



Report to: Development Services Committee

Report Date: October 5, 2015

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**SUBJECT:** RECOMMENDATION REPORT  
Wykland Estates Inc. (Mattamy Cornell Centre)  
Applications for Official Plan Amendment, Draft Plan of  
Subdivision (19TM-14010) and Zoning By-law Amendment  
to create development blocks for a high school, elementary  
school, public park and mixed residential uses on lands north  
of Highway 7, east of Bur Oak Avenue.

File Numbers: OP / ZA / SU 14 135999

**PREPARED BY:** Sally Campbell, MCIP, RPP, Acting Development Manager,  
East District, ext. 2645

Jim Greenfield, M.Pl, Planner: Urban Design,  
East District, ext. 2059

**REVIEWED BY:** Ron Blake, MCIP, RPP, Acting Senior Development  
Manager, ext. 2600

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**RECOMMENDATION:**

- 1) That the report dated October 5, 2015 titled "Recommendation Report, Wykland Estates Inc. (Mattamy Cornell Centre) Applications for Official Plan Amendment, Draft Plan of Subdivision (19TM-14010) and Zoning By-law Amendment to create development blocks for a high school, elementary school, public park and mixed residential uses on lands north of Highway 7, east of Bur Oak Avenue (File Numbers: OP / ZA / SU 14 135999)" be received;
- 2) That the record of the Public Meeting held on April 21, 2015, relating to the applications for Official Plan Amendment, Draft Plan of Subdivision (19TM-14010) and Zoning By-law Amendment Approval by Wykland Estates Inc. (Mattamy Cornell Centre), be received;
- 3) That the Official Plan Amendment application submitted by Wykland Estates Inc. (Mattamy Cornell Centre), to amend the Cornell Secondary Plan be approved and that the draft Official Plan Amendment attached as Appendix 'A', be finalized and adopted without further notice;
- 4) That the application submitted by Wykland Estates Inc. (Mattamy Cornell Centre) to amend Zoning By-laws 304-87 and 177-97, as amended be approved and the draft by-law attached as Appendix 'B' be finalized and enacted without further notice;

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- 5) That Draft Plan of Subdivision 19TM-14010 submitted by Wykland Estates Inc. (Mattamy Cornell Centre), be draft approved subject to the conditions set out in Appendix 'C';
  - 6) That the Director of Planning and Urban Design, or his designate be delegated authority to issue draft approval, subject to the conditions set out in Appendix 'C' as may be amended by the Director of Planning and Urban Design;
  - 7) That the draft plan approval for plan of subdivision 19TM-14010 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;
  - 8) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

The purpose of this report is to recommend approval of the proposed draft plan of subdivision in the Cornell Centre community and approval of the implementing Official Plan / Secondary Plan and zoning by-law amendments for the Plan.

**BACKGROUND:****Site location and area context**

The subject lands, which have a total area of 24.395 ha (60.28 acres) are currently vacant, and are located north of Highway 7, east of Bur Oak Avenue and extend north to Church Street and Riverlands Avenue and east to the future Cornell Centre Boulevard and to the future realigned William Forster Road. The draft plan includes an existing woodlot with an area of 1.9 ha (4.7 acres), which is located in the north east quadrant of the subject lands (Figure 1).

The surrounding context is as follows:

- a) To the south, on the south side of Highway 7 are vacant lands proposed to be developed as a commercial retail centre;
- b) To the north is the existing residential community of Cornell, which is generally characterized by low rise single / semi-detached dwellings and townhomes. The future Cornell Community Park is north of the woodlot on the north side of Riverlands Avenue;
- c) To the west, on the west side of Bur Oak Avenue is the Cornell Community Centre and Fire Hall, with Markham Stouffville Hospital beyond, as well as other currently vacant lands designated for future medium to high density development;
- d) To the east are currently vacant lands, which are designated for a future mix of low, medium and high density development.

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**Official Plan, Secondary Plan and Zoning**

The in-force Official Plan (Revised 1987), as amended, designates the subject lands 'Urban Residential, Commercial – Community Amenity Area' and 'Environmental Protection Area'. The 2014 Official Plan (not yet in force) designates the subject lands 'Residential Mid Rise', 'Mixed Use Mid Rise' and 'Greenway' and is generally consistent with the current Cornell Secondary Plan. These designations permit the mixed-residential and multiple dwelling uses proposed as well as the school sites contemplated in the draft plan.

Within the existing Cornell Secondary Plan area (PD 29-1) the majority of the subject lands are designated 'Residential Neighbourhood – Cornell Centre', which is intended to accommodate medium and high density residential development, supporting future retail and employment uses and the planned regional Transitway along Highway 7. Block 6 immediately abutting the north side of Highway 7 is identified as 'Avenue Seven Corridor – Mixed Residential', which envisages high density residential and mixed-use development. The development blocks immediately abutting the east side of Bur Oak Avenue are designated 'Community Amenity Area – Bur Oak Corridor Cornell Centre', which envisions a community retail focus in the form of a mixed-use 'main street' providing for a range of uses, primarily residential in nature with retail, commercial, office and institutional uses located on the ground floor of multiple unit and apartment buildings. The existing woodlot, which will be protected as part of the application, is designated 'Environmental Protection Area' and the lands abutting the east side of the woodlot are designated 'Open Space'. These lands are identified as Block 2 on the draft plan and will contribute towards the overall planned parks and open space network for the Cornell community (Figure 4A).

**Update to Cornell Centre Secondary Plan Policies**

The 2014 Official Plan (not yet in force) identifies Cornell Centre as one of the secondary plan areas for which an updated secondary plan is to be adopted. On February 17, 2015 Development Services Committee received a Draft Land Use Concept for Cornell Centre as an initial step in developing a Secondary Plan for Cornell Centre. The concept and associated policies were further refined and presented to Development Services Committee on September 22, 2015 in the form of a draft official plan amendment to the current Cornell Secondary Plan. The policies in the draft amendment will also form the policy framework for a future secondary plan for Cornell Centre under the Official Plan 2014.

The draft updated Secondary Plan policies designate the subject lands 'Residential Mid Rise I', 'Residential Mid Rise II', 'Residential High Rise' and 'Community Amenity Area - Mixed Use Bur Oak Corridor'. The draft update does not propose any changes to the designation that protects the woodlot and adjoining open space and these lands would retain the designation within the existing Cornell Secondary Plan. The proposed draft plan and associated OPA and ZBA applications are in compliance with the direction of the draft updated Secondary Plan policies in terms of land use, proposed building heights and densities (Figure 4B).

The subject lands are currently zoned Agricultural One (A1), Rural Residential Four (RR4) and Open Space Two (OS2) under By-law 304-87, as amended (Figure 2). The zoning amendment proposes to re-zone the subject lands and incorporate them into appropriate zone categories within By-law 177-96 to permit development of the subject lands.

### PROPOSAL:

The proposed plan of subdivision consists of 102 lane-based townhouses, 70 stacked townhouses and four (4) mixed-use development blocks accommodating up to 1,500 residential units with provision for commercial uses on the ground floor level of mixed-use buildings. These mixed-use blocks will be created through the approval of the draft plan of subdivision and will be the subject of site plan control and further zoning by-law amendment applications in the future.

The proposed plan of subdivision includes the following mix of land uses set out in the table below.

Block No.	Proposed Land Use	Area		No. Units	Net FSI
		Hectares	Acres		
1*	Secondary School	6.262	15.47		
2*	Community Park (incl. woodlot)	5.153	12.733		
3*	Partial Elementary School	1.406	3.474		
5*& 8* 4 & 6	Mixed residential	6.287	15.54	+/- 1,450	2.4
7	Road Widening	0.150	0.37		
9- 17*	Lane-based Townhouses	1.264	3.12	102	1.5
18- 20*	Stacked Townhouses	0.631	1.56	70	1.2

\* Indicates those blocks subject to OPA and ZBA applications.

The draft plan introduces several new public roads; including Rustle Woods Avenue extension and Street 1 that connect Bur Oak Avenue with the future extension of Cornell Centre Boulevard and a finer grid of local roads and public lanes intended to provide access to the proposed residential blocks and allow pedestrian connectivity.

The woodlot and abutting open space area, identified as Block 2 on the draft plan, will be protected and preserved. These lands are identified in the Cornell Master Parks Agreement and Open Space Master Plan to be conveyed to the City as part of the Cornell Landowners Group obligations relating to the delivery of parkland and woodlots. The conveyance of the park block will complete the land assembly required for the future Cornell Community Park and together with a portion of the woodlot will satisfy the applicant's parkland dedication obligations. The balance of the woodlot to be conveyed to the City will be provided over and above the parkland dedication requirements. As a condition of draft plan approval, the applicant is required to work with staff on future woodlot trail alignments and trail entry locations and to construct same in accordance with the Master Parks Agreement.

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**Proposed Official Plan & Zoning Amendment**

An application to amend the Cornell Secondary Plan (PD 29-1) has been submitted for specific blocks within the draft plan to permit the introduction of townhouse units as a type of residential development whereas only apartment buildings and multiple unit residential development is currently permitted. The proposed amendment to the Cornell Secondary Plan (PD 29-1) also seeks to allow a minimum building height of three (3) storeys for townhouse units whereas the current minimum height is four (4) storeys in the 'Residential Neighbourhood – Cornell Centre' designation; and an amendment to the calculation of floor space index (FSI) related to the townhouse development.

The zoning by-law amendment (ZBA) application is required to implement the Official Plan / Secondary Plan amendment for certain blocks within the draft plan of subdivision (identified above in Table 1 with an asterisk (\*) symbol). The ZBA will place the lands into appropriate zone categories under the City's Urban Expansion By-law 177-96 and establish development standards, such as building setbacks, minimum and maximum building heights and special use permissions where applicable. The park block and adjacent woodlot will also be zoned into an appropriate open space zone category and the blocks identified for future school uses will be zoned into the appropriate zone category within By-law 177-96.

**OPTIONS/DISCUSSION:****Statutory Public Meeting – April 21, 2015**

A representative for East Cornell Holdings Inc. who own the lands on the west side of Bur Oak Avenue opposite the subject site submitted a letter and made a deputation at the Public Meeting expressing concerns that the proposed development, due to the introduction of townhouse blocks, will not contribute towards the vision for Cornell centre as a key development area consisting of medium and high density mixed-use development and as such is contrary to Provincial, Regional and Municipal planning policies. As expressed in the February 17, 2015 report, the original vision for Cornell Centre as a mixed-use district functioning as a regional sub-centre serving the Cornell community and east Markham is still relevant. Although lower density housing types are now being proposed within certain peripheral areas in Cornell Centre, higher densities are being proposed in other locations. As well, the high density development is being maintained along the planned Highway 7 rapid transit corridor. The proposed revisions to the land use, height and density framework for Cornell Centre therefore still result in population and employment estimates that are consistent with the current Secondary Plan.

**The proposal is consistent with the vision for Cornell Centre**

The proposed subdivision will provide for a mix of uses and built form that is consistent with the intent of the revisions to the updated Cornell Centre Secondary Plan, as follows:

- The land use objective for Cornell Centre is to provide for a mixed-use centre for the Cornell community that integrates a range of residential, retail, office and other commercial and public uses at densities that are transit supportive within the future Regional rapid transit corridor on Highway 7.

- The proposed updated land use policies for Cornell Centre confirm the vision for Bur Oak Avenue as a 'main street', connecting the planned retail centre south of Highway 7 with the community centre and hospital campus to the north despite landowner concerns that retail is currently not viable along Bur Oak Avenue. Staff recommend that the City protect for this long-term vision for Bur Oak as a 'main street' by requiring buildings to be designed to accommodate grade related retail and service uses along the Bur Oak frontage. Consequently, the zoning by-law will require a minimum percentage of the ground floor area of buildings fronting Bur Oak to be retail / service uses. Further, during review of future site plan control applications for buildings fronting Bur Oak the applicant will be required to design the ground floor units with store fronts, window treatments, main entrances and signage locations required for retail and service uses.
- The greatest concentration of height and density will continue to be focused at the Highway 7 and Bur Oak intersection with decreasing height and density moving away from the Highway 7 and Bur Oak intersection in order to achieve appropriate transition to existing low density neighbourhoods.

**The proposed development provides appropriate distribution of height and density**

The draft plan proposes a range of heights and densities, including:

- Lane-based townhouses in the interior of the plan, which will provide an appropriate transition to the proposed school blocks shown on the draft plan and to the existing low density development within the established Cornell community north of Church Street.
- Higher density development blocks along Bur Oak Avenue and Highway 7 with stacked townhouse along Street 1 to provide a required transition between the higher density blocks on highway 7 and Bur Oak and the interior townhouse blocks.

During the application review staff required the applicant to demonstrate that the required height, density and built form would be achieved along Bur Oak Avenue. As a result, the proposal now incorporates mixed residential blocks (block 5 and block 8 on the draft plan) that will be zoned to permit apartment buildings with a portion of retail / service uses on the ground floor. The zoning will require a minimum building height of six (6) storeys and a maximum building height of eighteen (18) storeys for the blocks fronting Bur Oak Avenue to reinforce the planned function of Bur Oak as a vibrant mixed use 'main street'.

The City's proposed updated land use policies for Cornell Centre propose lower minimum floor space index targets that reflect the introduction of townhouse unit types in the 'Residential Mid Rise I' designation. However, the in-force Cornell Secondary Plan requires a minimum of 1.5 FSI on these blocks (identified as blocks 9 to 17 incl. on the draft plan). Consequently, the Secondary Plan amendment application, the subject of this report, was required. In introducing townhouse unit types in the 'Residential Mid Rise I' designation and supporting the townhouse component in the proposed draft plan, staff

also support the resulting lower FSI, which is incorporated in the updated Secondary plan. However, in order that the proposed FSI meets the current Secondary Plan requirement, staff is supportive of a site specific amendment to the calculation of FSI in the Secondary Plan on a net site area basis whereby the area of additional public roads within the development block (shown on Figure No. 5 as Streets 2, 3 and 5) is excluded from the calculation.

### **York Catholic District School Board High School Block**

York Catholic District School Board (YCDSB) is generally satisfied with the proposed location of the High School site; however, the Board continues to express concerns about the size of Block 1 for a school site due to the configuration of the block resulting from the curvature of Bur Oak Avenue at this location. Since these concerns were first raised, the school block size has increased from 5.99 hectares (14.8 acres) to 6.26 hectares (15.5 acres). Discussions are ongoing with YCDSB regarding the overall configuration of Block 1, including orientation of the track and field and the number of parking spaces required. In the event that additional modifications/alterations to the plan are required to address the size of the high school block then this can be achieved prior to the issuance of draft plan approval or through minor redline revisions to the draft plan after draft plan approval is issued, subject to the conditions set out in Appendix 'C'.

### **Street and Block Pattern**

The proposed street and development pattern is generally consistent with the Cornell Precinct Plan and the proposed updated land use policies for Cornell Centre. The street grid pattern supports a range of densities and built form as well as an active transportation network that is pedestrian friendly in support of transit and accessibility. The lane network has been adjusted during the course of the development application review in an effort to reduce lane length and improve operational efficiency and fire and emergency access. Revisions to the lane network also mean that no lane intersects with the future Cornell Centre Boulevard, which is an important minor collector road.

Transportation Engineering staff are considering the potential extension of Street 2 northwards through Block 4 and potentially through Block 1 to intersect with Church Street. This option is important in the event that Block 1 is not developed as a Catholic high school in the future. This option is protected for through the inclusion of an appropriate draft plan condition. Furthermore, City staff continue to work on options for the future cross-section of the Bur Oak Avenue right of way, which may include a requirement for an additional two metres to be added to the current right of way so that the required travel lanes / turn lanes, on-street parking, cycling, pedestrian and boulevard components required to support the viability of Bur Oak as a main street can be accommodated. Applicable conditions of draft plan approval are incorporated to protect for the ultimate cross section.

Notwithstanding the need to protect for potential future adjustments to certain roads, staff are generally satisfied with the proposed street and block pattern, as it is designed to function efficiently and accommodate a range of transportation modes.

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**Servicing Allocation**

There is sufficient servicing allocation available to accommodate the proposed development. As a draft plan condition in 'Appendix C', the Applicant is required to submit a clearance letter from the trustee of the Cornell Landowner's Group confirming the availability of servicing allocation, prior to registration of the Draft Plan of Subdivision.

**The proposed development is consistent with City policy.**

The proposed draft plan of subdivision and implementing Official Plan and Zoning By-law amendment applications are consistent with the policy direction of the proposed updated land use policies for Cornell Centre and staff recommend approval of the applications subject to the draft plan conditions set out in Appendix 'C'.

**FINANCIAL CONSIDERATIONS AND TEMPLATE:**

Not applicable.

**HUMAN RESOURCES CONSIDERATIONS**

Not applicable.

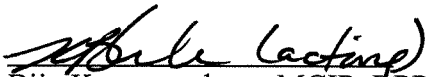
**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The proposed Draft Plan of Subdivision, Official Plan and Zoning By-law Amendment applications have been reviewed in the context of the City's strategic priorities of Growth Management, Transportation and Environment.

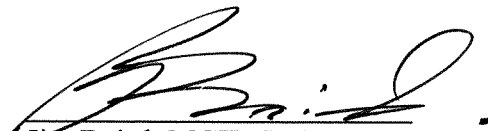
**BUSINESS UNITS CONSULTED AND AFFECTED:**

The development applications were circulated to various City Departments and external agencies, including Engineering, Urban Design, Waste Management, Zoning, Fire, Operations, Transportation Planning, Ministry of Transportation, TRCA, Region of York, York Region District School Board, and York Catholic District School Board. Their comments and requirements have been reflected in this report as well as Draft Plan of Subdivision conditions.

**RECOMMENDED BY:**



Biju Karumanchery, MCIP, RPP  
Director of Planning & Urban Design



Jim Baird, MCIP, RPP  
Commissioner of Development Services

**ATTACHMENTS:**

Figure 1: Location Map

Figure 2: Area Context / Zoning



Figure 3: Aerial Photo

Figure 4A: In-force Cornell Secondary Plan – Schedule ‘CC’

Figure 4B: Update to Cornell Centre Secondary Plan Policies – Revised Schedule ‘CC’

Figure 5: Proposed Draft Plan

Appendix ‘A’: Draft Official Plan / Secondary Plan Amendment

Appendix ‘B’: Draft By-law Amendment

Appendix ‘C’: Conditions of Draft Plan Approval

**OWNER:**

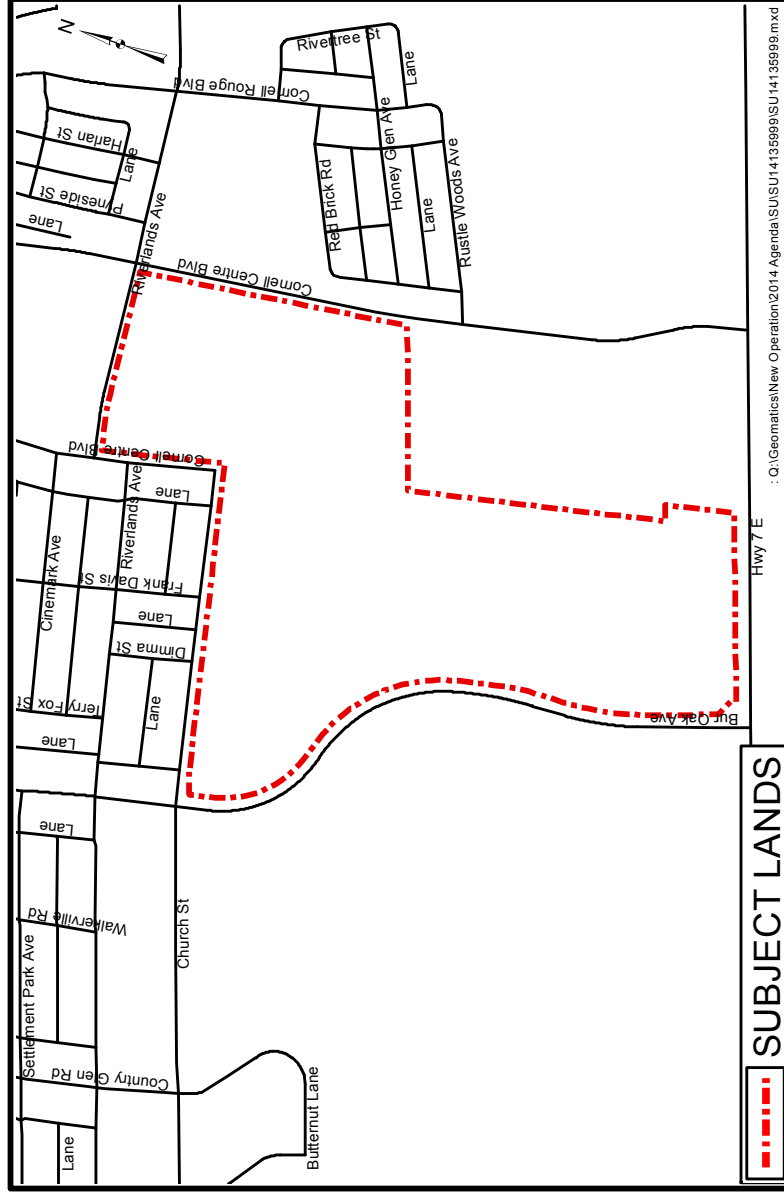
c/o Chris Strzemieczny, P.ENG.  
Vice President, Land Development  
Mattamy Development Corporation  
chris.strzemieczny@mattamycorp.com

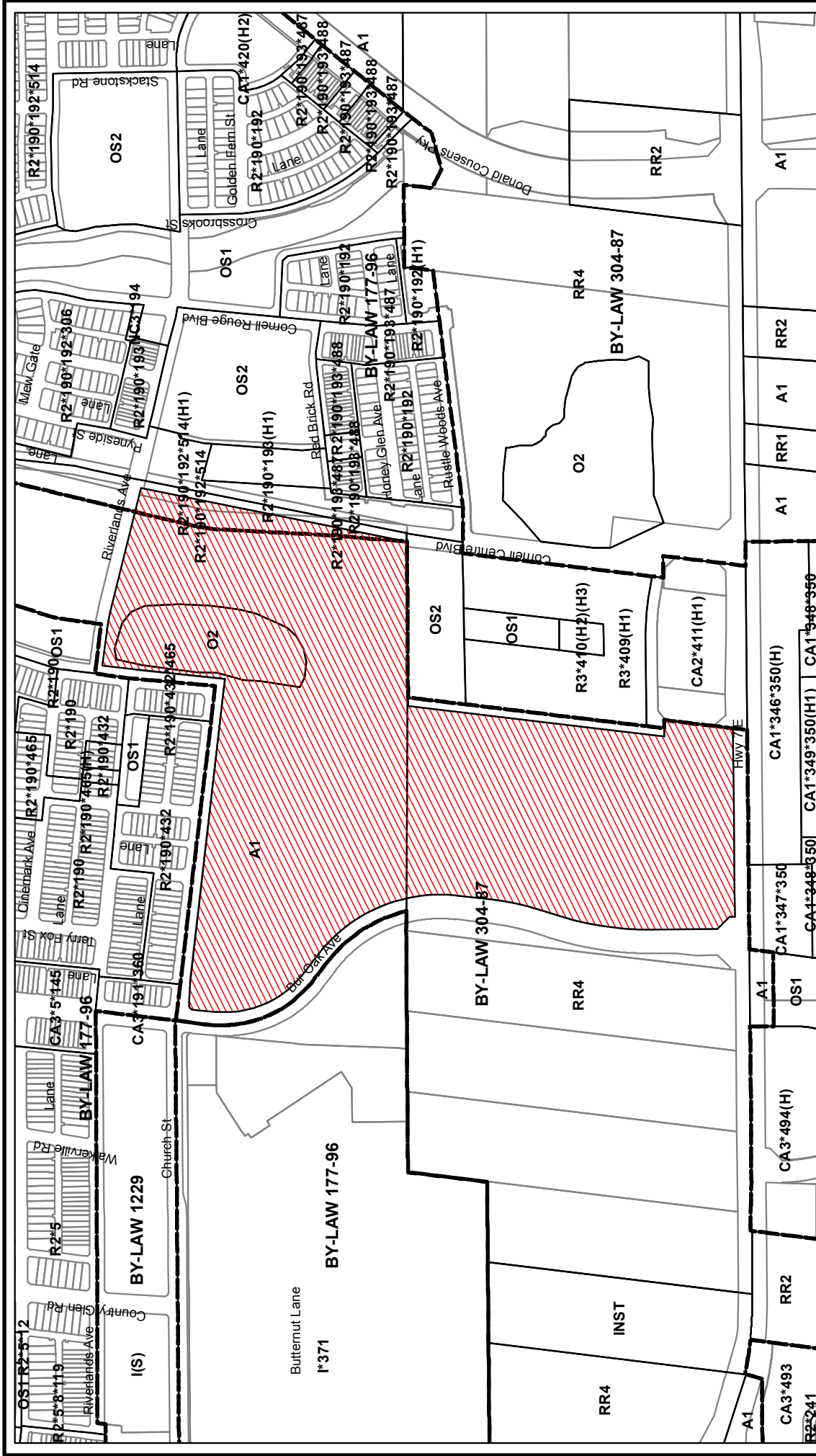
c/o David Albanese, MBA, P.ENG.  
Project Manager, Land Development  
Mattamy Development Corporation  
david.albanese@mattamycorp.com

**AGENT:**

Elizabeth Howson, B.E.S., MCIP, RPP  
Principal  
MSH Planning  
howson@mshplan.ca

File path: Amanda\File 14 135999\Documents\Recommendation Report





## AREA CONTEXT/ZONNING

APPLICANT: MATTAMY CORNELL CENTRE  
CORNELL CENTRE BLVD.

FILE No: SU. 14135999 (SC)

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**WARKHAM**  
DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SC

DATE: 18/09/2015

**FIGURE No. 2**

 SUBJECT LANDS

FILE No: SU. 14135999 (SC)

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**WARKHAM**  
DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW


Checked By: SC

DATE: 18/09/2015

**FIGURE No. 2**






 SUBJECT LANDS

# AIR PHOTO

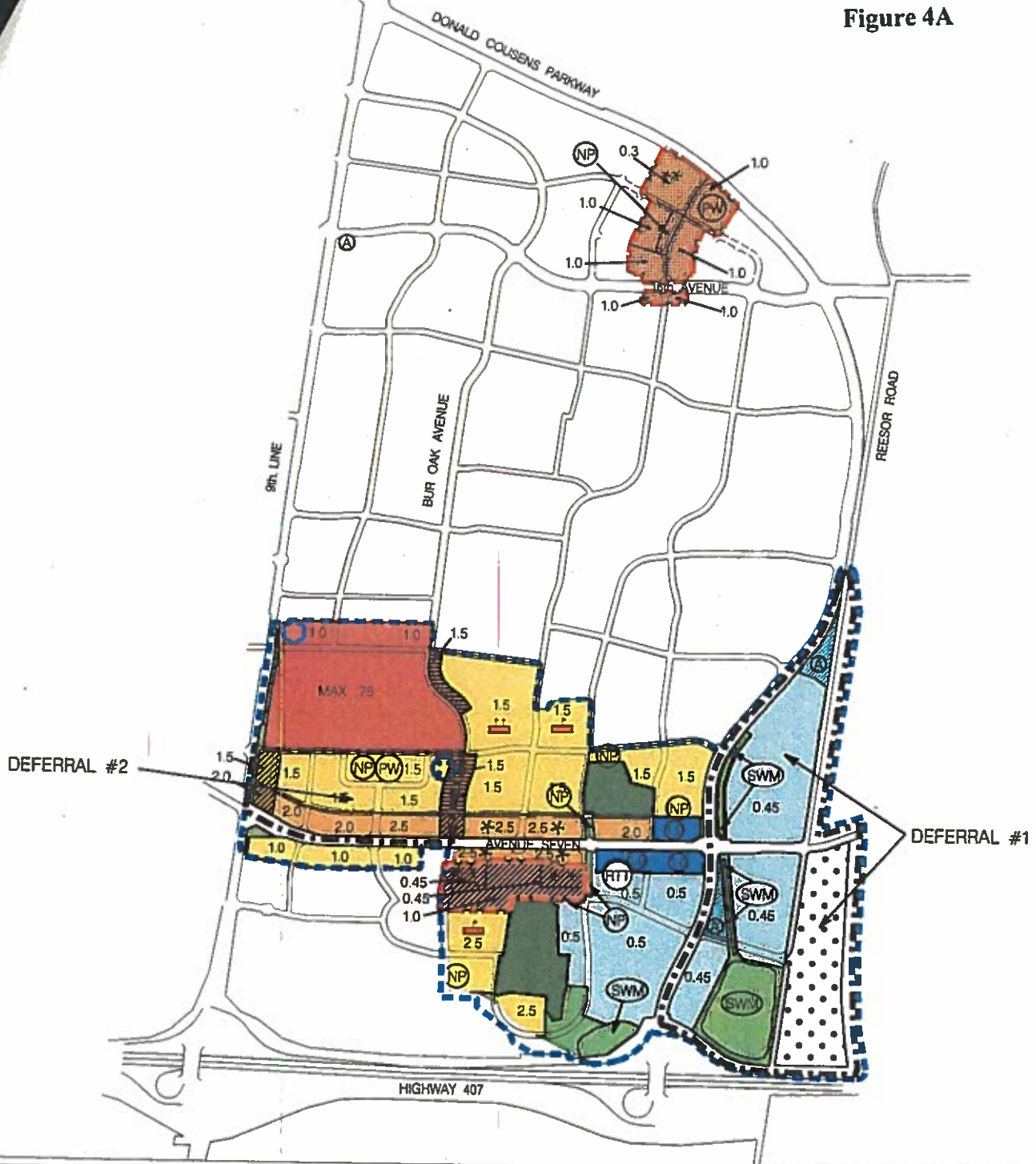
APPLICANT: MATTAMY CORNELL CENTRE  
 CORNELL CENTRE BLVD.

FILE No: SU. 14135999 (SC)

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Figure 4A

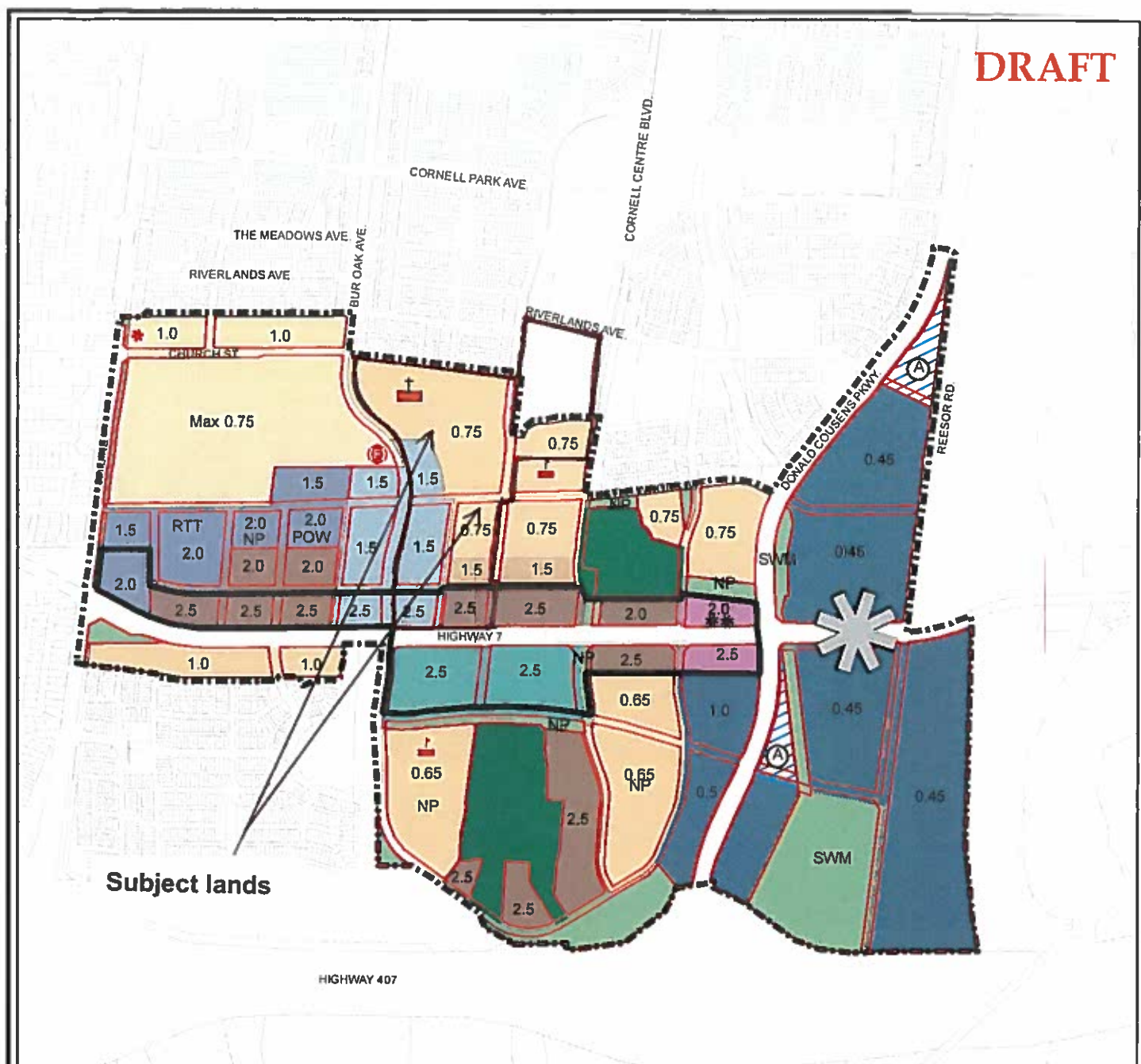


# **SCHEDULE 'CC' - DEVELOPMENT BLOCKS** **SECONDARY PLAN FOR THE CORNELL PLANNING DISTRICT (P.D. 29-1)**

	MIXED-USE RETAIL CENTRE BOUNDARY		CORNELL CENTRE BOUNDARY		DEFERRAL AREA
	RESIDENTIAL NEIGHBOURHOOD - CORNELL CENTRE		COMMUNITY AMENITY AREA - BUR OAK CORRIDOR		STORM WATER MANAGEMENT
	AVENUE SEVEN CORRIDOR - MIXED RESIDENTIAL		COMMUNITY AMENITY AREA - BUR OAK CORRIDOR CORNELL CENTRE		NEIGHBOURHOOD PARK COMMUNITY PARK
	SEE SECTION 8.2.4.2		COMMUNITY AMENITY AREA - CORNELL NORTH CENTRE		PUBLIC SCHOOL SECONDARY/COLLEGIATE SCHOOL
	SEE SECTION 8.2.5.2		COMMUNITY AMENITY AREA - AUTOMOTIVE SERVICE CENTRE		CATHOLIC ELEMENTARY SCHOOL CATHOLIC SECONDARY SCHOOL
	SEE SECTION 8.2.5.2 OR 8.3.3.2		OPEN SPACE		PLACE OF WORSHIP
	SEE SECTION 8.3.4.2 OR 8.3.5.2		ENVIRONMENTAL PROTECTION AREA		EMERGENCY SERVICES
	MINIMUM FLOOR SPACE INDEX		STUDY AREA		REGIONAL TRANSIT TERMINAL

**Figure 4B**

**DRAFT**



## Amendment to Schedule 'CC' - Development Blocks Secondary Plan for the Cornell Planning District (PD 29-1)

- DEVELOPMENT BLOCKS**

**KEY DEVELOPMENT AREA**

**CORNELL CENTRE BOUNDARY**

**2.5 MINIMUM FLOOR SPACE INDEX**

**COMMUNITY AMENITY AREA - MIXED USE**

COMMUNITY AMENITY AREA - MIXED USE BUR OAK CORRIDOR

COMMUNITY AMENITY AREA - MIXED USE HEALTH CARE CAMPUS

COMMUNITY AMENITY AREA - MIXED USE 9TH LINE

COMMUNITY AMENITY AREA - MIXED USE HIGHWAY 7 CENTRE

**EMPLOYMENT**

BUSINESS CORRIDOR AREA - SERVICE EMPLOYMENT - AUTOMOTIVE SERVICE STATION

BUSINESS PARK AREA - BUSINESS PARK EMPLOYMENT

BUSINESS PARK AREA - BUSINESS PARK OFFICE EMPLOYMENT

RTT - REGIONAL TRANSIT TERMINAL

NP - NEIGHBOURHOOD PARK

SWM - STORM WATER MANAGEMENT

POW - PLACE OF WORSHIP

See Section 6.4.3.3.c

**RESIDENTIAL**

RESIDENTIAL HIGH RISE

RESIDENTIAL MID RISE I

RESIDENTIAL MID RISE II

ENVIRONMENTAL PROTECTION AREA - GREENWAY

OPEN SPACE

ROUGE NATIONAL URBAN PARK

GATEWAY STUDY AREA (SEE SECTION 6.1.1c)

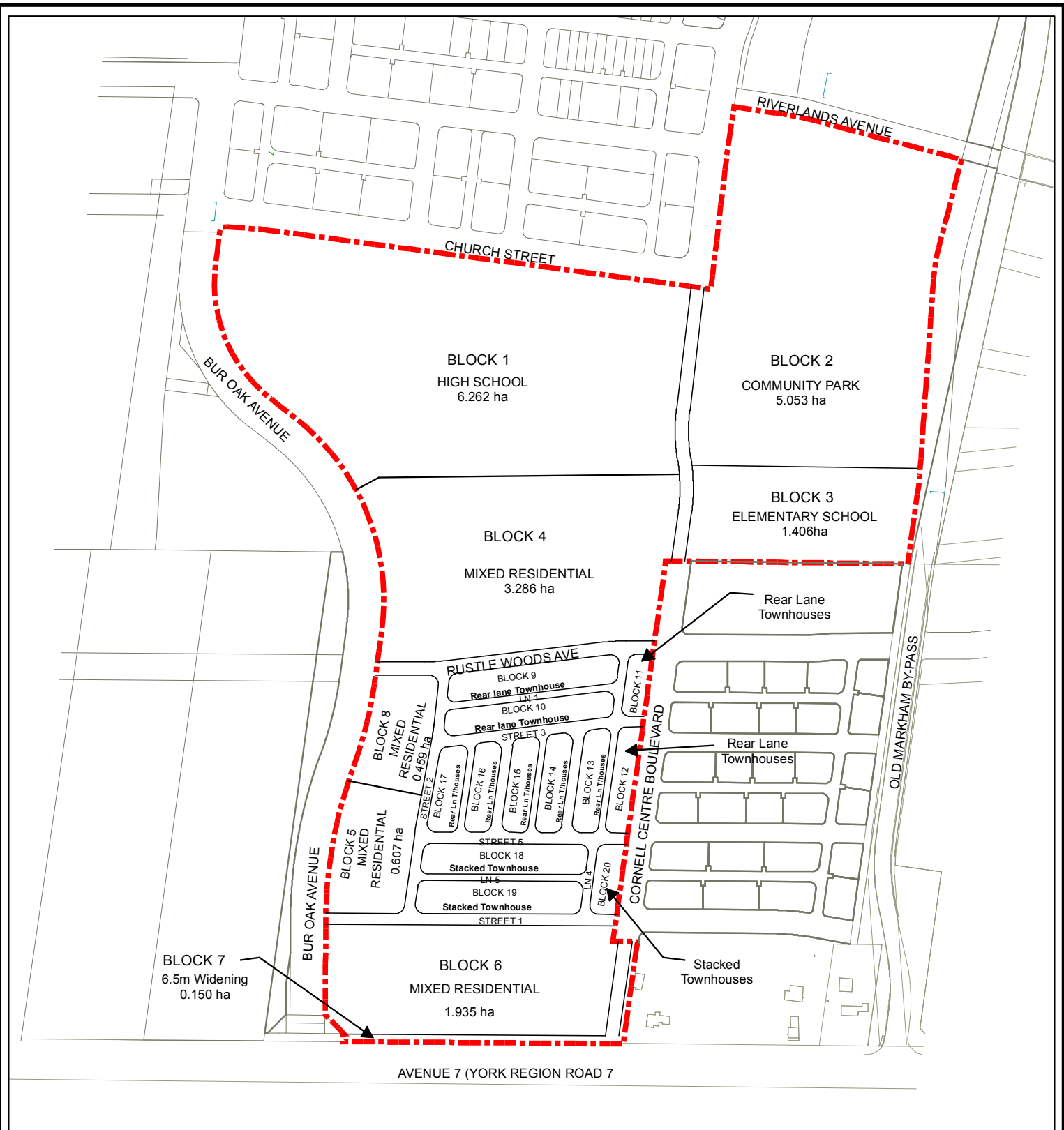
EMS

Fire

Public Elementary School

Catholic Secondary School

**FILE No: MI559**



# DRAFT PLAN OF SUBDIVISION (19TM-14010)

APPLICANT: MATTAMY CORNELL CENTRE  
CORNELL CENTRE BLVD.

 SUBJECT LANDS

FILE No: SU.14135999 (SC) OP.14135999 & ZA. 14135999

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DATE: 18/09/2015



DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW Checked By: SC

FIGURE No. 5

**OFFICIAL PLAN**  
**of the**  
**CITY OF MARKHAM PLANNING AREA**  
**AMENDMENT NO. XXX**

To amend the Official Plan (Revised 1987), as amended, and to incorporate Amendment No. \_ to the Cornell Secondary Plan (PD 29-1) for the Cornell Planning District (Planning District No. 29).

**(WYKLAND ESTATES, BLOCK 5)**

(\_\_\_\_\_, 2015)



**OFFICIAL PLAN**  
**of the**  
**CITY OF MARKHAM PLANNING AREA**  
**AMENDMENT NO. XXX**

To amend the Official Plan (Revised 1987), as amended, and to incorporate Amendment No. \_\_ to the Cornell Secondary Plan (PD 29-1) for the Cornell Planning District (Planning District No. 29).

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. 2015 - \_\_\_\_ in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on \_\_\_\_\_, 2015.

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**Frank Scarpitti,**  
**Mayor**

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**Kimberly Kitteringham,**  
**City Clerk**

**THE CORPORATION OF THE CITY OF MARKHAM  
BY-LAW NO. 2015 - \_\_\_\_\_**

Being a by-law to adopt Amendment No. XXX to the City of Markham Official Plan  
(Revised 1987), as amended.

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM, IN ACCORDANCE  
WITH THE PROVISIONS OF THE PLANNING ACT, R.S.O., 1990 HEREBY ENACTS AS  
FOLLOWS:

1. THAT Amendment No. XXX to the City of Markham Official Plan (Revised 1987), as amended, attached hereto, is hereby adopted.
2. THAT this by-law shall come into force and take effect on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED ON \_\_\_\_\_, 2015.

\_\_\_\_\_  
**KIMBERLY KITTINGHAM**  
**CITY CLERK**

\_\_\_\_\_  
**FRANK SCARPITTI**  
**MAYOR**

**CONTENTS**

**PART I – INTRODUCTION**

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

**PART II – THE OFFICIAL PLAN AMENDMENT**

1.	THE OFFICIAL PLAN AMENDMENT.....	11
2.	IMPLEMENTATION AND INTERPRETATION.....	11

**PART III- THE SECONDARY PLAN AMENDMENT**

1.	THE SECONDARY PLAN AMENDMENT.....	13
2.	IMPLEMENTATION AND INTERPRETATION.....	13

**PART I - INTRODUCTION**

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

**PART I - INTRODUCTION**

**1.0 GENERAL**

- 1.1** PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2** PART II - THE OFFICIAL PLAN AMENDMENT attached thereto, constitutes Official Plan Amendment No. XXX to the Official Plan (Revised 1987), as amended, and is required to enact Amendment No. \_\_ to the Cornell Secondary Plan (PD 29-1) for the Cornell Planning District (Planning District No. 29). Part II is an operative part of this Official Plan Amendment.
- 1.3** PART III - THE SECONDARY PLAN AMENDMENT, constitutes Amendment No. 3 to the Cornell Secondary Plan (PD 29-1) for the Cornell Planning District (Planning District No. 29). This Secondary Plan Amendment may be identified by the symbol PD 29-1-\_\_. Part III is an operative part of this Official Plan Amendment.

**2.0 LOCATION**

This Amendment to the Official Plan and the Cornell Secondary Plan (PD 29-1) applies to approximately 4.57 hectares located north of York Region Road 7(Avenue Seven) between Bur Oak Avenue, proposed Rustle Woods Avenue, Cornell Centre Boulevard and proposed Street 1(the "subject lands").

**3.0 PURPOSE**

The purpose of this Official Plan Amendment is to permit townhouse dwellings as one of a range of housing types, and a reduced minimum height for townhouse dwellings, in the block in Cornell Centre between Bur Oak Avenue, proposed Rustle Woods Avenue, Cornell Centre Boulevard and proposed Street 1.

**4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT**

The subject lands are designated "Residential Neighbourhood – Cornell Neighbourhood", with the exception of the lands along Bur Oak which are designated "Community Amenity Area – Bur Oak Corridor" A minimum Floor Space Index of 1.5 is required for both designations and a minimum height of four storeys as set out on Schedule 'CC' 'and in Section 6.2.4.1 e) and f), Figure 6.2.4 and Section 6.3.3.1 d) and e).

A plan is proposed for the subject block which consists of a variety of medium and high density housing types, and potential retail units on the ground floor of buildings fronting

on Bur Oak Avenue. The plan will be designed to achieve the required minimum density of 1.5 FSI for the block as a whole.

The proposed plan is designed to implement the key directions in Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe and the Region of York Official Plan. In particular, the plan is designed to contribute to the creation of a complete community including:

- forming a logical extension of the existing built-up area to the north and west;
- providing a mix of uses and densities with a compact form which efficiently uses land and resources;
- providing for a wide range of housing and potential retail units at a density which is supportive of existing and proposed infrastructure and public service facilities;
- providing for development with a range of uses in a form and at a density, including a grid street system, which supports active transportation and transit and accessibility; and,
- being sustainable including the provision of appropriate vegetation and energy efficient options incorporated into building design.

With respect to the planning objectives of the City, the proposed plan for the subject block is designed to allow for the implementation of the City's objectives for development of this block as established in the Cornell Secondary Plan and identified on Schedules "AA", "BB", "CC" and "DD" to the Plan. As such, the proposed plan supports the creation of Cornell Centre as "a compact, mixed-use, pedestrian-friendly, transit-oriented urban node incorporating a balance of live-work opportunities." In particular it supports in accordance with Goal, Objectives and Principles as set out Sections 4.3, 4.4 and 4.5 of the Cornell Secondary Plan:

- the creation of a residential neighbourhood with a variety of housing types, as well as potential retail units – mixed residential development which is compact, mixed-use, pedestrian friendly and transit supportive; and,
- a suitable transition from the York Region Road 7 Corridor to lower density residential neighbourhoods.

More specifically, it provides:

- a significant amount of high and medium density housing in a wide variety of forms;
- a pedestrian-oriented grid street system with buildings defining the street edges;
- building placement designed to ensure that development relates to the street and that a continuous urban edge is developed along Bur Oak in particular;
- primary entrances are oriented to the street;
- vehicle access and loading are from rear lanes or interior streets;
- potential retail units are provided along Bur Oak in accordance with the Secondary Plan, despite concerns with a limited market as identified by the Altus market study;

- inherently sustainable development(e.g. compact, mixed use and pedestrian and transit friendly) and in addition, energy efficient options will be incorporated into building design;
- buildings on corner sites sited and massed to the intersection;
- siting and massing of buildings to provide a consistent relationship, continuity and enclosure of public streets, as well as designed to contribute to the comfort, safety and amenity of public streets;
- a continuous pedestrian network, as well as provision for the City's bicycle network;
- on-street parking and limited surface parking;
- buildings and development designed to be compatible with the ultimate development of adjacent blocks;
- access from sidewalks to primary building entrances which are convenient, direct and accessible;
- a system of public lanes which incorporate parking and service areas;
- buildings with potential ground floor commercial align the first floor and entrance with street grade;
- high standard of architecture and concern with micro climate conditions;
- design which promotes safety and security;
- design which considers weather protection; and,
- loading area and rooftop equipment which is screened.

However, while meeting the City's objectives the development of the subject block requires an amendment to the Official Plan to permit rear lane townhouses and a reduced height.

The policies of Section 6.2.4.1 Residential Neighbourhood – Cornell Centre General Development and Design Policies and Section 6.3.3.1 Community Amenity Area – Bur Oak Corridor Cornell Centre General Development and Design Policies, permit only multiple unit and apartment dwellings. The proposed rear lane townhouse dwellings are not deemed to be multiple unit dwellings by the City and as such an amendment to the Official Plan is required. Such an amendment is appropriate as the development will allow achievement of the City's objectives for the block (e.g. compact, transit supportive, pedestrian friendly development). The townhouse unit will also contribute to providing a diverse housing mix and appropriate transition from the high density development to the south to the medium density development north of Rustle Woods.

With respect to height, the development is in accordance with the maximum building heights. However, with the exception of the proposed apartment(s), all of the stacked townhouse, and rear lane townhouse will be between 3 and 4 storeys rather than at the minimum requirement of a full four storeys. The interpretation policies of the existing and new Official Plans do not allow for consideration of a height less than four storeys without an amendment to the Plan. However, the development even at between three and four storeys will still allow for achievement of the City's objectives for the block, in particular the required minimum density, while providing for an appropriate transition from the high rise high density development proposed along the York Region Road 7 Corridor to the rear lane townhouses

in the centre and northern part of the subject block and the development north of Rustle Woods.

As such, the proposed plan for the subject block represents appropriate development subject to a site specific amendment to the Plan with respect to housing type and height. The proposed plan will allow for achievement of the City's objectives for this block in accordance with the Cornell Secondary Plan and the City's Official Plan. It is also consistent, with the PPS and conforms with the Growth Plan and the Region of York Official Plan as it provides for development within a settlement area in a more intense form than has occurred in the past. Further, it provides for a greater mix of housing types and mixed use development, and the optimization of existing infrastructure and public service facilities.



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

**PART II - THE OFFICIAL PLAN AMENDMENT**

**1.0 THE OFFICIAL PLAN AMENDMENT**

- 1.1** Section 1.1.2 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.
- 1.2** Section 1.1.3(c) of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments listed in the second sentence of the bullet item dealing with Cornell Secondary Plan PD 29-1, for the Cornell Planning District, to be placed in numerical order including any required grammatical and punctuation changes prior to the words "to this Plan".
- 1.3** Section 9.2.13 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes prior to the words "to this Plan".
- 1.4** No additional changes to the text or schedules of the Official Plan (Revised 1987), as amended, are being made by this Amendment. This Amendment is being made to the text of the Cornell Secondary Plan (PD 29-1) for the Cornell Planning District (Planning District No. 29). These changes are outlined in Part III, which comprises Amendment No. 2 to the Cornell Secondary Plan (PD 29-1).

**2.0 IMPLEMENTATION AND INTERPRETATION**

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

This Amendment shall be implemented by an amendment to the Zoning By-law in conformity with the provisions of this Amendment.

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

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

**PART III - THE SECONDARY PLAN AMENDMENT (PD 29-1-\_\_)**

**1.0 THE SECONDARY PLAN AMENDMENT**

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

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

- 1.1** Section 6.2.4 Residential Neighbourhood – Cornell Centre is hereby amended by adding to Section 6.2.4.2 Site Specific Policies the following new subsection:

“ b) Notwithstanding the provisions of Sections 6.2.4.1 a) and f) and Figure 6.2.4, for the block bounded by Bur Oak Avenue, Rustle Woods Avenue, Cornell Centre Boulevard and Street 1, the minimum height shall be three storeys for any townhouse or stacked townhouse building types. In addition, rear lane townhouses shall be a permitted use. Further, notwithstanding the provisions of Section 6.1.e) ii), the area of any additional roads proposed within the block bounded by Bur Oak Avenue, Rustle Woods Avenue, Cornell Centre Boulevard and Street 1 shall not be included in the calculation of Floor Space Index.”

- 1.2** Section 6.3.3 Community Amenity Area – Bur Oak Corridor Cornell Centre is hereby amended by addition to Section 6.3.3.2 Site Specific Policies the following new subsection:

“ c) Notwithstanding the provisions of Sections 6.3.3.1 e), for the block bounded by Bur Oak Avenue, Rustle Woods Avenue, Cornell Centre Boulevard and Street 1, the minimum height shall be three storeys for stacked townhouses.

**2.0 IMPLEMENTATION AND INTERPRETATION**

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

This Amendment shall be implemented by an amendment to the Zoning By-law in conformity with the provisions of this Amendment.

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

## **EXPLANATORY NOTE**

### **BY-LAW 2015 –XXX**

#### **A By-law to amend By-law 304-87 and 177-96, as amended**

**Wykland Estates Inc.**

**East Side of Bur Oak Avenue, north of Highway 7 East**

**Cornell Community**

#### **Lands Affected**

The proposed zoning by-law amendment applies to 1 block comprising approximately 4.547 hectares (11.24 acres) located on the east side of Bur Oak Avenue, north of Highway 7 East.

#### **Existing Zoning**

The lands are currently zoned Agriculture One (A1) by By-law 304-87, as amended.

#### **Purpose and Effect**

The purpose and effect of this by-law is to delete the lands from By-law 304-87, as amended, so they may be incorporated into the designated area of By-law 177-96, as amended, to zone them to permit 2 mixed residential blocks for apartments with a portion of retail on the ground floor and stacked townhouses and townhouses; 3 blocks of stacked townhouses; 9 blocks of rear lane townhouses; a woodlot block; a neighbourhood park block and 2 school blocks.

# BY-LAW 2015-XXX

A By-law to amend 177-96

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The Council Of The Corporation Of The City Of Markham Hereby Enacts As Follows:

1. That By-law 304-87, as amended, is hereby further amended by deleting the lands shown on Schedule ‘A’ attached hereto, from the designated area of By-law 304-87, as amended.
2. That By-law 177-96, as amended, is hereby further amended as follows:

- 2.1 By expanding the designated area of By-law 177-96, as amended, to include the lands shown on Schedule ‘A’ attached hereto, and by zoning the lands:

Community Amenity One *aaa	(CA1*AAA)
Open Space One	(OS1)
Open Space Two	(OS2)

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

**“7.aaa Mattamy Cornell Centre – Lands north of Highway 7, east of Bur Oak Avenue, south of Church Street and west of William Forster Road**

Notwithstanding any other provision of this By-law, the following provisions in this section shall apply to the land denoted by the symbol \*AAA on the Schedules to this By-law. All other provisions, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

## **7.aaa.1 Permitted Uses**

For the lands zoned CA1 \*AAA only the following uses shall be permitted:

- a) *Apartment dwellings;*
- b) *Multiple dwellings;*
- c) *Art galleries;*
- d) *Business offices;*
- e) *Financial institutions;*
- f) *Home Occupations;*
- g) *Medical Offices;*
- h) *Personal Services Shops;*
- i) *Private Home Daycare;*
- j) *Repair shops;*
- k) *Restaurants;*
- l) *Retail Stores;*
- m) *School, Commercial;*
- n) *School, Private;*

- o) *Sales office; and,*
- p) *Take Out Restaurants.*

#### **7.aaa.2 Zone Standards**

For the lands zoned CA1\*AAA only the following development standards shall apply for an *Apartment building*:

- a) Minimum *setback* from a *streetline* 1.8 metres, except that an underground parking garage may be setback 0.0 metres.
- b) Maximum *setback* from a *streetline* 3.0 metres, except that up to 20% of the main wall of a building facing Bur Oak Avenue or a flankage street may be setback a maximum of 12.0 metres.
- c) The non-residential permitted uses listed in section 7.AAA.1 shall only be located on the ground floor of an apartment building.
- d) No more than 45% of the Gross Ground Floor Area of an apartment building shall be used for *apartment dwellings* and accessory residential uses.
- e) Minimum *Floor Space Index (FSI)* 1.9
- f) Minimum height 18 metres  
6 *storeys*
- g) Maximum height 54 metres  
18 *storeys*
- h) A ramp providing access to an underground parking garage is not permitted within a yard facing Bur Oak Avenue.

#### **7.aaa.3 Zone Standards**

For the lands zoned CA1\*AAA only the following development standards shall apply for a building containing *multiple dwelling* units:

- a) Minimum *setback* from a *streetline* 2.0 metres
- b) A porch providing access to a dwelling unit is permitted to encroach up to a maximum of 1.0 metre from a *streetline*
- c) Stairs providing access to a porch are permitted to encroach up to a maximum of 0.6 metre from a *streetline*

d)	Minimum <i>Floor Space Index (FSI)</i>	0.75
f)	Minimum building height 3 storeys	10 metres
g)	Maximum height 6 storeys.	18 metres

**7.aaa.4 Parking Standards**

For the lands zoned CA1\*AAA the following minimum required parking shall apply:

a)	<i>Apartment Dwellings</i>	1.2 spaces per unit
b)	<i>Multiple Dwelling units</i>	2 spaces per unit
c)	<i>Visitor parking</i>	0.1 spaces per unit
d)	<i>Non-Residential uses</i>	2 spaces per unit”

**7.aaa.5 Special Site Provisions**

For *buildings* fronting on Bur Oak Avenue the following special provisions apply:

- a) Each non-residential *premise* permitted in 7.aaa.1 c) to e) above, shall have a maximum *gross floor area* of 1,000 square metres.”

- 3 All other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS \*\* DAY OF \*\*\*, 2015.

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KIMBERLY KITTERINGHAM  
CITY CLERK

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FRANK SCARPITTI  
MAYOR



## APPENDIX 'C'



### **CONDITIONS OF THE CITY OF MARKHAM TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TM-14010 (Wykland Estates Inc. (Mattamy Cornell Centre)) ARE AS FOLLOWS:**

#### **1. General**

- 1.1 Approval shall relate to a Draft Plan of Subdivision 19TM-14010 prepared by MSH Land Use Planning Consultants, dated August 22, 2014, Revised July, incorporating the following revision:
  - Show ROW rounding radius / triangle for all roadways intersections.
- 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 date \_\_\_\_\_, 2018, 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 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.
- 1.5 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, TRCA and Region to implement or integrate any recommendations resulting from studies of other related matters identified.
- 1.6 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.
- 1.7 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 Director of Engineering, to implement or integrate any recommendations from studies required as a condition of draft approval, including, but not limited to, Municipal Class Environment Assessment, Traffic Impact Study, Internal Functional Traffic Design Study, Transportation Demand Management, Stormwater Management Study (Environmental Master Drainage Plan), 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 external agencies after draft approval is granted.

- 1.8 The Owner acknowledges and agrees to implement an erosion, sediment and dust control plan prior to commencement of any site work in accordance with City design criteria and to the satisfaction of the City (Director of Engineering).

## 2. Roads

- 2.1 The road allowances within the draft plan shall be named to the satisfaction of the Director of Engineering 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 Director of Engineering.
- 2.4 The Owner shall convey 0.3m reserves, where required, to the City, free of all costs and encumbrances, upon registration of the plan of subdivision.
- 2.5 The Owner shall covenant and agree in the subdivision agreement to provide temporary turning circles where required at their cost and remove them and restore the streets to their normal condition at their cost when required by the City, to the satisfaction of the Director of Engineering. The design of the temporary turning circles, and any implications on surrounding land use, shall be addressed in the subdivision agreement to the satisfaction of the Director of Engineering.
- 2.6 The Owner shall covenant and agree in the subdivision agreement that they shall be required to construct, or pay for the construction of, roads, bicycle lanes, curbs, gutters, sidewalks (in accordance with the applicable Council policy), underground and above ground services, street lights, street signs, utilities, stormwater management facilities, etc., to the satisfaction of the Director of Engineering.
- 2.7 Prior to the final approval of the draft plan, the Owner shall show the ROW rounding radius of all road intersections, to the satisfaction of the Director of Engineering.
- 2.8 The Owner shall covenant and agree in the subdivision agreement to implement the traffic calming measures identified in the Internal Functional Traffic Study. The Owner shall further covenant and agree to implement additional traffic calming measures, prior to assumption of the plan of subdivision, if it is determined by the City that additional traffic calming measures are required.
- 2.9 The Owner shall covenant and agree that prior to final approval of draft plan, the Owner shall address all outstanding engineering comments including laneways, intersection alignment to the satisfaction of the Director of Engineering.

3.0 Tree Inventory and Tree Preservation Plans

- 3.1 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.
- 3.2 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.
- 3.3 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.
- 3.4 The Owner shall submit for approval, as part of the tree inventory and tree preservation plan, in accordance with the City of Markham Streetscape Manual a tree compensation schedule detailing replacement and enhancement planting or the replacement value based on the following:
- a) Trees between 20cm and 40 cm diameter at breast height (DBH) shall be replaced at a ratio of 2:1.
  - b) All trees over 40cm DBH shall have an individual valuation submitted to the City by an ISA certified Arborist in accordance with the Council of Tree and Landscape Appraisals (CTLA) Guide for Plant Appraisal (2000).
  - c) Where a site does not allow for the 2:1 replacement, the City will negotiate a credit for tree planting on alternative sites.
  - d) The requirement for the replacement or equivalent economic value following unauthorized tree removal or damage shall be determined by the City.

4. Community Design

- 4.1 The Owner shall implement and incorporate all requirements of the approved Cornell Community Design Plan Prepared for the Cornell Landowners Group by The Planning Partnership, dated May 2011 and approved June 16, 2011 into all landscape plans, architectural control guidelines, engineering plans and any other required design documents.
- 4.2 The Owner shall comply with the Cornell Community Architectural Control Guidelines, prepared by Watchorn Architect Inc. dated July 2003, as amended and shall submit for approval a priority lot plan to the Director of Planning & Urban Design.
- 4.3 The Owner shall prepare and submit for approval an amendment to the Architectural Control Guidelines to include design requirements for lane based townhouses with integral garages with minimum width of 6.05m and lane based stacked townhouses with minimum width of 3.65m for Cornell Centre.
- 4.4 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.

4.5 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.

4.6 The Owner shall retain a design consultant acceptable to the Director of Planning and Urban Design to implement the Architectural Control Guidelines, as amended.

5. Parks and Open Space

5.1 The Owner shall provide full servicing, utilities, and maintenance for park **Block 2** to the satisfaction of the Director of Planning and Urban Design.

5.2 The Owner shall provide the following in each park block to the satisfaction of the Director of Planning and Urban Design:

- Accommodation of minimum 300mm topsoil depths in park
- Access to sufficient topsoil to cover parks at the depths specified in the subdivision agreement
- Water service and meter chamber inclusive of chamber drain to storm or sanitary drain and apparatus
- Storm servicing (CB/manhole) in the low end of each watershed within the park
- Sanitary servicing (depending on park size)
- Electrical servicing
- Minimum compaction levels
- Fencing of park block to OPSD standards
- Hydro-seed sub grade of parks
- Undeveloped park maintenance

5.3 The Owner shall provide a specialized (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.

5.4 The Owner shall convey **Block 2** to the City for park purposes, free of all costs and physical and title encumbrances, upon registration of the plan of subdivision. This Block shall be conveyed in a physical condition which is satisfactory to the Director of Engineering and Director of Planning and Urban Design which includes the provisions of utility and sewer connections for the Block at the street line. The City reserves the right to require, as an alternative, payment of cash-in-lieu for any park of the said conveyance of lands for parks purposes and that the draft plan be revised accordingly.

5.5 The Owner shall post approved copies of any Open Space Plans, Conceptual Park Development Master Plans and Conceptual Facility Fit Plans for the park and school campus in all sales offices for dwelling units within the draft plan of subdivision.

- 5.6 The Owner and City covenants and agrees that parkland dedication within the Cornell Community is required as outlined in the Cornell Master Parks Agreement.
- 5.7 The Owner shall covenant and agree to rough grade, topsoil, seed and maintain (free of stock piles and debris) all school blocks, park blocks and place of worship blocks and vacant lands within the subdivision to the satisfaction of the Director of Planning and Urban Design. The park blocks shall be maintained until such time as the parks have been constructed and formally assumed by the City for maintenance purposes. The school blocks, places of worship blocks, and other vacant blocks shall be maintained until such time as the ownership of the blocks has been transferred.
- 5.8 Prior to execution of the subdivision agreement, the Owner shall prepare and submit for approval a Facility Fit Plan for **Block 1 and 3** to the satisfaction of the Director of Planning and Urban Design.
- 5.9 Prior to execution of the subdivision agreement, the Owner shall prepare and submit for approval a Development Lotting Plan for **Block 1, 3 and 4** to the satisfaction of the Director of Planning and Urban Design.
- 5.10 Upon registration of the subdivision agreement, the Owner shall provide an updated report indicating the total parkland dedication for the Cornell Community in accordance with the Cornell Master Parks Agreements given as of the date of registration.
- 5.11 The Owner shall submit grading, servicing and survey plans by a qualified person for **Block 2**, to the satisfaction of the Director of Planning and Urban Design.
- 5.12 The Owner shall provide a current geotechnical report by a qualified person for **Block 2**, to the satisfaction of the Director of Planning and Urban Design.
- 5.13 The Owner shall convey **Block 2** (woodlot and community park), to the City, free of all costs and physical and title encumbrances, and in a condition which is satisfactory to the Director of Planning and Urban Design, upon registration of the plan of subdivision.
- 5.14 At the Written request of the Director of Planning and Urban Design, the Owner will re-monument the park **Block 2**.
- 5.15 Prior to making alterations to the site within the area of the draft plan, the Owner shall submit for review and approval a Woodlot / Natural Features Management and Preservation Plan for **Block 2** prepared by a qualified person to the satisfaction of the Director of Planning and Urban Design.
- 6.0 Landscape Works
- 6.1 Prior to execution of the subdivision agreement, the Owner shall submit landscape plans prepared by a qualified person based on the Public Realm Guidelines, Architectural Control Guidelines, and Community Design Plan into all landscape works, to the satisfaction of the Director of Planning and Urban Design, including, but not limited to:

- a) Street tree planting in accordance with the City of Markham Streetscape Manual dated June 2009, as amended from time to time.
  - b) 1.8m high wood screen corner lot fencing.
  - c) Streetscape plans for all Townhouse Blocks.
  - d) Any other landscaping as determined by the Community Design Plan and the Environmental Master Drainage Plan.
  - e) Noise attenuation fencing in accordance with the approved noise study.
  - f) Fencing of the school blocks where they abut residential development.
  - g) Any other landscaping as determined by the Community Design Plan, Public Realm Guidelines, Architectural Control Guidelines and Environmental Master Drainage Plan.
  - h) Trail design for **Block 2** in accordance with the Master Pathways and Trails Master Plan.
- 6.2 The Owner shall construct all landscaping in accordance with the approved plans at no cost to the City.
- 6.3 The Owner shall not permit their builders to charge home purchasers for the items listed in Condition 6.1.
- 6.4 The Owner shall include in all agreements of purchase and sale the following clause:

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

- STREET TREES (TREES PLANTED IN THE CITY BOULEVARD **Or IN ADJACENT PUBLIC LANDS OR PRIVATE LOTS to meet 4.1a)**
- CORNER LOT FENCING
- REAR LOT LINE FENCING AT LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
- TREE PLANTING IN REAR YARDS ADJOINING THE LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
- NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY
- FENCING OF SCHOOL, PARK, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS

- BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES
- SUBDIVISION ENTRY FEATURES AND DECORATIVE FENCING AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE CITY.

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

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 Director of Engineering, 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 Director of Engineering, 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 shall covenant and agree 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.
- 8.2 The Owner shall covenant and agree in the subdivision agreement to undertake the monitoring of watercourse temperatures which may be affected by storm drainage from its development, subject to consultation with, and to the satisfaction of the Director of Engineering.
- 8.4 The Owner shall covenant and agree in the subdivision agreement to obtain approval of Site Alteration Plans in accordance with the City’s Standards prior to proceeding with any on-site works and more particularly topsoil stripping.

9. Municipal Services

- 9.1 Prior to final approval of the draft plan, the Owner shall prepare, to the satisfaction of the Director of Engineering, 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 The Owner shall covenant and agree in the subdivision agreement that they shall be required to construct, or pay for the construction of, roads, bicycle lanes, curbs, gutters, sidewalks (in accordance with the applicable Council policy), underground and above ground services, street lights, street signs, utilities, stormwater management facilities, etc., to the satisfaction of the Director of Engineering.
- 9.3 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, etc. to the satisfaction of the Director of Engineering.
- 9.4 The Owner shall covenant 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.
- 9.5 The Owner acknowledges that the Cornell Secondary Plan (the "CSP") is being updated by the City. Prior to approval of development within the CSP area, the landowners group in the CSP area will be required to prepare and submit to the City for approval an updated Master Environmental and Servicing Plan (the "MESP"). The MESP will address the requirements for providing servicing to the updated CSP area. The Owner covenants and agrees to implement all recommendations of the MESP including financial contribution required for upgrades to the existing servicing infrastructures, at no cost to the City and revise the Draft plan if required to the satisfaction of the Director of Engineering.



- 9.6 The Owner shall covenant and agree to supply and install the permanent pressure reducing valve and appurtenances on the existing 400mm diameter watermain on Bur Oak Avenue (between the existing 400mm diameter and the proposed 300mm diameter watermain on Rustle Woods Avenue) to the satisfaction of the Director of Engineering. The Owner covenants and agrees to provide the City with securities to the satisfaction of the Director of Engineering to cover the installation of the pressure reducing valve and its chamber.

10. Traffic Impact Study / Internal Functional Traffic Design Study

- 10.1 The Owner shall covenant and agree that prior to final approval of the draft plan, the Owner shall address all outstanding comments related to the Transportation Impact Assessment Study, Functional Traffic Design and Transportation Demand Management Plan to the satisfaction of the Director of Engineering. The Owner further covenants and agrees to revise the draft plan if required, to implement or integrate any recommendations from these studies to the satisfaction of the Director of Engineering.

- 10.2 The Owner acknowledges that the City is currently undertaking the “Cornell Secondary Plan update”. As part of this study the Owner shall covenant and agree to convey additional lands, if required, at the intersection of:

- Bur Oak Avenue and Highway 7
- Bur Oak Avenue and Rustle Woods Avenue
- Bur Oak Avenue and Church Street
- Cornell Centre Boulevard and Highway 7

to the satisfaction of the Director of Engineering.

- 10.3 The Owner shall covenant and agree to complete the Functional design of the above intersections identified in 10.2.  
The Owner further covenants and agrees to revise the draft plan if required may result in revisions to the draft plan of subdivision to incorporate the recommendations of the Functional Design.
- 10.4 The Owner shall covenant and agree to implement the Transportation Demand Management Plan (TDM) recommendations and provisions to be outlined in a revised Transportation Impact Assessment Study and TDM strategy and approved by the Director of Engineering.
- 10.5 The Owner shall covenant and agree in the subdivision agreement

to provide the City a TDM Letter of Credit in an amount to be approved by the Director of Engineering to ensure that compliance with all recommendations in the TDM Plan.

- 10.6 The Owner shall covenant and agree to provide a site specific TDM Plan for each multi-unit residential block at the site plan stage (medium and high density blocks). The site specific TDM Plan shall conform to the overall TDM Strategy and provide detailed site information, including short and long-term bicycle parking to the satisfaction of the Director of Engineering.
- 10.7 The Owner shall covenant and agree to submit a separate Functional Traffic Design Study (TDS) for Block 4. The TDS should address the need for a north-south connection link from Blocks 5, 8 to 20 (all inclusive) to Church Street or to Cornell Centre Boulevard north of Block 4. The Owner agrees to implement all recommendations of the TDS and revise the draft plan if required to the satisfaction of the Director of Engineering.
- 10.8 The Owner shall covenant and agree to conduct an operational analysis to confirm if left turn lanes are required on Bur Oak Avenue at Rustlewoods Avenue and the Owner agrees that the draft plan may require revisions, to the satisfaction of the Director of Engineering, based on the findings of the operational analysis and /or functional design. Further, the owner agrees to provide additional lands if required, to the satisfaction of the Director of Engineering to facilitate the improvement.

## 11. Easements

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

## 12. Utilities

- 12.1 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 Director of Engineering and authorized agencies.

12.2 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.

12.3 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.

12.4 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.

12.5 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.

12.6 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.

12.7 The Owner shall covenant and agree that it will permit any telephone or telecommunication service provider to locate its plant in a common trench within the proposed subdivision prior to registration provided the telephone or telecommunications services provider has executed a Municipal Access Agreement with the City. The Owner shall ensure that any such service provider will be permitted to install its plant so as to permit connection to individual dwelling units within the subdivision as and when each dwelling unit is constructed.

14. Environmental Clearance:

- 14.1 The Owner shall covenant and agree 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 shall covenant and agree 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 Conditions on the Provincial Environmental Site Registry for all lands to be conveyed to the City.
- 14.3 The Owner shall covenant and agree that if, during construction of the Works, contaminated soils or materials are discovered, the Owner shall inform the Director of Engineering immediately, and undertake, at its own expense, the necessary measures to identify and remediate the contaminated soils or groundwater, all in accordance with the *Environmental Protection Act* and its regulations, to the satisfaction of the Director of Engineering and the Ministry of Environment. After remediation, the “Qualified Person” shall file an updated Record of Site Condition on the Provincial Environmental Site Registry, in accordance with Ontario Regulation 153/04, for all lands to be conveyed to the City.
- 14.4 The Owner shall covenant and agree to assume full responsibility for the environmental condition of the Lands and agrees to indemnify and save harmless the City, its directors, officers, Mayor, councilors, employees and agents from any and all actions, causes of action, suite, claims, demands, losses, expenses and damages whatsoever that may arise either directly or indirectly from the approval and Assumption by the City of the Works, the construction and use of the Works or anything done or neglected to be done in connection with the use or any environmental condition on or under the Lands, including any work undertaken by or on behalf of the City in respect of the Lands and the execution of this Agreement.

15. Well Monitoring Program and Mitigation Plan

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

16. Municipal Infrastructure:

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

- Lanes: 505m
- Local Roads: 660m
- Minor/Major Collectors: 780 m
- Sidewalks: 2,800m
- Streetlights: 70nos.
- Watermain: 1,345m
- Pressure reducing valve 1ea
- Sanitary Sewers: 1,280m
- Storm Sewers: 1,100m

17. External Works:

A) Construction of Cornell Centre Boulevard extension from Highway 7 to Church Street:

The Owner shall covenant and agree that prior to registration of the plan of subdivision; Cornell Centre Boulevard from Highway 7 to Church Street shall be designed and constructed to the satisfaction of the Director of Engineering.

B) Bur Oak Avenue:

- (1) In accordance with the executed agreement titled “ Bur Oak Avenue ( Church Street to Highway 7) Construction Agreement” dated 4<sup>th</sup> January 2007, the shall covenant and agree:
  - (i) To provide lands free and clear of encumbrances for an additional 2 metres of right-of-way;
  - (ii) To design and construct Bur Oak Avenue to its final cross-section; such as parking lay- by and bike lane
  - (iii) To prepare composite utility plans, landscaping plans including  
final street light design;  
  
all at no cost to the City and to the satisfaction of the Director of  
  
Engineering.
- (2) The Owner shall covenant and agree to supply and install strata cells, or approved equivalent, in the boulevard on Bur Oak Avenue from Church Street to Highway 7at no cost to the City to the satisfaction of the Director of Engineering. The Owner further covenants to coordinate the design and installation of strata cells and utilities and agrees to implement any recommendations or special requirements from utilities including but not limiting to installation of utility ducts below the strata cells and concrete encasing the ducts at no cost to the City to the satisfaction of the Director of Engineering.
- (3) The Owner shall covenant and agree in the subdivision agreement that they shall be required to construct bicycle lanes along Bur Oak Avenue (in accordance with the applicable Council policy), to the satisfaction of the Director of Engineering.

C) Riverlands Avenue:

In accordance with the executed agreement titled “Riverlands Avenue and Bur oak avenue (Riverlands Avenue to Church Street) to Highway 7) Construction Agreement” dated 29<sup>th</sup> March 2006, the Owner shall covenant and agree:

(i) To provide 3.25m lands free and clear of encumbrances along the north limits of Block 2 to provide for the ultimate 22.0m right-of-way width for Riverlands Avenue

(ii) To design and construct Riverlands Avenue to its final cross-section; and

(iii) To prepare landscaping plans and composite utility plans

including street light design;

all at no cost to the City and to the satisfaction of the Director of

Engineering.

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1.2 The Owner acknowledges that revisions to the draft plan of subdivision may be required in order to meet the requirements of Conditions 22 and 23, if necessary, to the satisfaction of the Region of York and the TRCA.

1.3

1.8 Prior to registration of the plan of subdivision, the Owner shall acquire the lands described as Part of Lot 28, Concession 4, designated as Part 1 on Reference Plan 65R-14560, from the authority having ownership and jurisdiction. Compensation, if any, for the above parts shall be determined by the City of Markham or the Region of York, as applicable.

## 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 to the satisfaction of the City of Markham.
- 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 The Owner shall convey, upon registration of the plan of subdivision, 0.3m reserves as required by the City of Markham or other agencies free of all costs and encumbrances, to the satisfaction of the City of Markham.
- 2.5 The Owner shall covenant and agree in the subdivision agreement to obtain Region of York approval to provide direct construction access from any Regional roads and to provide the City with a copy of this approval.
- 2.6 The Owner shall covenant and agree in the subdivision agreement that the Owner will make best efforts that no construction traffic shall be allowed through the intersection of Woodbine Avenue and Elgin Mills Road.
- 2.7 The Owner acknowledges and agrees that the road allowances and intersection configuration within the draft plan shall have right-of-way widths satisfactory to the City in accordance with the Internal Functional Traffic Design Study.

3. Noise Impact Study

- 3.1 Prior to release for registration of the draft plan, the Owner shall submit a Noise Impact Study, prepared by a qualified noise consultant, recommending outdoor and indoor noise control measures for the proposed development, including specific details relating to the width of buffer blocks and height of noise fences, 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.
- 3.3 The Owner shall covenant and agree in the subdivision agreement to convey the necessary Blocks to the City as buffer blocks, free of all costs and encumbrances. These Blocks shall be conveyed in a physical condition that is satisfactory to the City.

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 obtain written approval from the adjacent property owner(s) prior to the removal of any trees or destruction or injury to any part of a tree within 6.0m of the property line in accordance with the “Streetscape Manual” and the City of Markham Tree Preservation By-law 2008-06.
- 4.6 The Owner shall provide 332 replacement trees to the City prior to the final approval of the Plan of Subdivision based on the below:
  - a) Replacement trees shall have a minimum size of 30mm caliper

- b) Replacement trees species shall be in accordance with “Streetscape Manual”
- c) Replacement trees locations shall be determined by the City
- d) Replacement trees shall be under warranty for a period of 2 years from the substantial performance acceptance from the City
- e) Where replacement trees are not be able to be planted within the area of the draft plan, cash-in-lieu compensation shall be provided to the City calculated base on \$600 per replacement trees

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

## 5. Parks and Open Space

5.1 The Owner shall convey Block 10 to the City for open space purposes free of all costs and encumbrances, upon registration of the plan of subdivision. The Block shall be conveyed in a physical condition which is satisfactory to the City.

5.2 The Owner shall provide a walkway and pedestrian lighting within Block 10 to the City for pedestrian connection to the storm water management pond open space block. The configurations and designs of the walkway and pedestrian lighting shall be provided to the satisfaction to the City.

## 6. Streetscape and Landscape Plans

6.1 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”;
- c) 1.8m high wood screen corner lot fencing with masonry pillars;
- d) 1.5m high black decorative wrought iron fence on the property line where residential lots abut open space;
- e) Buffer planting for open space blocks and single loaded road;
- f) Noise attenuation fencing as determined by an approved noise study;
- g) Fencing between low density residential and higher density residential, commercial and industrial sites;
- h) Fencing and landscape elements between residential and hydro-corridor;

- i) Pathways, buffer planting, and fencing of the stormwater management facility; and
  - j) Any other landscaping as determined by the CDP and the Environmental Master Drainage Plan.
- 6.2 The Owner shall construct all landscaping in accordance with the approved plans at no cost to the City.
- 6.3 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.
- 6.4 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.
- 6.5 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.
- 6.6 The Owner shall notify the Director of Planning and Urban Design 72 hours prior to any landscape works commencing.
- 6.7 The Owner shall guaranteed the prescribed works for two (2) years from City receipt of the Landscape Architect’s accepted certificate of substantial completion.
- 6.8 The Owner shall not permit their builders to charge home purchasers for the items listed in Condition 4.1.
- 6.9 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
- 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 PARK, WALKWAY, STORMWATER MANAGEMENT POND BLOCKS, AND OTHER AREAS AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE CITY
- BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES
- SUBDIVISION ENTRY FEATURES AND OTHER LANDSCAPE WORKS (INCLUDING RETAINING WALLS IF ANY) 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.”

7. Community Design Plan

- 7.1 The Owner shall revise the Kylemore Communities (Victoria Square) Ltd. Neighbourhood Design Brief, Addendum to the Cathedral Community Design Plan (“CDP”) to the satisfaction of the Director of Planning and Urban Design prior to the submission of the revised landscape plans and engineering plans for the subdivision.
- 7.2 The Owner shall implement and incorporate all requirements of the redline approved Kylemore Communities (Victoria Square) Ltd. Architectural Design Guidelines (“ADG”) into all landscape plans, architectural drawings, engineering plans and any other required design documents.

- 7.3 The Owner shall retain John G. Williams Limited to implement the Architectural Control Guidelines.
- 7.4 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.
- 7.5 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.

## 8. Architectural Control

- 8.1 The Owner shall shall covenant and agree in the subdivision agreement to implement the architectural control guidelines.
- 8.2 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. No permits shall be issued for model homes prior to the approval of the City of the architectural control guidelines.
- 8.3 The Owner shall ensure that the design architect for any buildings within the plan of subdivision shall not assume the role of control architect for the plan of subdivision.

## 9. Stormwater Management

- 9.1 The Owner shall incorporate the requirements and criteria of the approved Stormwater Management Master Plan of 404 North Secondary Plan Area (OPA 149) prepared by SCS Consulting Group Ltd.(November 2010), into the draft plan and subdivision agreement.

- 9.2 The Owner acknowledges and agrees that the Master Environmental Servicing Plan (MESP) has been approved by the City and that the recommendations of the approved MESP shall be reflected in the Stormwater Management Study. The Owner further agrees to make any revisions to the draft plan that may be required to achieve recommendations of the MESP and revised Stormwater Management Study.
- 9.3 Prior to release for registration of the draft plan, the City and the Toronto and Region Conservation Authority shall approve a stormwater management design report, prepared by a qualified engineer on behalf of the Owner, addressing the water quality and quantity controls, water balance, hydraulic grade lines, overland flow routes, and erosion and siltation controls for the draft plan. The Owner acknowledges and agrees that they will be required to construct the proposed stormwater management facilities and overland flow routes, provide any easements or lands both internal or external to the subdivision for stormwater and overland flow purposes, and to revise the draft plan accordingly, as may ultimately be required.
- 9.4 Upon registration of the plan of subdivision, the Owner shall convey all necessary Blocks or transfer easements to the City as determined by the City for stormwater management purposes, including overland flow routes, free of all costs and encumbrances, in accordance with the recommendations of the Stormwater Management Study, to the satisfaction of the City and the TRCA.
- 9.5 The Owner shall covenant and agree in the subdivision agreement to prepare a Watercourse Monitoring Program, as per the requirements of the City's Watercourse Monitoring Master Plan, for review and acceptance by the Director of Engineering. The Owner shall implement the accepted Watercourse Monitoring Program and any subsequent addenda or reports accepted by the Director of Engineering. Notwithstanding the above provisions, the Owner has the option to pay a cash-in-lieu amount towards a City wide monitoring program administered by the City. If the Owner exercises this option, the Owner shall pay to the City \$200 per gross area of the Plan of Subdivision in hectares, being one time payment for a City wide monitoring program. The Owner shall implement, to the satisfaction of the Director of Engineering, the recommendations of the Final Report regardless of whether the City or the Owner conducted the monitoring program.
- 9.6 The Owner shall covenant and agree in the subdivision agreement to prepare a Stormwater Management (SWM) facilities monitoring and evaluation program 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 for a minimum period of three (3) years from the date of commencement of operation of the SWM facilities. The owner shall submit semi-annually a monitoring report and a final report at the end of the monitoring period. The final report shall determine the future inspection and maintenance requirements of the facilities. The Director of Engineering may extend the monitoring period up to an additional two (2) years, if in his opinion, further monitoring is necessary. Further, the Owner shall covenant and agree at the time of Subdivision Agreement to provide sufficient securities to the City to ensure that the SWM facilities monitoring and evaluation program is implemented to the satisfaction of the Director of Engineering.

- 9.7 The Owner shall incorporate the requirements and criteria from the approved Water Balance Study into the draft plan and provide for same in the subdivision agreement.

10. Municipal Services

- 10.1 The Owner shall acknowledge and agree in the subdivision agreement that final approval of the draft plan shall be subject to the City being satisfied that adequate water supply and sanitary sewer allocation is available to service the development in accordance with the June 11, 2014 Council resolution regarding community water supply allocations and sanitary sewage allocation.
- 10.2 Prior to release for registration of the draft plan, the Owner shall prepare, to the satisfaction of the City, a Functional Servicing Report, in accordance with the approved Master Servicing Plan for 404 North Secondary Plan Area (OPA 149) prepared by SCS Consulting Group Ltd., to determine the infrastructure required for all municipal services internal and external to the subdivision, including but not limited to, sewers, water mains, and roads. Any requirements resulting from this Report shall be incorporated into the draft plan and provided for in the subdivision agreement.
- 10.3 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued until the Director of Building Services has been advised by the Director of Engineering that water, sewage treatment, utilities and roads satisfactory to the Director of Engineering are available to the lands, except that building permits may be issued for model homes upon terms and conditions established by the City (Commissioner of Development Services).

- 10.4 Prior to release for registration of the draft plan, detailed engineering drawings shall be provided by the Owner in accordance with all technical studies and submissions 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, and any other plans as required to the satisfaction of the Director of Engineering.
- 10.5 The Owner shall covenant and agree in the subdivision agreement that the public highways, curbs, gutters, sidewalks, underground and aboveground services, street lights, street signs, etc., shall be designed in accordance with the City's design criteria, standards and general engineering principles and established municipal standards to the satisfaction of the Director of Engineering.
- 10.6 The Owner shall covenant and agree in the subdivision agreement that they shall be required to construct, or pay for the construction of, roads, bicycle lanes, curbs, gutters, sidewalks (in accordance with the applicable Council policy), underground and above ground services, street lights, street signs, utilities, stormwater management facilities, etc., to the satisfaction of the City.
- 10.7 The Owner shall prepare and submit an analysis of water supply and pressures for the internal water system to the satisfaction of the Director of Engineering, and comply with any applicable requirements, conditions or assessed costs established by the City, the Region of York or any other authorized agencies prior to the registration of any portion of the draft approved plan.
- 10.8 The Owner shall covenant and agree in the subdivision agreement that prior to any construction activities the Owner shall prepare a Well Monitoring Program and Mitigation Plan, as per the City's requirements for review and acceptance by the Director of Engineering. The Owner shall implement the accepted Well Monitoring Program and Mitigation Plan and any subsequent addenda or reports accepted by the Director of Engineering. Prior to Acceptance for Maintenance, the Owner shall provide the findings and recommendations in the Final Report to the Director of Engineering for review and acceptance at the end of the monitoring period. Further, the Owner shall covenant and agree at the time of Subdivision Agreement to provide sufficient securities to the City to ensure that the well monitoring and mitigation program is implemented to the satisfaction of the Director of Engineering.
- 10.9 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 adequate water supply for firefighting operations and acceptable access for firefighting equipment are available.

- 10.10 The Owner shall covenant and agree to pay for the relocation of existing service connections on abutting roads owned by the City and for the relocation of any infrastructure within the abutting roads to the satisfaction of the Director of Engineering.
- 10.11 Prior to release for registration of the draft plan, the Owner shall prepare a Hydrogeological Study in accordance with the approved Water Balance Study, to determine the mitigation measures required for all municipal services internal and external to the subdivision including sewers, watermains, and roads. Any requirements resulting from this report shall be incorporated into the draft plan and provided in the subdivision agreement.
- 10.12 The Owner covenants and agrees that no pre-servicing will occur until the engineering drawings are approved, a pre-servicing agreement is executed, site alteration drawings have been approved, and the necessary securities are provided.

11. Internal Functional Traffic Design Study

- 11.1 Prior to release for registration of the draft plan, the Owner shall prepare, in consultation with the owners of other lands within the 404 North Secondary Plan Area, an 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 these studies into the Functional Servicing Report required in Condition 10.2, the draft approved plan and the subdivision agreement, to the satisfaction of the Director of Engineering.

12. Easements

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

- 12.2 The Owner shall covenant and agree in the subdivision agreement to provide an easement for the municipal access to stormwater management pond Block 32 to the satisfaction of Director of Engineering.

13. Utilities

- 13.1 Prior to release for registration of the draft plan, the Owner shall prepare an overall utility distribution plan (Composite Utility Plan) to the satisfaction of the City and authorized agencies.
- 13.2 The Owner shall covenant and agree in the subdivision agreement that hydro electric, telephone, gas and television cable services, and any other form of telecommunication services shall be constructed at no cost to the City as underground facilities within the public road allowances or within other appropriate easements, as approved on the Composite Utility Plan, to the satisfaction of the City (Commissioner of Development Services) and authorized agencies.
- 13.3 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 Gas, Telecommunications Companies, etc. in order to service the development.
- 13.4 The Owner shall covenant and agree in the subdivision agreement that it will permit any telephone or telecommunication service provider to locate its plant in a common trench within the proposed subdivision prior to registration 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 commercial/residential units within the subdivision as and when each unit is constructed.
- 13.5 The Owner shall covenant and agree in the subdivision agreement to advise all utility and telecommunication carriers that plans for medium or large size vaults are to be submitted to the City for review and approval. Drawings are to be approved by the Commissioner of Development Services and are to include location, grading, fencing, landscaping, access, and elevations of structures, etc.

14. Telephone or telecommunication provider:

- 14.1 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.

14.2 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.

14.3 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.

15. Canada Post:

15.1 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.

15.2 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.

15.3 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.

- 15.4 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.
- 15.5 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.

16. Enbridge Gas Distribution:

- 16.1 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

17. Development Charges

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

18. Environmental Clearance

- 18.1 Prior to release for registration of the draft plan, 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.

- 18.2 The Owner covenants and agrees that, prior to release for registration of the draft plan, 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.
- 18.3 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.
- 18.4 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 release for registration of this draft plan.

## 19. Heritage

- 19.1 Prior to final approval of the draft plan of subdivision or any phase thereof, the Owners shall carry out a cultural heritage resource assessment for the lands within the draft plan to ensure the assessment and identification of appropriate treatment of built heritage and archaeological resources, and further to mitigate any identified adverse impacts to significant heritage resources to the satisfaction of the City (Commissioner of Development Services) and the Ministry of Culture. No demolition, grading, filling or any form of soil disturbances shall take place on the lands within the draft plan prior to the issuance of a letter from the Ministry of Culture to the City indicating that all matters relating to heritage resources have been addressed in accordance with licensing and resource conservation requirements.

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

19.3 Prior to final approval of the plan of subdivision or any phase thereof, the Manager of Heritage Planning shall advise that Conditions 19.1 and 19.2, inclusive, have been satisfied.

20. Other City Requirements

20.1 Prior to release for registration of the draft plan or any component thereof, the Owner shall enter into a Developers Group Agreement(s) to ensure the provision of community and common facilities such as school sites, municipal services, parks and public roads, and sites for places of worship in the Highway 404 North Community, to the satisfaction of the Commissioner of Development Services and City Solicitor, and a certificate confirming completion of such agreement(s) shall be provided to the City by the Developers Group Trustee to the satisfaction of the City Solicitor.

20.2 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.

20.3 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.

20.4 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.

20.5 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.

## 21. Fire Department

21.1 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.

- 21.2 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.

22. Region of York

- 22.1 The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the City of Markham and York Region.
- 22.2 A Prior to final approval, York Region shall confirm that adequate water supply and sewage servicing capacity are available and have been allocated by the City of Markham for the development proposed within this draft plan of subdivision or any phase thereof. Registration of the plan of subdivision shall occur in phases based on the availability of water supply and sewage servicing allocation.
- 22.3 The Owner shall agree in the subdivision agreement that the Owner shall save harmless the City of Markham and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
- 22.4 Prior to final approval, the engineering drawing showing the layout of the watermains and sewers shall be submitted to the Infrastructure Asset Management branch for review.
- 22.5 The Owner shall agree in the subdivision agreement that any direct connection 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.
- 22.6 For all lands, the Holding (H) provisions of Section 36 of the Ontario Planning Act shall be used in conjunction with all residential zone categories in order to ensure that final plan approval and development of these lands does not occur until such time as the Holding (H) symbol is removed in accordance with the provisions of the Ontario Planning Act. The Zoning Bylaw shall specify the terms under which Council may consider the removal of the Holding (H) symbol. Said terms shall include a minimum of the following:
- The City of Markham approves a transfer of servicing allocation to this development that is not dependent upon the completion of infrastructure; or,
  - York Region has advised in writing that the required infrastructure to support the capacity assignment associated with this development will be completed within a time period acceptable to the Region (usually 6 to 36 months depending on the complexity of the development) to permit the plan registration; or,
  - The Regional Commissioner of Environmental Services confirms servicing allocation for this development by a suitable alternative method and the City of Markham allocates the capacity to this development.



- 22.7 Prior to final approval, 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 provide for sidewalks on both sides of the roadway listed below, unless only one side of the street lies within the limits of the subject lands. The sidewalks shall meet the local municipality's standards, and be provided by the Owner along the subject lands' frontage onto roadway that have transit services.

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

- Woodbine Avenue

- 22.8 Prior to final approval, the Owner shall satisfy the Regional Municipality of York Transportation Services Department and the area municipality that the services to be installed by the Owner within or in conjunction with the Plan will provide a concrete pedestrian access connection from the internal roadways to the Regional roadway. The concrete pedestrian access connection shall meet the local municipality's standards for sidewalks and shall be owned and maintained by the area municipality.
- 22.9 The Owner shall agree in the subdivision agreement to convey lands to the local municipality to provide for such pedestrian access connection referred to in Condition 8 above.
- 22.10 Prior to final approval, the Owner shall submit drawings showing, as applicable, the sidewalk location and concrete pedestrian access to the satisfaction of York Region.
- 22.11 The Owner shall agree in the Subdivision Agreement to advise all potential purchasers of the existing introduction of transit services in this development as identified in Condition 7. This includes current transit routes, bus stops and shelter locations. This shall be achieved through distribution of information/marketing materials (YRT/Viva route maps, Future Plan maps & providing YRT/Viva website contact information) at sales offices and appropriate notification clauses in purchase agreements. The YRT/Viva route maps and the Future Plan maps are available from YRT/Viva upon request.
- 22.12 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 locations.
- 22.13 Prior to final approval, the Owner shall have prepared, by a qualified professional transportation consultant, a functional transportation report/plan outlining the required Regional road improvements for this subdivision. The report/plan, submitted to the Development Engineering Section of the Corporate Services Department for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues.

- 22.14 Prior to final approval, the Owner shall provide a written undertaking, to the satisfaction of the Development Engineering Section of the Corporate Services Department that the Owner agrees to implement the recommendations of the functional transportation report/plan as approved by Development Engineering.
- 22.15 Prior to final approval, the Owner shall submit detailed engineering drawings to the Development Engineering Section of the Corporate Services Department for review and approval that incorporate the recommendations of the functional transportation report/plan as approved by the Development Engineering Section of the Corporate Services Department. 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, electrical drawings for illumination design, traffic control/construction staging plans and landscape plans.
- 22.16 Prior to final approval, the location and design of the construction access for the subdivision work shall be completed to the satisfaction of the Development Engineering Section of the Corporate Services Department and illustrated on the Engineering Drawings.
- 22.17 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Development Engineering Section of the Corporate Services Department, that all existing driveway(s) along the Regional road frontage of this subdivision will be removed as part of the subdivision work, at no cost to York Region.
- 22.18 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Development Engineering Section of the Corporate Services Department that elevations along the streetline shall be 0.3 metres above the centreline elevations of the York Region roadway, unless otherwise specified by Development Engineering.
- 22.19 Prior to final approval, the Owner shall submit drawings depicting the following to the satisfaction of York Region staff:
- a. All existing woody vegetation within the York Region road Right-Of-Way,
  - b. Tree protection measures to be implemented on and off the York Region road Right-Of-Way to protect Right-Of-Way vegetation to be preserved,
  - c. Any woody vegetation within the York Region road Right-Of-Way that is proposed to be removed or relocated. However, it is to be noted that tree removal within York Region road Right-Of-Way shall be avoided to the extent possible/practical. Financial or other compensation may be sought based on the value of trees proposed for removal,
  - d. A planting plan for all new and relocated vegetation to be planted within the York Region road Right-Of-Way, based on the following general guideline:

Tree planting shall be undertaken in accordance with York Region standards as in Streetscaping Policy and using species from the York Region Street Tree Planting List. These documents may be obtained from the Forestry Section. If any landscaping or features other than tree planting (e.g. flower beds, shrubs) are proposed and included in the subdivision agreement, they will require the approval of the City and be supported by a Maintenance Agreement between the City and 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.

- 22.20 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Development Engineering Section of the Corporate Services Department, to be responsible to decommission any existing wells on the Owner's lands in accordance with all applicable provincial legislation and guidelines and to the satisfaction of the area municipality.
- 22.21 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 Woodbine Avenue will not be permitted. Access must be obtained through the internal road network.
- 22.22 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Development Engineering Section of the Corporate Services Department, that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region's Right-Of-Way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.
- 22.23 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Development Engineering Section of the Corporate Services Department that the Owner will be responsible for determining the location of all utility plants within York Region Right-Of-Way and for the cost of relocating, replacing, repairing and restoring any appurtenances damaged during construction of the proposed site works. The Owner must review, or ensure that any consultants retained by the Owner, review, at an early stage, the applicable authority's minimum vertical clearances for aerial cable systems and their minimum spacing and cover requirements. The Owner shall be entirely responsible for making any adjustments or relocations, if necessary, prior to the commencement of any construction.
- 22.24 Prior to final approval, the Owner shall engage the services of a consultant to prepare and submit for review and approval, an updated noise study to the satisfaction of the Development Engineering Section of the Corporate Services Department, recommending noise attenuation features.
- 22.25 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Development Engineering Section of the Corporate Services Department, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of Development Engineering.
- 22.26 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Development Engineering Section of the Corporate Services Department, that where berm, noise wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a professional engineer to have been installed as specified by the approved Noise Study and in conformance with the Ministry of Environment guidelines and the York Region Noise Policy.

- 22.27 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".

- 22.28 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 Development Engineering Section of the Corporate Services Department, as follows:

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

- 22.29 Prior to final approval, the Owner shall provide a copy of the subdivision agreement to the Corporate Services Department, outlining all requirements of the Corporate Services Department.

- 22.30 The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable prior to final approval in accordance with By-law # 2012-36.

- 22.31 The Regional Corporate Services Department shall advise that Conditions 22.1 to 22.30 inclusive, have been satisfied.

23. Toronto and Region Conservation Authority

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

- a. A letter demonstrating compliance with the Master Environmental Servicing Plan (MESP) – for OPA 149 (Highway 404 North Planning District) to the satisfaction of the TRCA.
- b. A detailed engineering report that describes the storm drainage system (quantity and quality and water balance) for the proposed development of the subject lands, and how it will comply with all related master environmental servicing plan (MESP) and TRCA requirements. This report shall include:
  - i. plans illustrating how this drainage system will tie into surrounding drainage systems and storm water management techniques which may be required to control minor and/or major flows;
  - ii. appropriate Stormwater Management Practices (SWMPs) to be used to treat stormwater, to mitigate the impacts of development on the quality and quantity of ground and surface water resources, including how it relates to terrestrial and aquatic species and their habitat, in addition to natural features and systems;
  - iii. proposed methods for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction, in accordance with the current Sediment and Erosion Control Guidelines utilized by the TRCA. ESC plans and a report addressing phasing and staging, consistent with TRCA's guidelines must be included, and approved by the TRCA;
  - iv. location and description of all outlets and other facilities, grading, or site alterations on and off the property, which are required to service or facilitate the development of the subject lands, which may require a permit pursuant to Ontario Regulation 166/06, the Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, with all supporting technical information;
  - v. mapping of proposed stormwater management measures, with consideration for grade differentials and grading required through the pond design and location;
  - vi. the integration of low impact development (LID) measures and the employment of source and conveyance controls to mimic to the extent possible, pre-development hydrology to the satisfaction of the TRCA;
- c. Overall grading plans for the subject lands to the satisfaction of the TRCA;

a)

- d. A detailed water balance implementation report which confirms the overall site water balance targets for this development are consistent with the targets established in the approved MESP. This includes demonstrating that adequate area is available for the installation of infrastructure (LID's) that can meet the required site targets. The report will identify measures that will be implemented to maintain ground water infiltration on-site, and a minimum on-site retention of the first 5mm storm event for areas impacting Berczy Creek, to the satisfaction of the TRCA. This study, which must provide detailed design of the system(s), proposed mitigation measures, implementation and monitoring information to determine the performance of these systems, along with an adaptive management plan to take corrective action as required;
  - b)
  - e. A final hydrogeological investigation report and groundwater constraint assessment that examines the existing and proposed groundwater levels in relation to the proposed development and stormwater infrastructure to the satisfaction of the TRCA. The report shall identify interactions between untreated (or insufficiently treated) surface and groundwater, shallow ground water, and dewatering requirements, with refinements and/or revisions made as necessary to the stormwater management system to mitigate against any groundwater or interflow associated with any component of this development. The need for liners associated with the stormwater management system shall be assessed, and suitable liners shall be provided where necessary. Permanent dewatering associated with any component of this development which may negatively impact the adjacent natural heritage features shall not be permitted;
  - f. That the owner provide a report, co-authored by a qualified hydrogeologist and qualified environmental consultant that identifies the potential impacts dewatering will have on the natural heritage system; including by not limited to the baseflow of Berczy Creek on a temporary and permanent basis and erosion thresholds upon the receiving system. Should the report identifies adverse impacts, then the draft plan and proposed infrastructure will be required to be revised to eliminate the need for permanent dewatering.
- 23.2 That the a response letter be provided which addresses the issues identified in the TRCA letter dated November 6, 2014 for 19TM-13002 and in TRCA letter dated March 6, 2014 for 19TM-14008 to the satisfaction of the TRCA.
- 23.3 The owner will be required to demonstrate compliance with the Migratory Birds Convention Act by avoiding tree removals between May 1 and July 23.
- 23.4 That the owner provides detailed designs that demonstrates that the proposed drainage can successfully convey stormwater to the receiving watercourse. This design must consider future development within the adjacent lands and function regardless of the timing of that development.

- 23.5 That the stormwater management pond on adjacent lands be constructed and operational, drainage easements attained, and an adequate stormwater outlet has been provided to the receiving watercourse (Berzcy Creek).
- 23.6 That the owner obtains all necessary permits pursuant to Ontario Regulation 166/06 to site alter and grade the site, and provide confirmation with respect to any permits which may be required by MNRF.

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.
  - (b) The Toronto and Region Conservation Authority 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:

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Biju Karumanchery, M.C.I.P., R.P.P.

Acting Director of Planning and Urban Design

### Toronto and Region Conservation Authority

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

- a) a detailed engineering that describes the storm drainage system (quantity and quality) for the proposed development of the subject lands in accordance with the Master Drainage Plan/Functional Servicing Study for this area;
- b) plans illustrating how this drainage system will tie into surrounding drainage systems and storm water management techniques which may be required to control minor or major flows. Confirmation must be provided with respect to how target flows as identified in the related studies demonstrating how this will be achieved during and post-development;
- c) appropriate Stormwater Management Practices (SWMPs) to be used to treat stormwater, to mitigate the impacts of development on the quality and quantity of ground and surface water resources which demonstrates how it relates to terrestrial and aquatic species and their habitat, in addition to natural features and systems. The existing drainage patterns should be maintained, to the greatest extent possible;
- d) proposed methods for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction, in accordance with TRCA's Erosion and Sediment Control (ESC) guidelines. ESC plans and an ESC report must address phasing and staging;
- e) location and description of all outlets and other facilities, grading, site alterations, development, infrastructure and watercourse alterations (on and off of the subject property), which may be required to service or facilitate the development of the subject lands, which may require a permit pursuant to Ontario Regulation 166/06, the Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, with all supporting technical information;
- f) the integration of low impact development measures and the employment of source and conveyance controls to mimic to the extent possible, pre-development hydrology to the satisfaction of the TRCA;
- g) detailed design of all proposed infiltration and low-impact development measures that are to be employed, demonstrating that TRCA's requirements, which include but are not limited to quality and quantity requirements, have been satisfied;
- h) a full copy of the supplemental geotechnical report, illustrate on all ESC drawings all discharge locations, and provide clarification with respect to the need for any potential permanent dewatering systems and what these systems would entail; and
- i) overall grading plans for the subject lands.

That the owner provides a comprehensive water balance, showing that best efforts are being provided to meet the pre-development water budget for this site. To demonstrate this, the owner shall provide:



- Post development water budget without site mitigations; and
- Post development water budget with site mitigations.

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

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

Should community blocks be proposed to be incorporated into the water balance design, please provide plans showing how the residential units will drain to these areas, LID options, and confirm that the municipality will accept LIDs within the community blocks.

That a letter of credit be obtained through the subdivision agreement, in the name of the municipality, for woodlot W3 native restoration plantings for the vegetation protection zone, to the satisfaction of the City and TRCA. These plantings should be consistent with TRCA planting guidelines and provide 100% coverage to increase the buffering function in this area;

That prior to a request for registration of any phase of this subdivision - should this not occur within 10 years of draft approval of this plan - that the owner consult with the TRCA with respect to whether the technical studies submitted in support of this development remain to meet current day requirements, and that the owner update any studies, as required, to reflect current day requirements;

That the owner agree in the subdivision agreement, in wording acceptable to the TRCA;

- a. to carry out or cause to be carried out, to the satisfaction of the TRCA, the recommendations of the technical reports and plans referenced in TRCA’s conditions, including but not limited to;
  - (i) Stormwater Management Plan
  - (ii) Erosion and Sediment Control Plan and Report
  - (iii) Functional Servicing Report Appendices Update for Mattamy Cornell Centre
- b. to implement the requirements of the TRCA’s conditions in wording acceptable to the TRCA;
- c. to design and implement on-site erosion and sediment control in accordance with current TRCA standards;
- d. to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, and until assumption by the City

of Markham in a manner satisfactory to the TRCA;

- e. to obtain all necessary permits pursuant to Ontario Regulation 166/06 which may be required from the TRCA; and
- f. that, where required to satisfy TRCA's conditions, the development shall be phased.

That the draft plan be red-line revised, if necessary, in order to meet the requirements of TRCA's conditions, or to meet current established standards in place as of the date of a request for registration of the Plan or any phase thereof.