

MARKHAM CENTRE COMMUNITY IMPROVEMENT PLAN

For a sustainable, vibrant and distinctive, mix-use, transit-supportive downtown community

DRAFT

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MARKHAM CENTRE COMMUNITY IMPROVEMENT PLAN

INTRODUCTION

Community Improvement Plan for Markham Centre

This Community Improvement Plan (CIP) applies to Markham Centre, the Town of Markham's emerging downtown. To remain successful and competitive, Markham Centre must continue to build upon its recognition as a place of superior quality and distinction. In a mobile and increasingly global economy, the development of an urban core and employment centre that is dynamic, safe, environmentally friendly and centrally located (supported by regional and inter-regional transportation systems) is essential.

This plan identifies an enabling strategic framework for potential community improvement projects in Markham Centre. Details of specific infrastructure requirements and investment opportunities will be brought forward to Council for consideration as the development of Markham Centre proceeds over time.

Markham Centre is being planned and implemented as the "Town Centre" urban core of the Town of Markham

The Markham Centre Secondary Plan (Official Plan Amendment No. 21) was adopted by Markham Council in 1994, and approved by the Ontario Municipal Board in 1997. The Secondary Plan provides for the future urban core of the Town of Markham, a "Town Centre", in the Central Area Planning District.

The goal of OPA 21 is to provide a policy framework and direction for detailed land use planning for a vibrant, intensive, mixed use Town Centre. The Town Centre is to have a distinctive character as the urban core of the Town of Markham, which will be the central focus of the Town, unifying its many communities. The Planning District will be a major activity centre which will be transit supportive as well as attractive and comfortable for pedestrians and will integrate a high standard of urban design with existing natural features to create a unique destination.

The Markham Centre area is generally bounded by Rodick Road on the west, Kennedy Road on the east, Highway 407 on the south, and the Highway 7 corridor on the north. Markham Centre is a long term vision. It has been two decades in the planning stages, and a significant amount of land development and investment in infrastructure has occurred since the late 1990's. The full build out of Markham Centre is anticipated to take another 20 to 30 years. Plans and development proposals continue to evolve to reflect a renewed focus on urban intensification under the Provincial Growth Plan, the Metrolinx "Big Moves" Transportation Plan, the new Region of York Official Plan, and the Town's Growth Management Strategy to 2031.

The total area of Markham Centre (OPA 21) is approximately 400 hectares, of which some 300 hectares is developable. The Rouge River Valley System is the primary open space element within the Planning District, and is a major component in defining the overall structure of the Plan. The basic land use targets identified in OPA 21 included 25,000 residents in 10,000 residential units, and 17,000 office jobs. More recent forecasts, arising from the Town's Growth Management Strategy, are targeting some 41,000 residents in 20,000 units, and some 39,000 jobs in Markham Centre.

Creating a new urban downtown in a greenfield setting is a complex and evolutionary process. While OPA 21 establishes a broad framework for the planning and development of Markham Centre, it divides the area into Districts, and relies on the preparation of more detailed "Precinct Plans" to guide planning and development approvals. The "Precinct" is a smaller geographic area within a District, which is an appropriate scale and size for detailed planning studies. A plan for each Precinct is to be prepared by the affected landowners for approval by the Town, to establish further parameters for detailed land use and the physical character and form of development.

The Precinct Plans are to be endorsed by Council prior to approval of development applications, but are non-statutory documents. To date, Council has endorsed detailed Precinct Plans for lands in the following Districts: Civic Centre (Tridel Circa), Warden West (IBM, Hilton Hotel, Liberty, Stringbridge/Times), Centre North (Times Uptown) and Centre West (Remington "Downtown Markham"). Remington has recently hired Calthorpe Associates to update the Centre West Precinct Plan, including revised road and block patterns to provide additional connectivity across the GO Rail Line to the proposed "Mobility Hub" multi-model transit facility. Town staff have also recently initiated a Precinct Plan process for lands in the Centre East District (which lands are primarily in municipal and provincial ownership), to address the Mobility Hub and emerging opportunities for land use intensification, transit oriented development and potential sports, entertainment and cultural uses as part of the "Markham Live" concept. Engineering Department staff are undertaking a transportation study to address the technical requirements of Metrolinx and other transit agencies regarding the Mobility Hub.

Markham's Economic Development Strategy Requires Development of a Vibrant, Regional-Scale, Transit-Supported Downtown

Planning for Markham Centre began in the early '90s. Since then, the Town of Markham, residents, businesses and landowners have been working together to make the vision a reality.

Markham Centre is currently home to the IBM Research Lab, Motorola, Honeywell, and the Hilton Hotel and Conference Centre. Medium and high density residential development is well underway, with approximately 4,000 residential units currently occupied or under construction.

Markham Centre is home to the Anthony Roman Centre (civic centre), Markham Theatre, Bill Crothers High School for Healthy Active Living, the YMCA, and is planned to accommodate three elementary schools, and the Pan Am Pool. Potential additional sports, entertainment and cultural facilities are under consideration by the Markham Live Committee of Markham Council. When complete, Markham Centre will be an intensive, mixed use urban area, incorporating housing, employment and retail facilities, recreational, cultural, major institutional and civic buildings, to serve as a central “Town Centre” focus for Markham’s many communities. It will be a place where residents, culture, entertainment and businesses thrive side by side. A walkable community integrated with the natural beauty of the Rouge River Valley, Markham Centre will be a place everyone can enjoy.

Markham Centre has gained wide recognition as a new way to manage dynamic growth, while sustaining the natural environment. New development in Markham Centre follows LEED standards. LEED (Leadership in Energy and Environmental Design) is a benchmark for the design, construction and operation of high performance “green” buildings. New development in Markham Centre is connected to the Markham District Energy system (district heating and cooling and co-generation of hydro electric power). The Markham Centre Advisory and Town Staff developed the “Markham Centre Performance Measures”, endorsed by Council, which are used in the review of all development applications to ensure conformity with the planning vision and sustainability objectives for Markham Centre.

Fast Facts:

- Current projections: 41,000 residents in 20,000 units, and 39,000 jobs.
- More than 30 of buildings are complete or under development – with many more to come.
- The community plan will include some 75 acres of parkland improved to an urban standard, and some 200 acres of valleyland and public open space to be restored and enhanced in keeping with the Council approved “Greenlands Plan” and integrated with tableland parks.
- Transit based location, served by Unionville GO station (identified as a GTA “Anchor Mobility Hub” by Metrolinx), with inter-modal connections to VIVA rapid transit, York Region buses, and the future Highway 407 Transitway.
- Accessible road network, with easy connections to Highways 407 and 404, arterial road system (including Highway 7, Warden Avenue and Kennedy Road), and local collector road system (Town Centre Boulevard, Enterprise Boulevard, Rodick Road, and Birchmount Road).
- Markham Centre will be one of North America’s largest LEED communities, and a benchmark for energy efficient district heating and cooling.
- Markham Centre Performance Measures and Guiding Principles are applied by the Markham Centre Advisory and Town Staff and Council to guide development in the area.

To remain successful and competitive, Markham Centre must continue to build upon its recognition as a place of superior quality and distinction. In a mobile and increasingly global economy, the development of an urban core and employment centre that is dynamic, safe, environmentally friendly and centrally located (supported by regional and inter-regional transportation systems) is essential.

Markham Centre is designed to be the community of choice for targeted businesses including the high technology sector, the financial services sector, professional services, and knowledge-based industry. It is therefore imperative that the hard and soft infrastructure essential to fostering this success, and the private sector investment that will signal this success, be encouraged and incented to be in place (and in the right places) in a timely way.

There has been very significant investment in Markham Centre to date – both public and private investment. Arterial and collector road networks are in place and are being expanded by both the Town of Markham and the Region of York. The VIVA rapid transit system is being upgraded and installed. Improvements are being made to the GO Rail infrastructure to provide for all day GO service. Plans of subdivision are being registered and the necessary local roads, utilities and underground services are being installed. Individual site plans have been approved, and there has been considerable new development over the past decade.

In addition to the hard and soft infrastructure required by the original Markham Centre Secondary Plan (OPA 21), the increased intensification and density now being planned for the area will place increased demands on infrastructure requirements. In particular, the Unionville GO Station in the East Precinct has recently been identified as a future Metrolinx Mobility Hub, to serve local, regional and inter-regional transit modes. The multi modal transit station will be a multi-level facility, which is intended to be integrated with surrounding infrastructure, land uses and pedestrian and traffic facilities to create a vibrant mobility hub district spanning both sides of the GO Rail line. Conceptual planning for the Mobility Hub is underway by the Remington Group and the Town through the updates to the Downtown Markham Precinct Plan (Centre West) and the preparation of a new East Precinct Plan.

The existing GO tracks at grade act as a major barrier in the Mobility Hub. Town staff and consultants (Adamson Architects Associates) are exploring options for overcoming this barrier, such as building pedestrian linkages and roads over the GO tracks, and VIVA and 407 Transitway connections under the GO tracks, with a layering of land uses and pedestrian connections spanning the tracks. The Town also is exploring options for a comprehensive “Markham Live” sports centre, cultural and entertainment destination that could be integrated with the future multi modal transit Mobility Hub. Possible elements under review by the Markham Live Committee of Council include sports and training facilities, cultural venues, entertainment,

commercial and office uses, hotel and residential, consolidated transit hub, stacked parking and service areas.

The infrastructure investments that would be required for the road and transit alignments, structured and underground parking, municipal services, major land uses, and the multi-modal transit station are challenging in their potential cost to the municipality, other levels of government, transit agencies, and private sector investors. The current Development Charges regime for Markham Centre already makes this a particularly expensive area for development in comparison to other development sites in Markham and across the Greater Toronto Area.

These high costs have posed competitive cost obstacles resulting in a relatively slow absorption rate for new commercial and office development in Markham Centre to date. Whereas the residential market demand has been sufficiently robust to absorb these high costs, the commercial and office markets in Markham Centre have lagged behind the pace of growth experienced in other districts. For example, the limited commercial and office development built to-date has relied on the limited opportunity to provide inexpensive interim surface parking, a condition that will not prevail in future phases of development.

In light of market constraints on the ability to achieve the planned intensity and pace of development, it is evident that alternative financial instruments and incentives must be considered in order to overcome the infrastructure challenges and to achieve Markham Centre's planned building densities and build-out. A programme that is suited to overcome these challenges, and to spur the desired growth in development, is the establishment of a Community Improvement Plan.

COMMUNITY IMPROVEMENT PLAN POLICIES

Planning Act

Section 28 of the *Planning Act* authorizes municipalities to designate, by by-law, the whole or any part of an area as a community improvement project area, provided that the municipality's official plan contains provisions relating to community improvement plans. Community improvement planning was used in the 1970's and 1980's to facilitate neighbourhood renewal and rehabilitation, whereas now, municipalities are utilizing it as an incentive to achieve development that delivers on municipal objectives, including environmental standards such as LEED ©, employment uses, intensification, energy efficiency and economic development. Incentives available within a community improvement project area include:

- grants, loans and land under section 28 of the *Planning Act*
- tax assistance under section 365.1 of the *Municipal Act, 2001*

Assistance provided pursuant to a Community Improvement Plan is an exception to the bonusing rule found in section 106 of the *Municipal Act*, which generally prohibits providing financial assistance to industrial or commercial enterprises. Financial assistance, as further described below, can be provided in order to carry out a Community Improvement Plan.

Markham Official Plan

The Town's Official Plan (section 2.12) contains provisions permitting it to establish Community Improvement Project Areas within the Town. Community Improvement Plans may be used as a tool to provide incentives to encourage the type, form and quality of development and redevelopment that will advance community interests and the objectives of the Town's Official Plan. Specifically the Town's OP authorizes the use of CIP's to encourage "new development and redevelopment, which is supportive of the goals and objectives of this Plan" (which would include the policies of the Markham Centre Secondary Plan – OPA 21).

- Area selection is guided by a number of criteria including areas where there is "the need for appropriate investment, growth and development incentives to achieve the goals and objectives of this Plan".
- CIP's are to be used to direct private investment, as well as public investment to:
 - Repair and upgrade deficient or deteriorated public infrastructure and amenities
 - Acquire lands or buildings and any subsequent clearing, rehabilitation, redevelopment or resale of these properties
 - Stimulating and directing growth and development that advances the community interest and supports the objectives of the Official Plan
- Main Street Markham and Main Street Unionville have already been designated as Community Improvement Project Areas.
- Additional areas may be designated by by-law, without requirement for an Official Plan Amendment.

York Region Official Plan

York Region's new Official Plan contains a number of references to Community Improvement Plans related to issues such as encouraging and supporting the development and maintenance of non-profit and affordable housing, to promote brownfield site redevelopment, and to support sustainable building incentive programmes. Section 8.3 of the Region's Official Plan - The Planning Process, specifically allows the Region to use the Community Improvement provisions of the Planning Act to implement the policies of the Plan by designating any part of the Region as a Community Improvement Project Area. The Regional Community Improvement Plan would utilize incentive programmes, including making grants or loans within the Community Improvement Plan Area either to registered property owners or to local

municipalities. The policies also provide for the Region to participate in a Community Improvement Plan of a local municipality.

York Region may also use Community Improvement Plans for infrastructure that is within York Region's jurisdiction, land and buildings within and adjacent to existing or planned transit corridors that have the potential to provide a focus for higher density mixed-use development and redevelopment; and, affordable housing. The use of a Community Improvement Plan for Markham Centre and its Mobility Hub would be consistent with the Region's CIP objectives.

MARKHAM CENTRE VISION

The Markham Centre Secondary Plan, dating back to its adoption by Council in 1994, provides the framework for transforming what were essentially Greenfield lands within the heart of Markham into a sustainable, vibrant and distinctive, mix-use, transit-supportive downtown community. Current growth targets suggest that Markham Centre will eventually be home to 20,000 units with 41,000 persons and 39,000 jobs.

Guiding Development Principles

Key guiding principles developed in conjunction with the Markham Centre Advisory to assist in achieving the goals and objectives for Markham Centre are:

1. The Rouge River valley has a powerful influence on Markham Centre.
2. The transit routes and stops determine the intensity of activity, the focus of public spaces and the concentration of built form.
3. Highway 7 will be transformed from an inter-regional highway to a major urban boulevard with a concentration of activity, mix of uses and a high quality of urban design.
4. A grid of major and minor streets provides ease of access which supports the mix and intensity of activity and helps define the structure of Markham Centre.
5. Public spaces, streets, courtyards and major urban places contribute to a 'sense of place' for Markham Centre.
6. Well-defined streets, building placement and architectural character support public life and year-round activity.
7. Ecological sustainability, which ensures that the built form and public spaces protect and enhance the natural processes of the landscape, will define the future of Markham Centre.
8. Markham Centre will have a town-wide cultural social focus.

9. Maintaining a high quality of life in Markham Centre will require managing parking and traffic impacts.
10. Building and sustaining a high quality public environment will require a new financial framework.
11. The value placed on the quality of life in existing, adjacent communities is recognized, respected and supported.

Markham Centre Performance Measures

The Town's vision for Markham Centre is further articulated by the Markham Centre Performance Measures document which emerged from the Town's citizen-centred approach to developing a dynamic evaluation framework for use in the review of applications within Markham Centre. The measures are focused on five key themes including Greenlands, Transportation, Built Form, Green Infrastructure and Public/Open Spaces. The Performance Measures Document was up-dated in 2007, to consolidate the various categories within a much simpler and more concise document, while identifying potential L.E.E.D. correlations. The revised Document is a critical component of the review of development applications in Markham Centre, intended to ensure the Town's vision for an intense, sustainable, mixed-use, transit-supportive town centre is achieved.

THE NEED FOR FINANCIAL INCENTIVES IN MARKHAM CENTRE

Markham Centre is facing a number of financial challenges to achieving its long term vision and to support the development densities required to truly become a remarkable downtown. Consistent with the objectives of the Official Plan's CIP policies, the Town's growth strategy and the Markham Centre Secondary plan, the Town has initiated a number of studies aimed at identifying transportation and other infrastructure improvements required to accommodate the residents, employees, businesses and visitors to Markham Centre.

The need was also identified to specifically revisit the planning framework for Markham Centre's East Precinct (where the Unionville GO station is located), and its relationship to the Remington Group's Downtown Markham project on the west side of the tracks. This planning framework has to be expanded to define and establish the parameters for creating an Anchor Mobility Hub at Unionville GO Station, as identified in Metrolinx's "The Big Move" document.

Anchor Mobility Hubs are intended to play a much greater role within the community than a transit interchange, and are expected to accommodate an intensive concentration of employment, living, shopping and recreational experiences supported by a variety of connected transit choices.

The rail corridor presently acts as a separator and barrier to the integration of the East Precinct and mobility hub with the rest of Markham Centre, where the greatest concentration of residential, retail and employment opportunities will occur. Consequently, opportunities to link the two sides of the GO line have become a design and planning priority.

In support of creating a mobility hub, the Town arranged for a developer and transportation agency roundtable workshop to be held in October, 2008 to discuss policies and implications on Markham Centre; review opportunities to align the mobility hub with other opportunities in Markham Centre; confirm the potential and scope of work for a Mobility Hub Concept Plan; and, discuss transit agency requirements in the area. This roundtable identified the need for more detailed planning and transportation studies associated with lands within Markham Centre and the East Precinct/Mobility Hub area.

Subsequently, Adamson Associates Architects were retained by the Town to undertake a comprehensive review of the infrastructure required to create an integrated mobility hub and provide the connectivity required for Markham Centre to achieve its full potential as an urban, high density, mixed-use, transit supportive downtown. This review included an examination of preferred and alternate transit alignments, existing and proposed road alignments, identified the need for additional road crossings of the GO line to connect the East Precinct with the balance of Markham Centre and, provided a strategy to implement these elements.

Key amongst the findings was the proposal to create the required crossings by altering the grade of the roads on either side of the tracks to meet above the GO rail line. The future development sites in the adjacent development blocks would then be completed through the construction of parking structures on the existing grades with the building's main entrances matching the grade of the new streets. This strategy has the added advantage of addressing the provision of below grade parking in a constrained environment with a high water table. The Adamson concept plan and proposed road/transit alignments were endorsed by Development Services Committee in March, 2011 as the basis for preparing Precinct Plans in the mobility hub area.

The potential costs, timing and phasing of this infrastructure is critical for the development of lands at the planned densities within Markham Centre and in the vicinity of the mobility hub, and the Town is currently undertaking studies to fully understand the financial implications. Another aspect to achieving the higher densities associated with the mobility hub and addressing the needs of the transit providers is the provision of adequate parking both in the short term (at-grade) and particularly in the long term as this parking is converted to structures concurrent with higher density development and higher order transit.

The Big Move document identifies a full range of financial and development tools that are potentially available as part of a mobility hub development strategy which may include tax increment financing, community improvement plans, area development charges, and public-private partnerships. This Community Improvement Plan is one strategy recognized as a possible way to assist the Town in achieving its objectives for Markham Centre and the mobility hub.

Beyond the mobility hub aspect of the work undertaken to-date, the Town has previously identified a number of significant infrastructure investments required to create a truly urban downtown as the Town transitions from a suburban municipality to an urban one. The current Development Charge funding regime however, does not allow the Municipality to fully capture the higher costs associated with creating more urban spaces such as streetscapes, urban parks, municipal parking garages, and public art. This disconnect has resulted in funding shortfalls for a number of critical aspects of city building.

Markham Centre also faces a number of competitive challenges with attracting strategic, office employment opportunities as it competes with area municipalities and even with other parts of the Town. The Markham Centre parking strategy, as implemented in the Markham Centre By-law, has reduced the parking requirement for office uses and introduced parking maximums. The by-law further requires a significant portion of the required parking to ultimately be accommodated within structures. The perceived lack of available parking, coupled with the increased costs associated with providing parking structures, especially when combined with enhanced costs associated with developing LEED Certified buildings, are constraints on the market competitiveness for employment lands in Markham Centre.

The Town's parking strategy does allow for interim measures to address these inequities in the short-term, while over the long-term the Town has identified the need to be more active in the provision of municipal parking facilities to address community parking needs. The strategy contemplates that the Town could eventually control a significant enough component of the parking supply to effect and influence, through a parking pricing policy, transit ridership behaviours. The provision of municipal parking facilities should help to level the playing field for attracting employment opportunities and encouraging the higher density development of employment lands in Markham Centre to help achieve the desired mix of uses.

This CIP identifies potential financial incentives to support the development of specific infrastructure required to achieve the Town's ultimate vision for Markham Centre. Incentives may be available during the anticipated build out of Markham Centre over the next 20 years. Examples of potential opportunities to direct future public investments within Markham Centre or offer incentives to achieve municipal objectives may include, but are not limited to:

- Municipal parking facilities and structures
- Streetscape improvements
- Undergrounding of hydro wires
- Enhanced bridge and pedestrian crossings of the Rouge River and tributaries

- Implementation of the Markham Centre Greenlands Plan
- Realignment of Tributary 5 in East Precinct
- Servicing infrastructure, including stormwater management facilities
- Green infrastructure initiatives
- Roads and crossings of the GO rail line
- Road construction and linkages to Kennedy Road
- Road and pedestrian connections across Highway 407.

This CIP will be an enabling framework document. Details of specific infrastructure requirements and investment opportunities will be brought forward to Council for consideration as development in Markham Centre proceeds over time.

OBJECTIVES OF THE COMMUNITY IMPROVEMENT PLAN

The primary objectives of this CIP are to identify a strategic framework for potential opportunities and incentives to support and facilitate the timely infrastructure and other investment required to support and attract key businesses to Markham Centre and allow it to realize its full potential as an Urban Growth Centre, as a Regional Centre, and as a dynamic and vibrant downtown for all of Markham, anchored around the mobility hub.

THE CIP PROGRAMME

In order to achieve the objectives of this CIP, the Town will seek to provide a suite of programmes. The specific scope and extent of these programmes will be the subject of a detailed financial analysis to be endorsed by Council following consultation with stakeholders, Provincial and Regional agencies and the public. The financial study will establish eligibility criteria, the manner in which the programme (whether it be a grant or incentive) is to be determined, the scope and term of the incentive or grant, and potential phasing of the incentive or grant.

Financial Analysis

In addition to establishing the eligibility criteria and scope of any component of the CIP, the financial study should explore potential opportunities for shared grants or loans consistent with Region's CIP policies. As part of the financial study, specific programme policies and implementation strategies for defining, screening and evaluating applications for grant or loans will be established. This will ensure clarity of the rules and procedures and a transparency of process to facilitate an effective delivery programme, and to support a clear understanding by all parties prior to commencement of the CIP. This is especially important in the event there is a shared grant or loan programme between Markham and York Region. The financial study should also identify appropriate interpretation policies/provisions to provide adequate direction on how certain matters such as numerical figures are interpreted – i.e. approximately rather than definitively.

Community Awareness

Once the financial strategy is in place, a more comprehensive dialogue will need to occur with the community, including Markham Centre landowners, the Markham Centre Advisory and interested members of the public to fully articulate the CIP projects and programmes and identify potential opportunities to advance municipal objectives through the CIP. A distinct marketing strategy could form a component of this dialogue however, given the generally larger property holdings and limited scope of development interests in Markham Centre, this may not be required.

The potential programmes to be considered to implement the CIP are described below.

Loans or Grants

Upon completion of the financial analysis, a Loan or Grant programme may be designed to provide assistance to landowners to help to pay eligible costs in the form of a series of annual grants to eligible owners who develop buildings, facilities, municipal parking structures and other infrastructure or works to address municipal objectives for Markham Centre.

Tax Relief

Tax relief, full or partial, from municipal property taxes and School Taxes, subject to notice to the Region and the consent of the Minister of Finance could form another component of the financial strategy. This would require further consultation with the affected agencies.

Tax Increment Equivalent Grant (TIEG)

This would consist of a grant equal to the full amount or a portion of the amount of the estimated municipal property tax increase after a property is developed or redeveloped. Such grants are funded from a portion of the Municipal Tax Increment. These grants are often referred to as Tax Increment Equivalent Grants (TIEGs). All eligible development will require a building permit and must conform to the zoning by-law. There are two types of municipal grants Base Development Grants and Enhanced Development Grants opportunities for which will be fully explored through the financial analysis to be undertaken in support of the CIP.

Land Acquisition and Disposal

The Town may also acquire land, develop it, rehabilitate or expand existing buildings on it, and sell, lease or otherwise dispose of the land or its buildings, at or below market value, in order to implement the objectives of this CIP.

Any action to implement this policy will require:

- i) a resolution of Council; and
- ii) a demonstration that the action is needed to implement the vision for Markham Centre to meet the goals of the CIP.

Agreements

As a condition of any programme selected to implement the CIP, owners shall enter into an agreement with the Town to be registered on title setting out the terms and conditions of the programme, as applicable. Terms and conditions of the Financial Incentives Agreement will complement and may expand upon, but in no way will detract from the conditions set out in the CIP. Appendix B attached is an extract from the Ministry of Municipal Affairs and Housing's Community Improvement Planning Handbook (2008) outlining possible Grant or Loan Agreement Provisions which may be used by municipalities as part of a CIP.

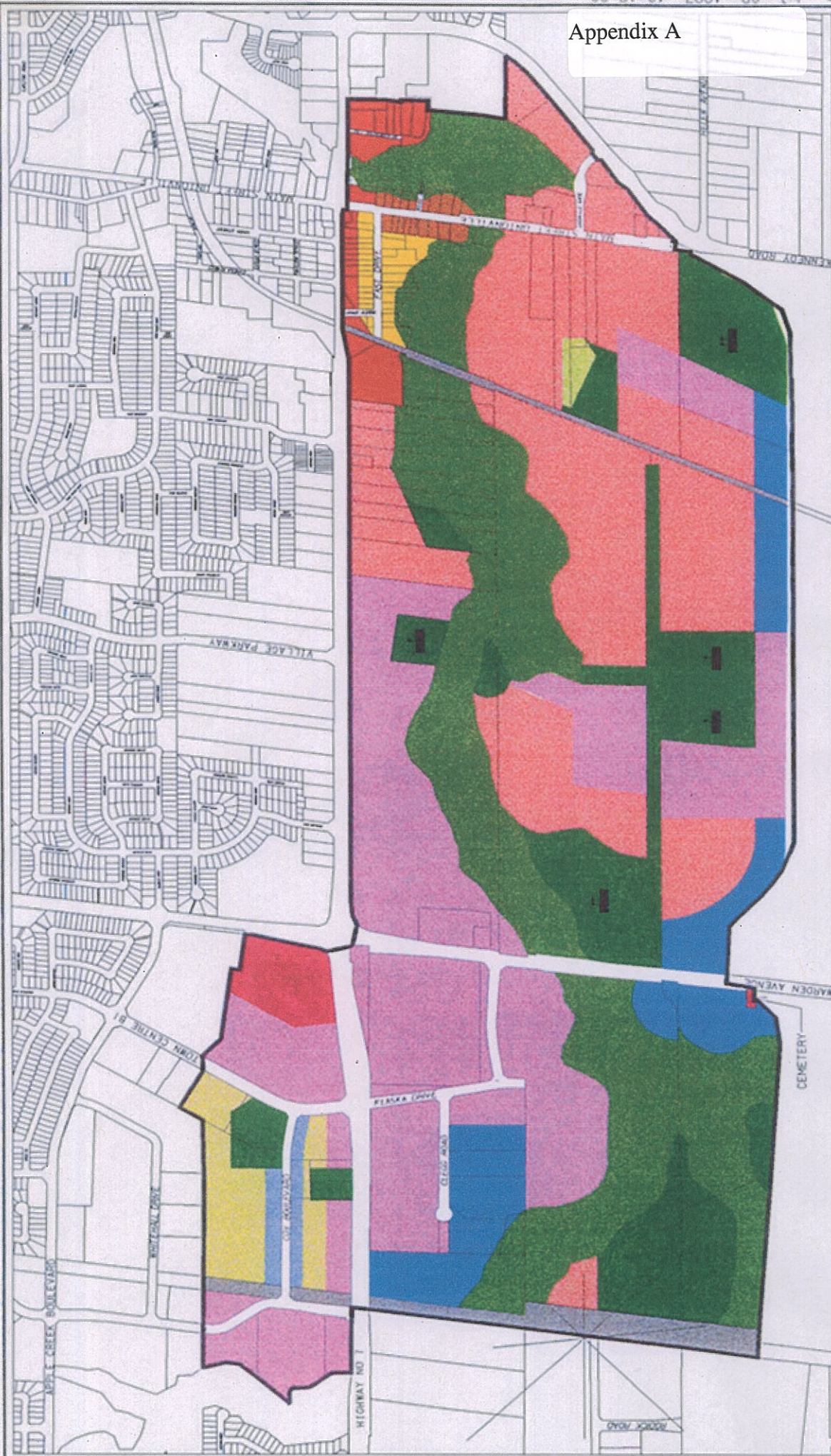
CIP Expiry

This CIP shall expire twenty (20) years after its coming into full force and effect subject only to Council amending this CIP so as to revise the expiry date or delete this provision.

CIP Review

The CIP will be reviewed no later than every five (5) years after it comes into full force and effect. The review will be initiated by a staff report outlining the content natures and extend of the review to be undertaken.

Amendments to the plan may also be required as a result of the financial analysis being undertaken and specific programming and funding requirements being identified as a result of that study. These changes would be subject to the provisions of the Planning Act and could require further notice and/or public meetings.



OFFICIAL PLAN OF THE MARKHAM PLANNING AREA

AMENDMENT No. 21

- | | | | | |
|----------------------------------|--|--|--------------------|------------------------------|
| LOW DENSITY HOUSING | COMMUNITY AMENITY AREA - MAJOR URBAN PLACE | OPEN SPACE - ENVIRONMENTALLY SIGNIFICANT | BUSINESS PARK AREA | INSTITUTIONAL CEMETERY |
| MEDIUM DENSITY HOUSING | COMMUNITY AMENITY AREA - GENERAL | HAZARD LAND | INSTITUTIONAL | ELEMENTARY SCHOOL |
| MEDIUM DENSITY HOUSING | | | | SECONDARY SCHOOL |
| COMMERCIAL CORRIDOR AREA | | | | TRANSPORTATION AND UTILITIES |
| NEIGHBOURHOOD COMMERCIAL CENTRE | | | | FORMER WASTE DISPOSAL SITE |
| COMMUNITY AMENITY AREA - GENERAL | | | | |

BOUNDARY OF AREA COVERED BY THIS AMENDMENT

Appendix B

Grant or Loan Agreement Provisions

The following lists provide some information on the basic kinds of grant or loan agreement terms or provisions that may be used by municipalities. Municipalities are responsible for their decisions about their agreements. The provisions used and their content may vary according to local factors. The development and evaluation of agreements is an example of a matter, like others in the handbook, for which municipalities often seek independent legal advice.

Note: An agreement concerning a grant or loan program may be registered against the land to which it applies (s. 28(11) of the Planning Act).

- Property information, including:
 - municipal address
 - assessment roll number
 - legal description
 - name of registered owner
- Owner/Applicant information, including:
 - name
 - mailing address
 - telephone number
 - facsimile number
 - e-mail address
- Project compliance requirements with the community improvement plan, section 365.1 of the Municipal Act, 2001, section 28 of the Planning Act and any other requirements specified in the agreement (e.g., work orders, building permits, orders to comply)
- Where the owner/applicant is a corporation, supporting documentation that the corporation:
 - is incorporated and in good standing
 - has the authority to enter into an agreement
 - is not subject to any action, suit or claim affecting its financial capacity
- Eligible costs covered by the relevant grant or loan program
- Exclusion of costs covered by other funding sources, where applicable
- Estimated amount of grant or loan
- Timing and duration of financial assistance payments

- Interest rate of loan and repayment schedule
- Documentation requirements from owner/applicant relating to:
 - eligible cost estimates
 - studies (e.g., design studies, environmental studies)
 - business planning
 - any other required documentation
- Independent third party review and audit of all estimated and actual costs, where required
- Non-retroactivity provision, where applicable (i.e., financial assistance begins with municipal approval and execution of an agreement)
- Construction covenants, including (re)development commencement and completion dates and penalty for non-fulfillment of obligations
- Maintenance requirements for buildings and improvements that are subject to a grant or loan (e.g., cancellation or reduction of assistance)
- Requirement for proof of actual costs on completion of eligible works, and municipal discretion to lower or increase coverage based on actual costs
- Payment options where there is a change in ownership (e.g., original owner/applicant retains the financial assistance or may assign it to the new owner)
- Protocol governing communications between the owner/applicant and the municipality, including notification procedures where there is a change in ownership of the subject property
- Municipal inspection requirements to ensure activities subject to the grant or loan are in conformity with municipal approvals and terms of the agreement
- Specification of conditions of default, including:
 - use of grant or loan for non-permitted uses or ineligible costs
 - failure to pay taxes
 - non-compliance with bylaws or any other requirement of the agreement
 - corporate bankruptcy
- Municipal recourse in the event of default