;
- 17.7 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 the Heritage Building(s) will be marketed to prospective purchasers;
- 17.8 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 interpretative 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.”

- 17.9 Prior to final approval of the plan of subdivision or any phase thereof, the Manager of Heritage Planning shall advise that Conditions 17.1 to 17.8, inclusive, have been satisfied.

18. Other City Requirements

- 18.1 The Owner covenants and agrees to enter into a developer's Group Agreement for the Berczy Village Secondary Plan Area; which agreement shall contain, inter alia, the following:

- (a) Provision whereby the Owner agrees to contribute its pro rata share of the following:
- (i) Trunk sanitary sewers;
 - (ii) Trunk watermains;
 - (iii) Signalization of internal roads;
 - (iv) Stormwater management facilities;
 - (v) Trunk storm sewers;
 - (vi) Other infrastructure as approved by the Director of Engineering;
 - (vii) All parks (neighborhood and community parks);
 - (viii) School sites (public and separate elementary and secondary schools);
 - (ix) Lands for community facilities such as bus loops, etc.;
 - (x) Internal road oversizing;
 - (xi) External stormwater management improvements;
 - (xii) External sanitary and storm connections as required; and
 - (xiii) Bike path requirements.

The Owner covenants and agrees to abide by the developers' Group Agreement and to pay its proportionate share of costs in the event that the

Owner has less than its proportionate share of non-developable lands on its Plan of Subdivision.

The Owner covenants and agrees that the Plan of Subdivision shall not be released for registration by the City until the Owner delivers a release to the city from the Trustee of the Developers' group Agreement to the effect that all conditions of the said Developers' Group Agreement have been met to the satisfaction of the Trustee.

18.2 The Owner shall covenant and agree in the Subdivision Agreement to:

- a) purchase from the City two recycling containers, one green bin and one kitchen collector per residence upon application for occupancy permits so that each purchaser may participate in a waste diversion program;
- b) ensure that the containers, units and education materials are deposited in each home on or before the day closing;
- c) contact the City at least four weeks in advance to arrange an appointment time in which blue boxes, green bins and kitchen collectors are to be collected by the Owner;
- d) pay the City the cost for the containers and units as outlined in condition 20.2 a). The Owner covenants and agrees to collect from the City all required recycling containers, and that all containers shall be provided to the purchasers at the same cost as paid to the City;
- e) ensure that unobstructed roadway access to a width no less than 6 metres will be provided upon unit occupancy, 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 and recyclables from the occupied units to an agreed upon centralized location at the Owner's expense, for collection by the City.

18.3 The City shall covenant and agree in the Subdivision Agreement to provide at no cost to the Owner all educational materials necessary to enable the purchaser to participate in a recycling program.

18.4 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 site specific zoning by-law governing this subdivision restricts the width of a single car driveway to a maximum of 3.0 metres. This width does not allow two cars to park side by side
- overnight street parking will not be permitted unless an overnight street parking permit system is implemented by the City.

18.5 The Owner shall covenant and agree in the subdivision agreement to provide energy star high efficiency furnaces, energy star hot water tanks, and, where purchased through the builder, energy star air conditioning units for all residential units within the subdivision and to ensure that any appliances included in the sale of the houses are energy star certified.

19. Fire Department

19.1 The Owner acknowledges and agrees that firebreak lots within the draft plan shall be designated in the subdivision agreement, to the satisfaction of the Fire Chief. The Owner shall provide a letter of credit in an amount to be determined by the Fire Chief at the subdivision agreement stage to ensure compliance with this condition.

19.2 The Owner 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 that two means of access, independent of one another are to be provided into the development under all conditions.

20. Region of York

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

20.2 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.

20.3 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.

- 20.4 Prior to final approval, the engineering drawing showing the layout of the watermain and sewers shall be submitted to the Infrastructure Asset Management branch for review.
- 20.5 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.
- 20.6 For all lands, the Holding (H) provisions of Section 36 of the *Ontario Planning Act* shall be used in conjunction with all residential zone categories in order to ensure that final plan approval and development of these lands does not occur until such time as the Holding (H) symbol is removed in accordance with the provisions of the *Ontario Planning Act*. The Zoning Bylaw shall specify the terms under which Council may consider the removal of the Holding (H) symbol. Said terms shall include a minimum of the following:
- The City of Markham approves a transfer of servicing allocation to this development that is not dependent upon the completion of infrastructure; or,
 - York Region has advised in writing that the required infrastructure to support the capacity assignment associated with this development will be completed within a time period acceptable to the Region (usually 6 to 36 months depending on the complexity of the development) to permit the plan registration; or,
 - The Regional Commissioner of Environmental Services confirms servicing allocation for this development by a suitable alternative method and the City of Markham allocates the capacity to this development.
- 20.7 Prior to final approval, the Owner shall agree that no direct private access will be allowed onto Kennedy Road. All accesses must be provided via local roads network.
- 20.8 Prior to final approval, the Owner shall agree to provide direct shared pedestrian and cycling connections from the proposed development to Kennedy Road and other public streets to support active transportation and public transit. A drawing shall be provided to illustrate the active transportation connections.

- 20.9 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.
- 20.10 Prior to final approval, the Owner shall have prepared, by a qualified professional transportation consultant, a Functional Transportation report/plan outlining the required Regional road improvements for this subdivision. The report/plan, submitted to the Community Planning and Development Services Division for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues.
- 20.11 Prior to final approval, the Owner shall provide a written undertaking, to the satisfaction of the Community Planning and Development Services Division, that the Owner agrees to implement the recommendations of the functional transportation report/plan as approved by the Community Planning and Development Services Division.
- 20.12 Prior to final approval, the Owner shall submit detailed engineering drawings, to the Community Planning and Development Services Division, Development Engineering Section, 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, construction access and mud mat design, utility and underground servicing location plans, pavement markings, traffic control/construction plans and landscape plans.
- 20.13 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.
- 20.14 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Community Planning and Development Services Division, that all existing driveway(s) along the Regional road frontage of this subdivision will be removed as part of the subdivision work, at no cost to York Region.
- 20.15 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Community Planning and Development Services Division, that elevations along the streetline shall be 0.3 metres above the centreline

elevations of the York Region roadway, unless otherwise specified by the Community Planning and Development Services Division.

- 20.16 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Community Planning and Development Services Division, that the Owner will provide the installation of visual screening between Street “A” and Kennedy Road, consisting of either a screening fence or a combination of a berm and appropriate planting, to a minimum of 1.8 metres in height, to be located within the Right-Of-Way of Street “A”. The Owner shall submit to the Community Planning and Development Services Division for review and approval, landscape plans showing the proposed planting for headlight screening purposes.
- 20.17 The Owner shall agree prior to the development approval of any development blocks in this plan of subdivision, that direct vehicle access from any development lots or blocks to Kennedy Road will not be permitted. Access must be obtained through the internal road network.
- 20.18 Prior to final approval, the Owner shall submit drawings depicting the following to the satisfaction of York Region staff:
- a) All existing woody vegetation within the York Region road Right-Of-Way,
 - b) Tree protection measures to be implemented on and off the York Region road Right-Of-Way to protect Right-Of-Way vegetation to be preserved,
 - c) Any woody vegetation within the York Region road Right-Of-Way that is proposed to be removed or relocated. However, it is to be noted that tree removal within York Region road Right’s-Of-Way shall be avoided to the extent possible/practical. Financial or other compensation may be sought based on the value of trees proposed for removal.
 - d) A planting plan for all new and relocated vegetation to be planted within the York Region road Right-Of-Way, based on the following general guideline:

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

maintain the feature to York Region's satisfaction, the area municipality will be responsible for the cost of maintenance or removal undertaken by the Region.

- 20.19 Prior to final approval, the Owner shall agree that the following lands will be conveyed to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of York Region Solicitor:
- a) A widening across the full frontage of the site where it abuts Kennedy Road of sufficient width to provide a minimum of 21.5 metres from the centreline of construction of Kennedy Road; and
 - b) A 0.3 metre reserve across the full frontage of the site where it abuts Kennedy Road and adjacent to the above noted widening.
- 20.20 Prior to final approval, in order to determine the property dedications (if any) required to achieve the ultimate Right-Of-Way width for Kennedy Road 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 Kennedy Road.
- 20.21 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.
- 20.22 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.
- 20.23 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 I environmental site assessment ("Phase I ESA") of the Owner's lands that are the subject of the application, including the lands to be conveyed to the Region (the "Conveyance Lands"). The Phase I ESA cannot be more than 2 years old as of the actual date title to the Conveyance Lands is transferred to the Region. If the Phase I ESA is linked to different phases of development and there will be multiple conveyances of lands, the Phase I ESA prepared in respect of a specific conveyance and phase of development cannot be more than two years old as of the actual date of transfer of title to the Region. If a Phase I ESA is

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

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

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

- 20.24 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.
- 20.25 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.

20.26 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.

20.27 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".

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

- a) That no part of any noise attenuation feature shall be constructed on or within the York Region Right-Of-Way;
- b) That noise fences adjacent to York Region roads may be constructed on the private side of the 0.3 metre reserve and may be a maximum 2.5 metres in height, subject to the area municipality's concurrence;
- c) That maintenance of the noise barriers and fences bordering on York Region Right-Of-Ways shall not be the responsibility of York Region; and
- d) That any landscaping provided on York Region Right-Of-Way by the Owner or the area municipality for aesthetic purposes must be approved by the Community Planning and Development Services Division and shall be maintained by the area municipality with the exception of the usual grass maintenance.

- 20.29 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Community Planning and Development Services Division, to be responsible to decommission any existing wells on the owner's lands in accordance with all applicable provincial legislation and guidelines and to the satisfaction of the area municipality.
- 20.30 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Community Planning and Development Services Division, that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region's Right-Of-Way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.
- 20.31 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Community Planning and Development Services Division that the Owner will be responsible for determining the location of all utility plants within York Region Right-Of-Way and for the cost of relocating, replacing, repairing and restoring any appurtenances damaged during construction of the proposed site works. The Owner must review, or ensure that any consultants retained by the Owner, review, at an early stage, the applicable authority's minimum vertical clearances for aerial cable systems and their minimum spacing and cover requirements. The Owner shall be entirely responsible for making any adjustments or relocations, if necessary, prior to the commencement of any construction.
- 20.32 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.
- 20.33 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.
- 20.34 The Regional Community Planning and Development Services Division shall advise that Conditions 20.1 to 20.33 inclusive, have been satisfied.
24. External Clearances
- 24.1 Prior to release for registration of the draft plan of subdivision, clearance letters, containing a brief statement detailing how conditions have been met, will be required from authorized agencies as follows:

- (a) The Regional Municipality of York Planning Department shall advise that their conditions and requirements have been satisfied.
- (c) The telephone or telecommunications provider shall advise that their conditions and requirements have been satisfied.
- (d) Canada Post Corporation shall advise that their conditions and requirements have been satisfied.
- (e) Enbridge Consumers Gas shall advise that their conditions and requirements have been satisfied.
- (f) The Ministry of Culture shall advise that their conditions and requirements have been satisfied.

ISSUED:

Ron Blake, M.C.I.P., R.P.P.
Acting Director of Planning and Urban Design

Appendix 'B': Draft By-law Amendment to 177-96 and 304-87



EXPLANATORY NOTE

BY-LAW 2015 - _____

A By-law to amend By-laws 304-87 and 177-96, as amended.

KAI-TAK INTERNATIONAL INVESTMENTS INC.

East side of Kennedy Road, north of 16th Avenue

Part Lot 19, Concession 6

Berczy Village

Lands Affected

This by-law amendment applies to 0.81 ha. (2 acre) of land located on the east side of Kennedy Road, north of 16th Avenue, in Berczy Village.

Existing Zoning

The lands are presently zoned Rural Residential (RR4) by By-law 304-87, as amended.

Purpose and Effect

The purpose of this by-law amendment is to delete the lands from the area zoned by By-law 304-87, as amended, and incorporate the lands into appropriate residential, zone category within By-law 177-96, as amended, as follows:

Residential Two* 544

R2* 544

The effect of this by-law amendment is to permit a plan of subdivision comprised of 30 street-accessed townhouses and 2 semi-detached units on the lands.



BY-LAW 2015 - _____

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

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM
HEREBY ENACTS AS FOLLOWS:

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

2.2 By zoning the lands:

Residential Two* 544

R2* 544

as shown on Schedule "A" attached hereto.

2.3 By adding the following subsections to Section 7 – EXCEPTIONS

**7.544 KAI-TAK INTERNATIONAL INVESTMENTS INC.
EAST SIDE OF KENNEDY ROAD, NORTH OF 16TH
AVENUE
STREET ACCESSED TOWNHOUSE DWELLINGS
AND SEMI-DETACHED DWELLINGS**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol R2*544 on Schedule "A" to this By-law.

7.544.1 Only Permitted Uses

Only the following uses are permitted:

- a) *Townhouse dwellings;*
- b) *Semi-detached dwellings;*
- c) *Home occupations.*

7.544.2 Special Zone Standards

The following specific zone standards apply:

- a) Minimum *lot frontage*
 - (i) *Townhouse Dwelling:*
 - a. interior unit – 6.0 metres;
 - b. end unit – 7.10 metres;
 - c. corner unit – 8.0 metres;
 - (ii) *Semi-detached Dwelling:*
 - a. end unit – 7.1 metres;
 - b. corner unit – 8.0 metres;
 - b) Minimum required *front yard* – 1.5 metres;
 - c) Minimum required *exterior side yard* on the north side of Tannis Street – 1.5 metres;
 - d) Minimum *rear yard* on the north side of Tannis Street – 6.0 metres;
 - e) Minimum *rear yard* on the south side of Tannis Street – 5.5 metres;
 - f) Maximum *height* – 12.5 metres;
 - g) Maximum finished first floor elevation from *established grade* – 1.2 metres;
 - h) Despite section 7.544.2(a)(i)a., a maximum of twelve (12) 5.5 metre wide interior *Townhouse Dwellings* are permitted within the Residential Two *544 [R2*544] zone;
 - i) Maximum width of a *driveway* and a garage door on a *lot* with a *lot frontage* of less than 8.0 metres – 3.0 metres; and
 - j) Maximum width of a *driveway* and a garage door on a *lot* with a *lot frontage* of 8.0 metres or greater – 5.3 metres.
3. All provisions of By-law 177-96, as amended, not inconsistent with the foregoing shall continue to apply to the lands shown on Schedule “A” attached hereto.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS ____ DAY OF _____, 2015.

CITY CLERK

MAYOR

Appendix 'C': Heritage Markham's resolution of September 21, 2015

**HERITAGE MARKHAM
EXTRACT**

DATE: September 21
TO: R. Hutcheson, Manager of Heritage Planning
G. Day, Project Planner

EXTRACT CONTAINING ITEM #8 OF THE NINTH HERITAGE MARKHAM
COMMITTEE MEETING HELD ON SEPTEMBER 9, 2015.

- 8. Zoning By-law Amendment Application**
Draft Plan of Subdivision
Kai Tak International Investment Inc.
Stiver Tenant House
9721 Kennedy Road (16.11)
File Numbers: ZA 14 134440 (Revised)
SU 14 134440 (Revised)
Extracts: R. Hutcheson, Manager of Heritage Planning
G. Day, Project Planner

Heritage Markham Recommends:

That Heritage Markham supports the zoning amendment and subdivision applications for 9721 Kennedy Road as revised to show the Stiver Tenant House relocated closer to its existing, original site on the understanding that the standard Conditions of Draft Approval will include the requirements for a restoration plan and site plan to be submitted and approved by the City, as well as other heritage requirements such as obtaining a Heritage Easement Agreement and a Markham Remembered interpretive plaque; and,

That as part of a future Site Plan Control application relating to the development, the applicant be asked to provide building elevations, drawn to scale, to illustrate how the Stiver Tenant House will relate to the architectural style and massing of the attached townhouses for review and comment by Heritage Markham.

CARRIED

APPENDIX 'D': SUSTAINABLE DESIGN MEASURES

The following strategies may be used for the construction of the buildings on the site to reduce energy consumption, reduce greenhouse gases and reduce water consumption:

1. upgraded building envelope – higher insulation (Roxul insulation),
2. increased air tightness,
3. upgraded windows (energy star),
4. low flow water fixtures: shower heads, faucets, toilets,
5. Low VOC paints, glues and varnish finishes,
6. upgraded roof shingles (30 year life),
7. energy star appliances (Stoves, clothes dryers and front load clothes washer),
8. option to install gas ready stove,
9. compact florescent light bulbs,
10. energy star washroom exhaust fans.