Memorandum to the City of Markham Committee of Adjustment June 24, 2020

File:B/004/20Address:Mobis Drive (11050 Woodbine Avenue) MarkhamApplicant:Gagnon Walker Domes Ltd. (Marc De Nardis)Hearing Date:Tuesday June 30, 2020

The following comments are provided on behalf of the West Team:

The applicant is requesting provisional consent to:

- a) sever and convey a parcel of land with approximate lot frontage of 280.37 m and approximate lot area of 11.18 ha (Lot 1);
- b) retain a parcel of land with approximate lot frontage of 117.28 m and approximate lot area of 2.55 ha (Lot 2);
- c) establish easements for reciprocal access, passage and servicing as follows:
 - i. blanket access and passage easements over all driveways and vehicular passageways, entrances and exits within the severed parcel in favour of the retained parcel (see Appendix B, Parts 1 and 2 of Draft 65-Reference Plan);
 - ii. blanket access and passage easements over all driveways and vehicular passageways, entrances and exits within the retained parcel in favour of the severed parcel (see Appendix B, Parts 3 and 4 of Draft 65-Reference Plan);
 - iii. blanket servicing easement within the severed parcel in favour of the retained parcel (see Appendix B, Parts 1 and 2 of Draft 65-Reference Plan); and,
 - iv. blanket servicing easement within the retained lands in favour of the severed lands (see Appendix B, Parts 3 and 4 of Draft 65-Reference Plan).

The purpose of this application is to separate the leasehold and condominium components of a proposed development of four industrial buildings.

BACKGROUND

Property Description

The subject lands are approximately 13.75 ha (33.97 ac) in size and located on the west side of Woodbine Avenue, south of Mobis Drive and west of Honda Boulevard, in the Highway 404 North Secondary Plan. The property is currently vacant.

Surrounding uses include:

- Directly north of the subject property is Mobis Drive and an existing industrial warehouse building;
- Immediately south of the property is a City owned woodlot approximately 7 ha (17.30 ac) in size. The woodland is designated

an "Environmental Protection Area" under the Highway 404 North Secondary Plan;

- To the west, Highway 404 and to the west of Highway 404, the City of Richmond Hill;
- To the northeast is an undeveloped site within the Highway 404 North Secondary Plan area; and,
- To the east, Woodbine Avenue, and an existing residential subdivision.

Proposal

Severed and Conveyed Parcels

The applicant is proposing to sever and convey a parcel of land with approximate lot frontage of 280.37 m and approximate lot area of 11.18 ha (Lot 1) and retain a parcel of land with approximate lot frontage of 117.28 m and approximate lot area of 2.55 ha (Lot 2) (see Severance Plan, Appendix 'B').

The proposed development consists of a total of four industrial buildings in phases. At present, Phase 1 will include two approximately 18,000-19,000 m² (195,000-215,000 ft²) industrial warehouse buildings on the severed parcel (Lot 1). Phase 2 will include two industrial condominium buildings on the retained parcel (Lot 2) (see A1.0 Site Plan, Appendix 'B'). Phase 3 proposes additions to the industrial warehouse buildings constructed in Phase 1.

The purpose of this application is to separate the leasehold and condominium components of the proposed development.

Easements

The applicant is proposing blanket easements to establish a mutual shared access driveway between the severed and retained parcels and servicing easements. The blanket easement will apply to the entirety of both the severed and retained parcels.

Other applications

- A Site Plan Control application for Phase 1 (SPC 20 110953) was circulated on April 29, 2020 and is currently being reviewed by the City.
- A Site Plan Control application for Phase 2 (SPC 20 119174) was circulated on July 08, 2020, and is currently being reviewed by the City.
- Two Minor Variance applications (A/023/20 and A/024/20) for Phase 1 and 2 have been deferred to allow staff the opportunity to adequately review and comment on the Site Plan Control applications.

Official Plan and Zoning

1987 Official Plan and Highway 404 North Secondary Plan

The subject property is subject to the policies of the Highway 404 North Secondary Plan, and is also subject to the 1987 Official Plan until such time as an updated Secondary Plan is approved.

The 1987 Official Plan designates the property Industrial – "Business Park Area". The intended function of this designation is the development of office/industrial business parks characterized by high design standards including corporate head offices and research facilities. The visual attractiveness is of prime importance. Retail and service uses are strictly controlled.

The objective of the Highway 404 North district is to develop a significant employment area while accommodating a minor extension of the planned residential development. The subject property is designated Business Park Area. Lands with this designation permit uses such as office, light industrial, accessory retail uses, hotels, institution uses, banks, and trade and conventions centres.

The proposed severed and conveyed lots conform to the requirements of the 1987 Official Plan and Highway 404 North Secondary Plan.

Zoning By-Law 177-96

The subject property is zoned Business Park (BP) under By-law 177-96, as amended, which permits uses such as banquet halls, business offices, financial institutions, hotels, industrial uses, medical offices, and, trade and convention centres. Both the severed and retained parcels would comply with the minimum lot area and lot frontage required in the zoning by-law.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on January 17, 2020 and confirmed the minimum lot area and minimum lot frontage requirements.

COMMENTS

The applicant is proposing to sever and convey a parcel of land with approximate lot frontage of 280.37 m and approximate lot area of 11.18 ha and retain a parcel of land with approximate lot frontage of 117.28 m and approximate lot area of 2.55 ha.

Engineering Comments

The Owner has been advised that the proposed on-site servicing for the severed and retained lots has not yet been accepted by the City and may not comply with the Ontario Building Code. As part of future site plan applications for the severed and retained lots, the Owner will be required to submit revised servicing drawings to clearly indicate that the proposed servicing for the retained and severed lots are independent and serviced separately, in accordance with the Ontario Building Code.

The applicant should contact Building Department staff early in the design process to discuss their proposal and ensure that such servicing design is acceptable by the City's

Building Department and will not result in delays to issuance of the necessary building permits.

Woodlot

A City owned woodlot approximately 7 ha (17.20 ac) in size is located directly south of the property. A portion of the woodland extends onto the subject property and a vegetation protection zone is required to be conveyed into public ownership for long term protection of the woodlot. The size and configuration of the vegetation protection zone will be confirmed through the related Site Plan Control application.

York Region Comments

To the north of the property are future plans for a mid-block flyover that crosses Highway 404 from Richmond Hill that will involve the realignment of Mobis Drive and the reconstruction of the Mobis Drive and Honda Boulevard intersection. A Class Environmental Assessment Study was completed in September of 2015 which delineates the mid-block flyover road alignment. As a result, the applicant will be required to convey sufficient lands and easements across the northern portion of the property, to the satisfaction of the Region and the City of Markham, to allow the Region and City to construct the mid-block flyover.

Details of what future site development works will be permitted within the temporary and permanent easements prior to construction of the mid-block crossing will be finalized through the Site Plan Approval process. The Region has no objection to the proposed Consent application provided the conditions in Appendix "C" are satisfied.

Toronto and Region Conservation Authority (TRCA) Comments

TRCA staff have no objections to the approval of the Consent application with the understanding that the detailed design of the proposed development of the new lot will be determined through the associated Site Plan and Minor Variance applications and subject to the required technical studies and information.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 14, 2020. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

In concluding that the proposal is appropriate, Staff have had regard for the criteria in Section 51 (24) of the Planning Act and recommend approval of the consent application subject to the conditions in Appendix 'A'.

PREPARED BY:

Harley Miller

Hailey Miller, Planner, Zoning and Special Projects

REVIEWED BY:

David Miller, Development Manager, West District

File Path: Amanda\File\ 20 108958 \Documents\District Team Comments Memo

APPENDIX 'A' CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE B/004/20

- 1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled;
- Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under Files B/004/20, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act;
- Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted;
- 4. Prior to the issuance of a Certificate of Official, the Owner shall enter into and execute a Development Agreement on terms and conditions to the satisfaction of the City Solicitor, Director of Planning and Urban Design, and the Director of Engineering, which Development Agreement shall be registered on title to the lands in priority to all mortgages, charges, liens and other encumbrances, and the Owner shall procure and cause to be executed and registered at its own cost and expense such discharges, postponements, and subordination agreements as may be required by the City in order to provide for the priority of registration for the Development Agreement on title to the Lands. The Development Agreement shall specifically provide for matters including but not limited to the following:
 - a. That the lands for a road widening to establish a right-of-way limit of 13.25 metres measured from the proposed centerline of Mobis Road and the woodlot buffer be conveyed to the City of Markham (the "lands"), subject to the filing and acknowledgment by the Ministry of Environment, Conservation and Parks (MECP) of a Record of Site Condition (RSC) for the lands, to the satisfaction of the Director of Engineering, or designate
 - b. That the Owner shall be responsible for all costs to prepare a reference plan and shall submit the plan for review to the satisfaction of the Director of Engineering, or designate. The draft Reference Plan of Survey shall be in metric units and integrated with the Ontario Co-ordinate System (NAD 1983 UTM Zone 17N), showing the road widening and woodlot buffer lands to be conveyed to the City. Upon acceptance of the reference plan by the City's Director of Engineering, or designate, the Owner shall be responsible for the registration of said plan.
 - c. To retain a "Qualified Person" to file Record(s) of Site Condition with the Provincial Environmental Site Registry for all lands to be conveyed to the City. 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

- d. That prior to the conveyance of the lands to the City, submit to the Director of Engineering a copy of the Letter of Acknowledgement from the Ministry of Environment, Conservation and Parks confirming that the RSC has been filed with the Provincial Environmental Site Registry, in accordance with O. Reg. 153/04, as amended
- e. The lands shall be conveyed to the City prior to the earlier of execution of a site plan agreement or December 31, 2021.
- f. To guarantee the Owner's commitment to fulfill the above-noted obligations, the Owner shall provide the City with a Letter of Credit to the satisfaction of the City Solicitor and the Director of Engineering and in an amount equal to:
 - i. The estimated cost to remediate lands to be conveyed to the City, if required;
 - ii. The estimated cost to prepare and file a RSC in accordance with O. Reg. 153/04; and,
 - iii. The value of the lands plus an additional 50% for administrative costs, to the satisfaction of the City Treasurer and Director of Engineering, or their respective designates.
- g. The Owner shall submit an appraisal of the lands to be conveyed to the City to determine the value of the land to be secured shall be to the satisfaction of the City's Senior Manager, Real Property.
- h. Allow the City to draw on the Letter of Credit, if required, to expropriate the lands based on the agreed value of the lands.
- i. Allow the City to draw up to the full amount on the Letter of Credit, if required, to identify and remediate any contamination of the lands and to file for RSC for the lands, in accordance with the Environmental Protection Act and its regulations, to the satisfaction of the Director of Engineering, or designate and MECP.
- j. The Letter of Credit minus any draws will be returned after the land has been conveyed to the City of Markham, to the satisfaction of the City Solicitor and the Director of Engineering or their respective designates.
- k. To assume full responsibility for the environmental condition of the lands comprising this Development Agreement. The Owner shall further agree in the Development Agreement 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 municipal infrastructure, the construction and use of the municipal infrastructure or anything done or neglected to be done in connection with the use or any environmental condition on or under lands comprising the Development Agreement, including any work undertaken by or on behalf of the City in respect of the lands comprising the Development Agreement and the execution of this Development Agreement.
- 5. That the applicant satisfies the requirements of the *Region of York*, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix

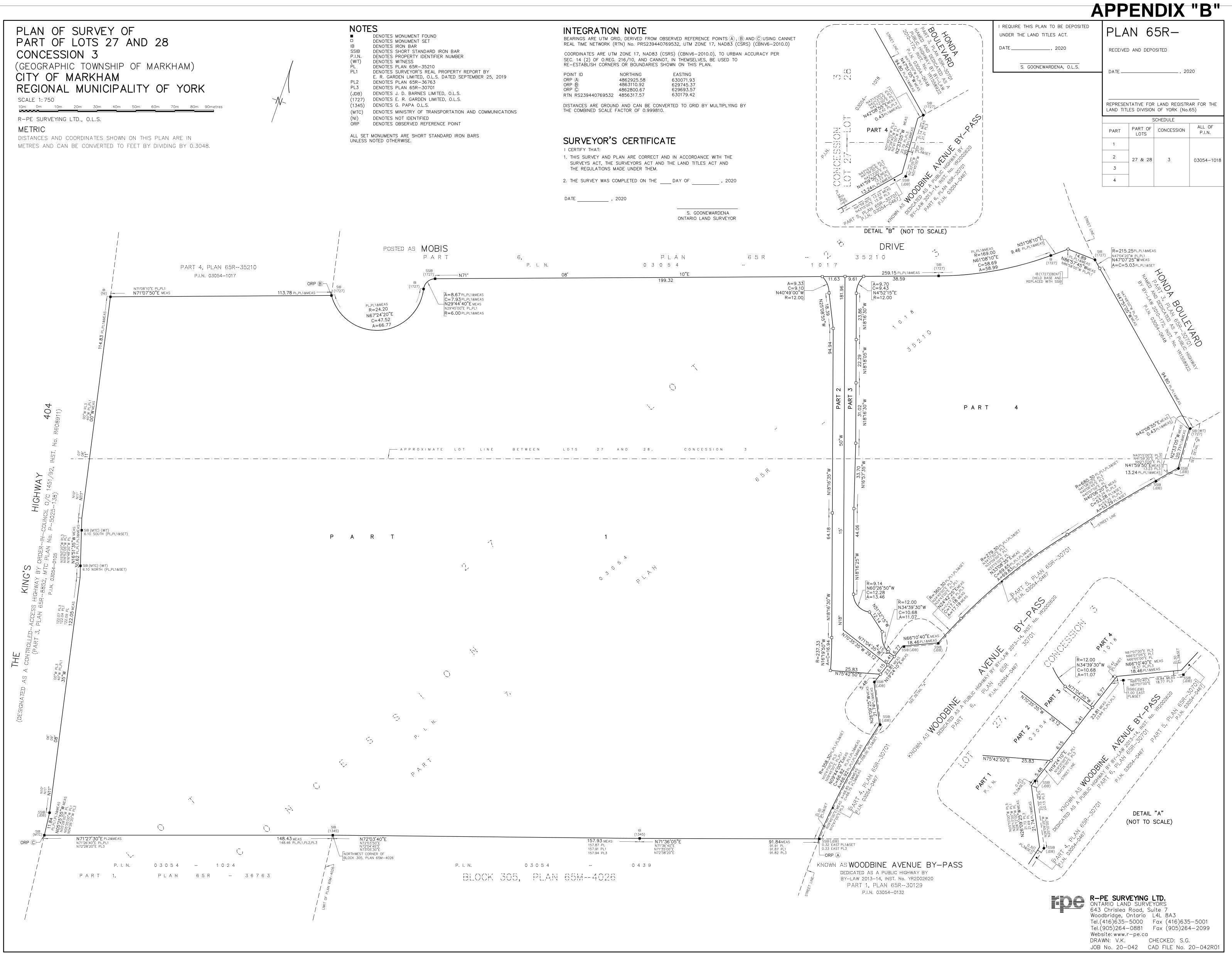
'C' to this Staff Report, to the satisfaction of the *Region of York*, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the *Region of York*;

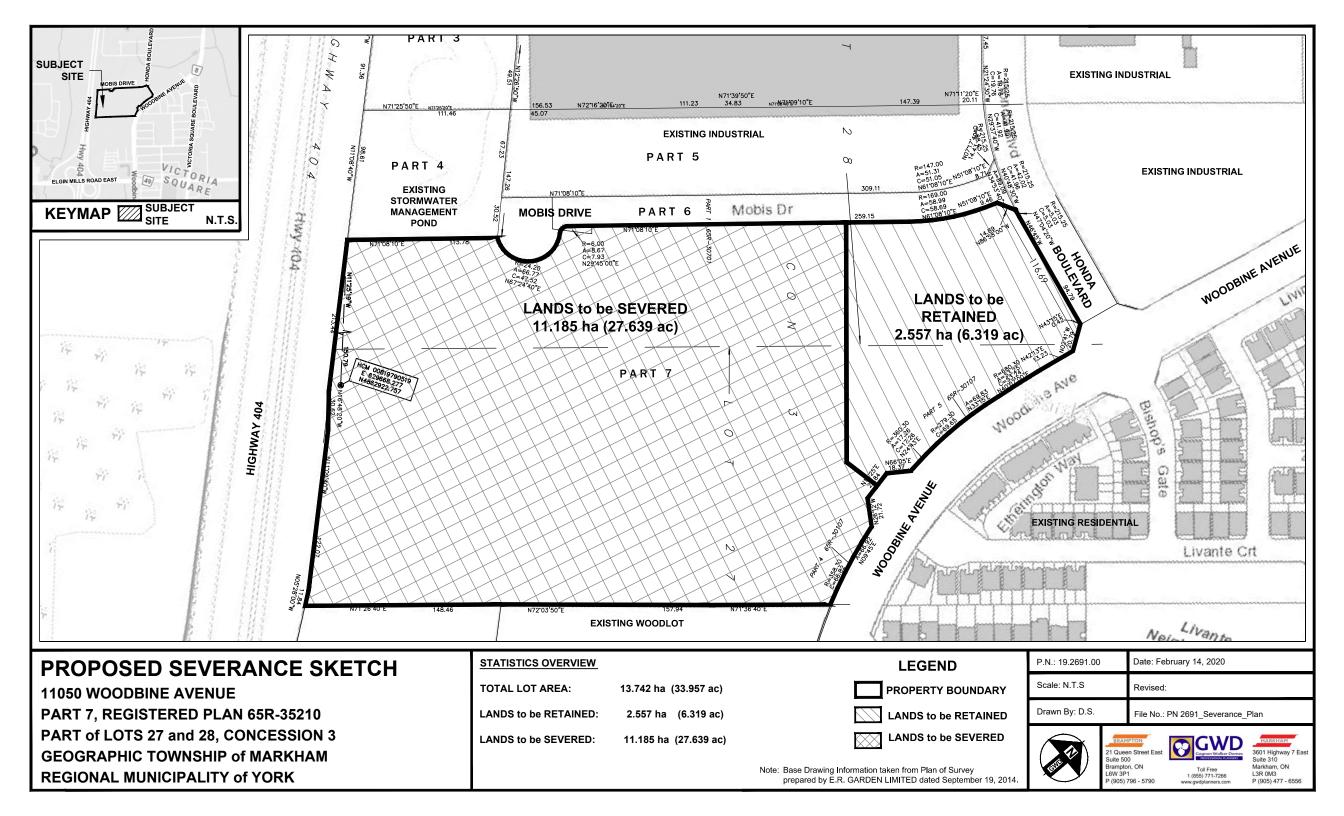
- 6. Provide confirmation from an Ontario Land Surveyor that the severed and retained parcels, in their final configuration, meets all the requirements of the applicable Zoning By-law, including any development standards for building and structures on the subject lands, and that the Secretary-Treasurer receive written confirmation that this condition has been satisfied to the satisfaction of the Zoning Supervisor or designate;
- 7. That the Owner sign the *404 North Phase 1 Landowners Group* Cost Sharing Agreement and written acknowledgement of such, from the Trustee, be provided to the Director of Planning and Urban Design or designate;
- Fulfillment of all of the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act, R.S.O. 1990, c.P.13.

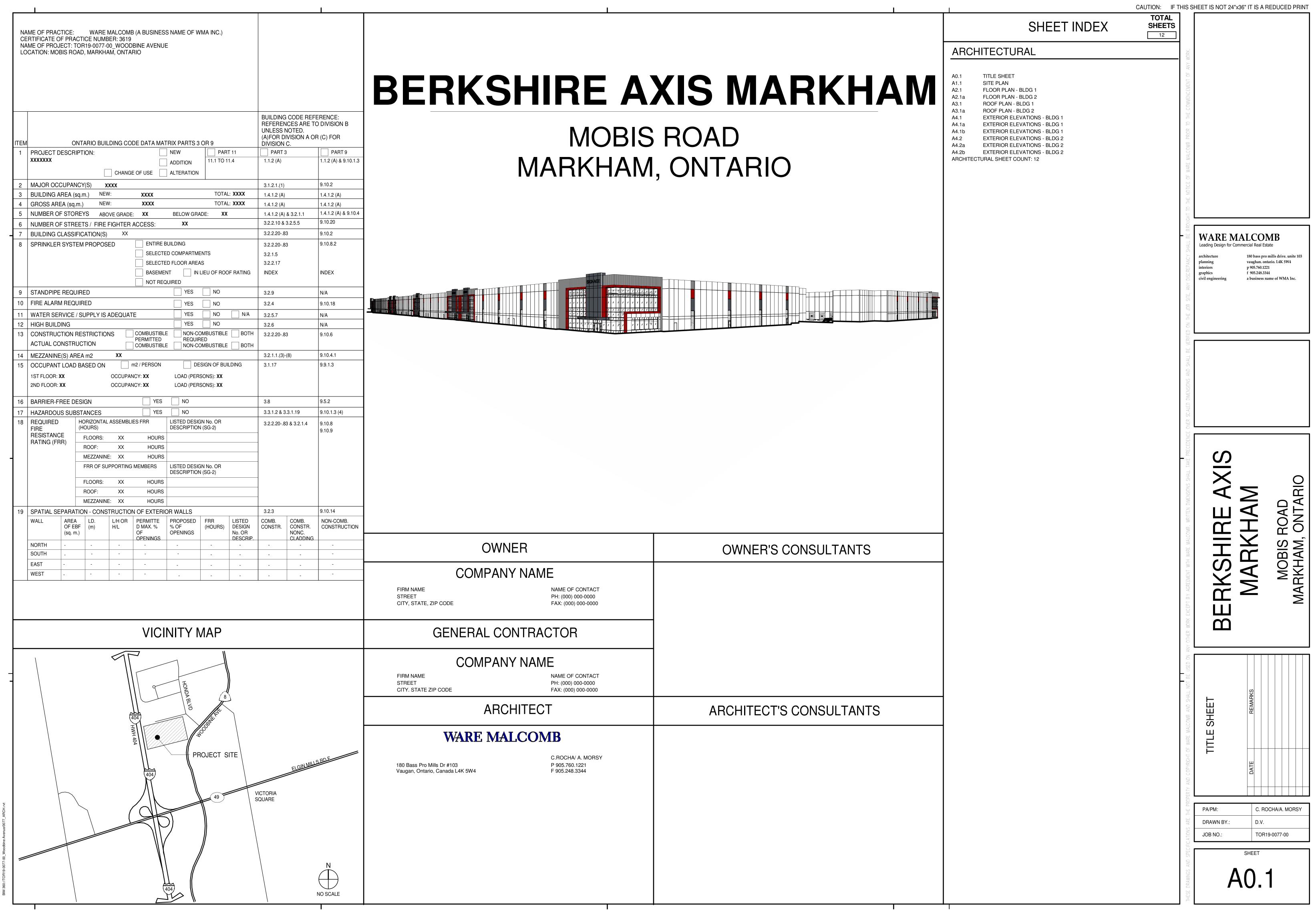
CONDITIONS PREPARED BY:

Houley Millon

Hailey Miller, Planner, Zoning and Special Projects



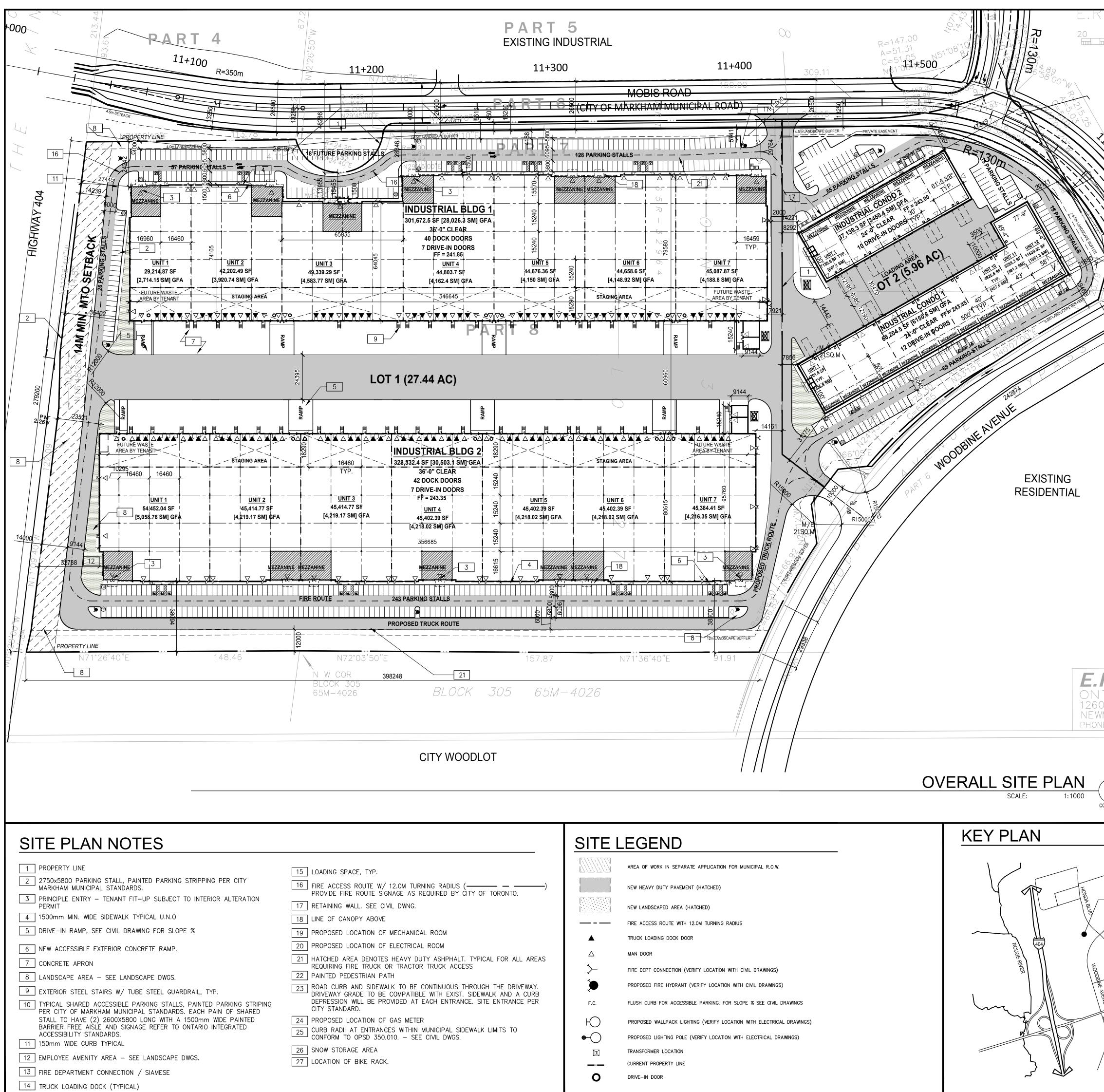




OWN	ER	OWNER'S CONSULTANTS				
COMPAN	Y NAME					
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GENERAL CO	NTRACTOR					
COMPAN						
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ARC	HITECT	ARCHITECT'S CONSULTANTS				
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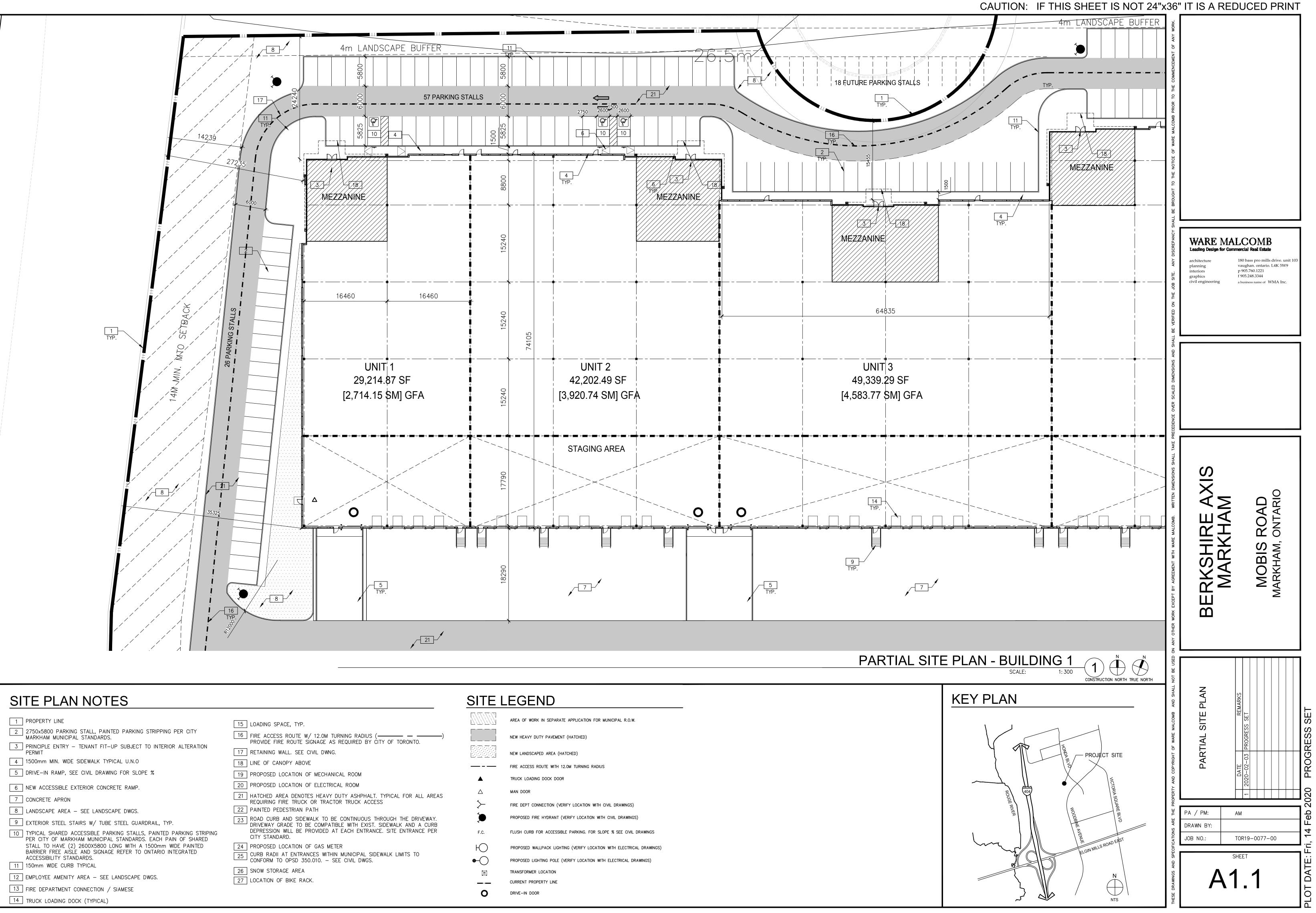


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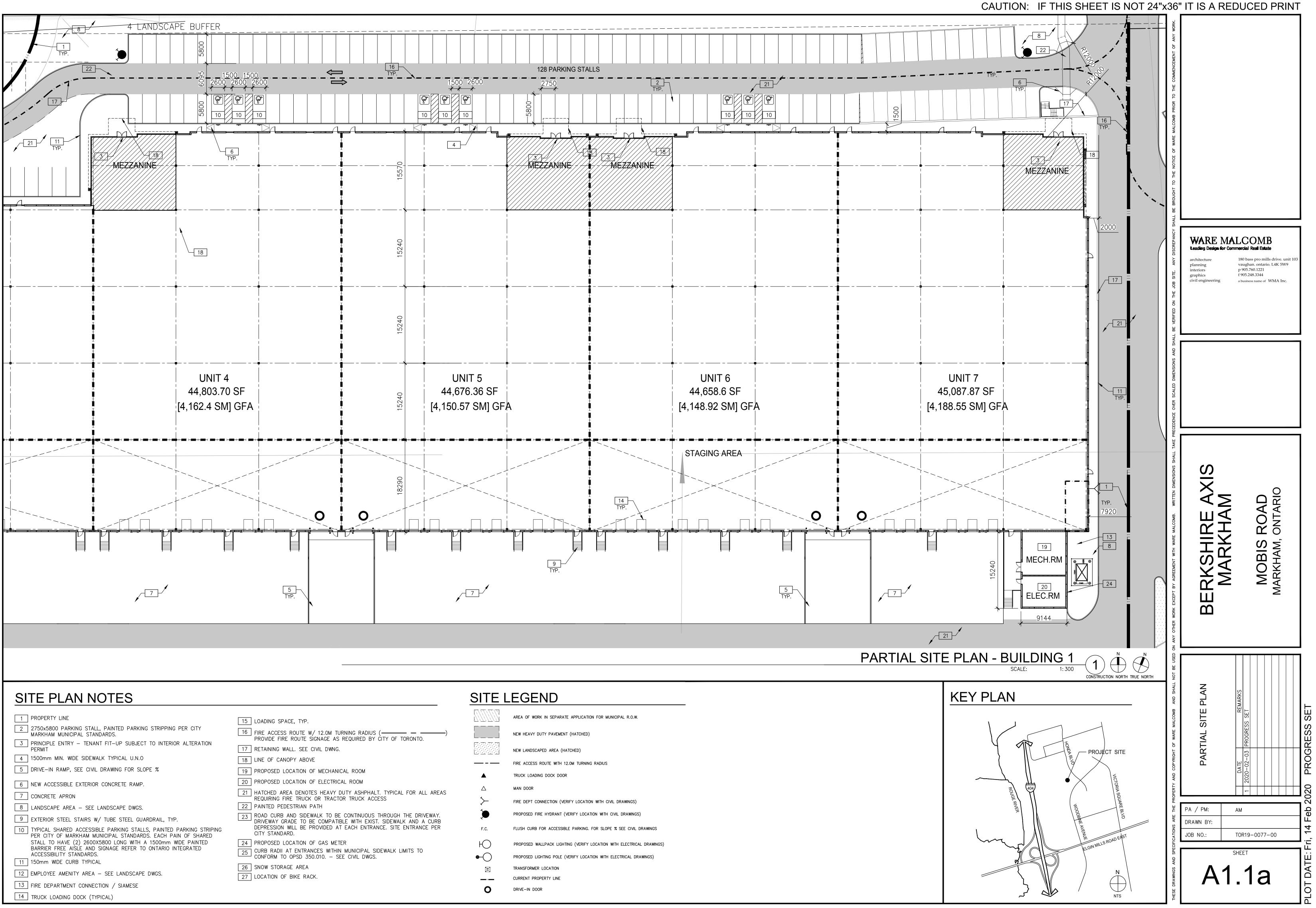
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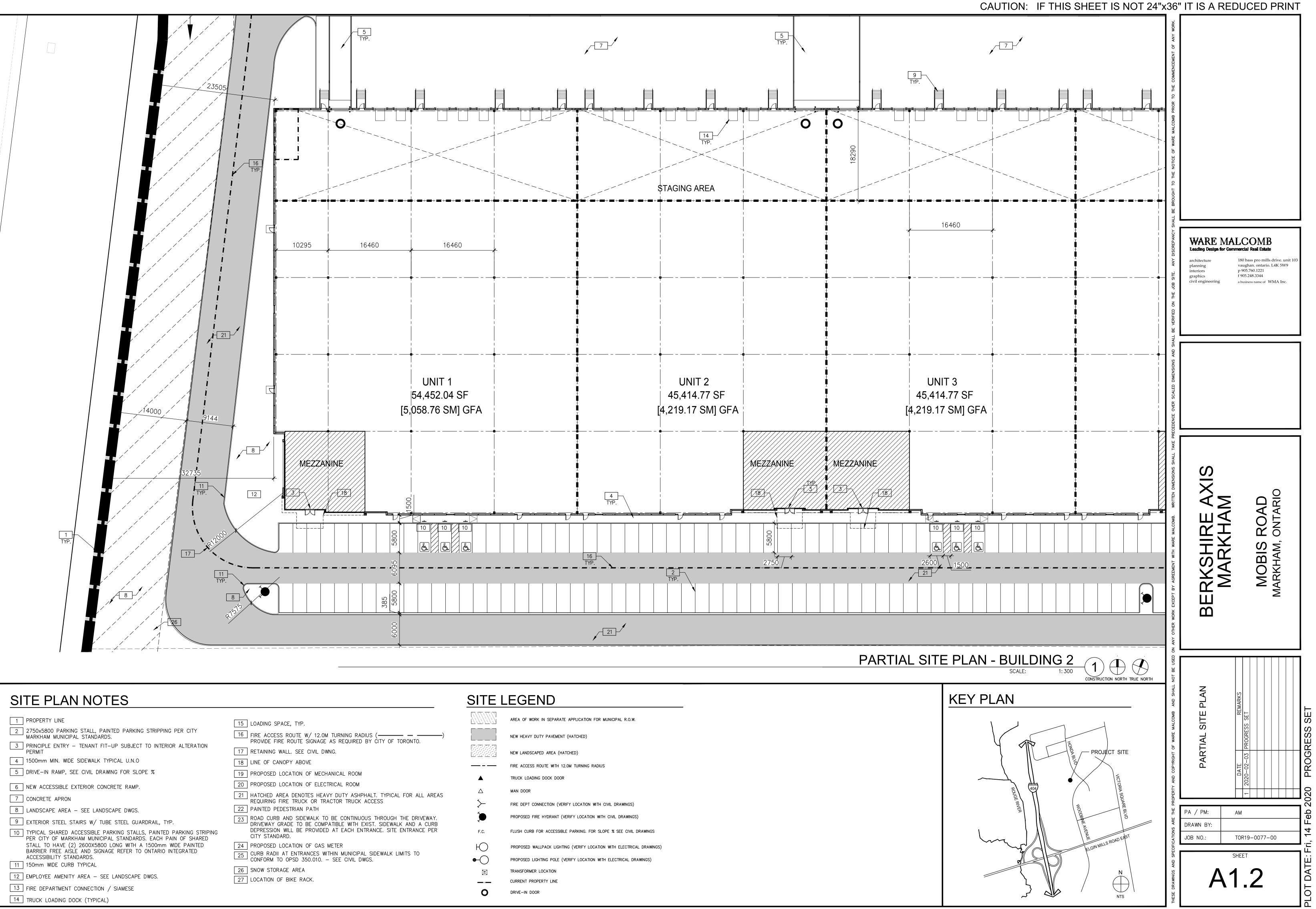


1 PROPERTY LINE	
2 2750x5800 PARKING STALL, PAINTED PARKING STRIPPING PER CITY MARKHAM MUNICIPAL STANDARDS.	
3 PRINCIPLE ENTRY – TENANT FIT-UP SUBJECT TO INTERIOR ALTERATION PERMIT	
4 1500mm MIN. WIDE SIDEWALK TYPICAL U.N.O	
5 DRIVE-IN RAMP, SEE CIVIL DRAWING FOR SLOPE %	
6 NEW ACCESSIBLE EXTERIOR CONCRETE RAMP.	
7 CONCRETE APRON	
8 LANDSCAPE AREA – SEE LANDSCAPE DWGS.	
9 EXTERIOR STEEL STAIRS W/ TUBE STEEL GUARDRAIL, TYP.	
10 TYPICAL SHARED ACCESSIBLE PARKING STALLS, PAINTED PARKING STRIPING PER CITY OF MARKHAM MUNICIPAL STANDARDS. EACH PAIN OF SHARED	
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11 150mm WIDE CURB TYPICAL	[·
12 EMPLOYEE AMENITY AREA – SEE LANDSCAPE DWGS.	
13 FIRE DEPARTMENT CONNECTION / SIAMESE	

SITE LEGEND					
	AREA OF WORK IN SEPARATE APPLICATION FOR MUNICIPAL R.O.W.				
	NEW HEAVY DUTY PAVEMENT (HATCHED)				
	NEW LANDSCAPED AREA (HATCHED)				
	FIRE ACCESS ROUTE WITH 12.0M TURNING RADIUS				
	TRUCK LOADING DOCK DOOR				
\bigtriangleup	MAN DOOR				
\succ	FIRE DEPT CONNECTION (VERIFY LOCATION WITH CIVIL DRAWINGS)				
۲	PROPOSED FIRE HYDRANT (VERIFY LOCATION WITH CIVIL DRAWINGS)				
F.C.	FLUSH CURB FOR ACCESSIBLE PARKING. FOR SLOPE % SEE CIVIL DRAWINGS				
Ю	PROPOSED WALLPACK LIGHTING (VERIFY LOCATION WITH ELECTRICAL DRAWINGS)				
-	PROPOSED LIGHTING POLE (VERIFY LOCATION WITH ELECTRICAL DRAWINGS)				
	CURRENT PROPERTY LINE				
0	DRIVE-IN DOOR				

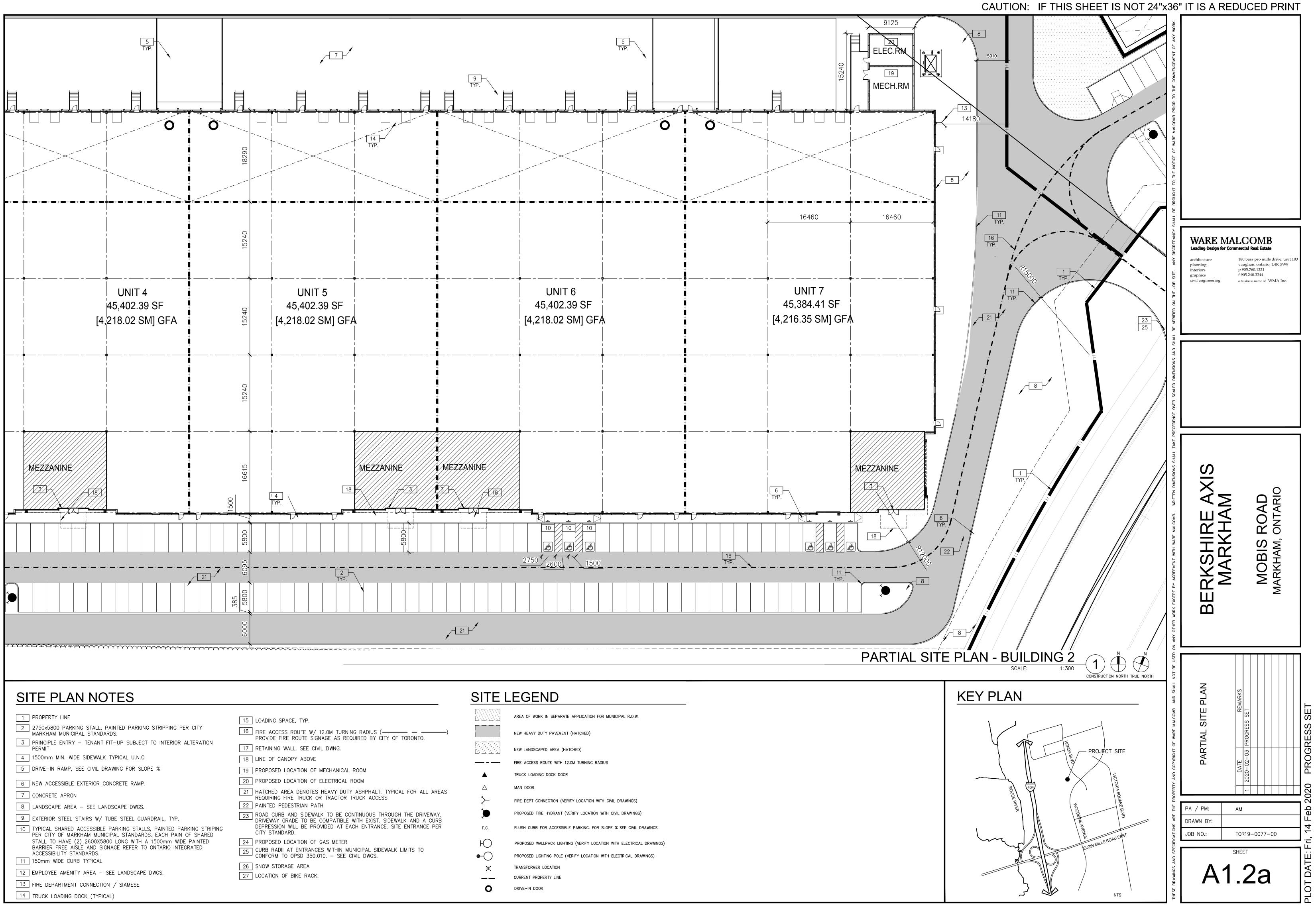


SITE LEGEND					
	AREA OF WORK IN SEPARATE APPLICATION FOR MUNICIPAL R.O.W.				
	NEW HEAVY DUTY PAVEMENT (HATCHED)				
	NEW LANDSCAPED AREA (HATCHED)				
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	TRUCK LOADING DOCK DOOR				
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Ю	PROPOSED WALLPACK LIGHTING (VERIFY LOCATION WITH ELECTRICAL DRAWINGS)				
•	PROPOSED LIGHTING POLE (VERIFY LOCATION WITH ELECTRICAL DRAWINGS)				
	TRANSFORMER LOCATION				
	CURRENT PROPERTY LINE				
0	DRIVE-IN DOOR				

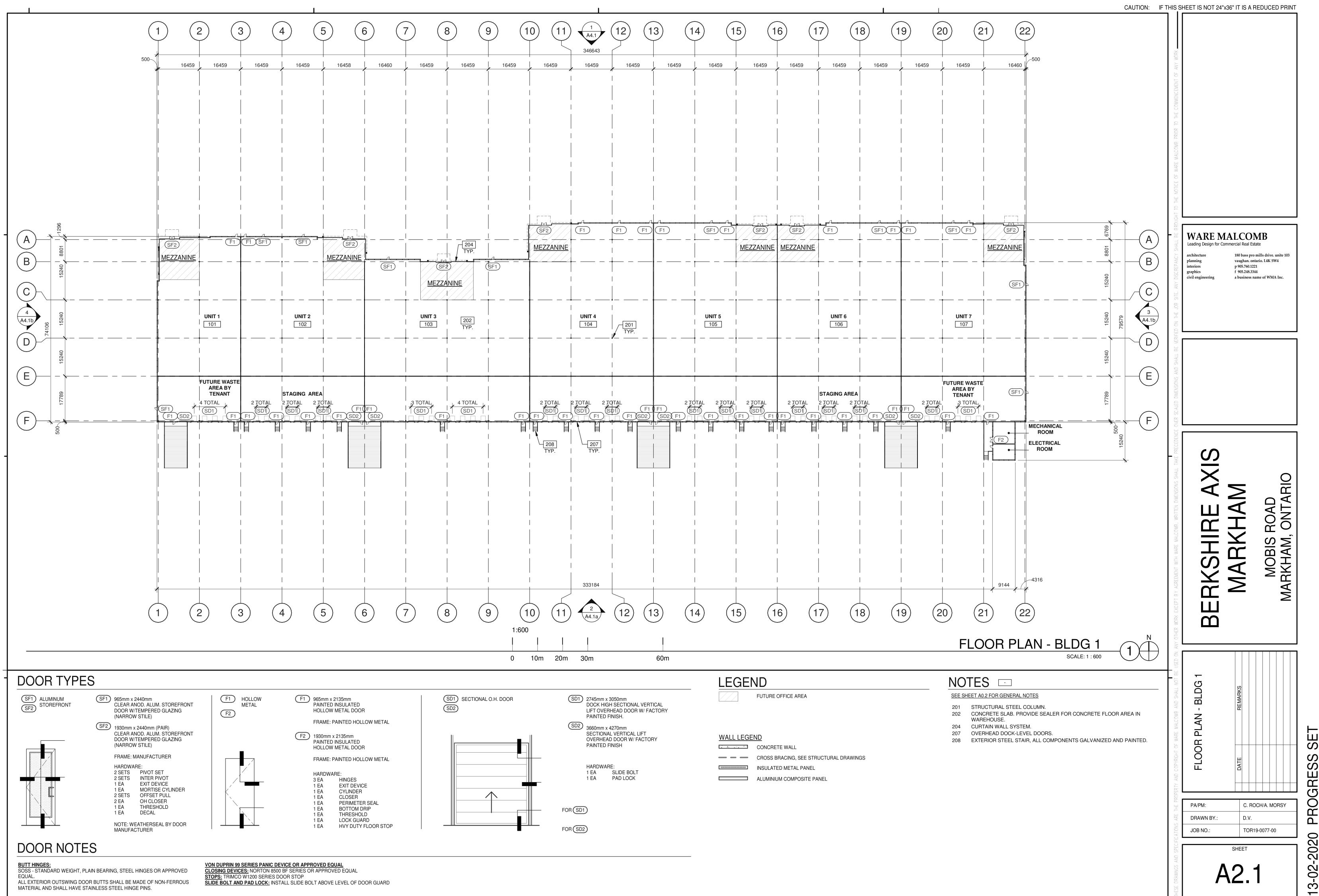


1 PROPERTY LINE
2 2750x5800 PARKING STALL, PAINTED PARKING STRIPPING PER CITY MARKHAM MUNICIPAL STANDARDS.
3 PRINCIPLE ENTRY – TENANT FIT-UP SUBJECT TO INTERIOR ALTERATION PERMIT
4 1500mm MIN. WIDE SIDEWALK TYPICAL U.N.O
5 DRIVE-IN RAMP, SEE CIVIL DRAWING FOR SLOPE %
6 NEW ACCESSIBLE EXTERIOR CONCRETE RAMP.
7 CONCRETE APRON
8 LANDSCAPE AREA – SEE LANDSCAPE DWGS.
9 EXTERIOR STEEL STAIRS W/ TUBE STEEL GUARDRAIL, TYP.
10 TYPICAL SHARED ACCESSIBLE PARKING STALLS, PAINTED PARKING STRIPING PER CITY OF MARKHAM MUNICIPAL STANDARDS. EACH PAIN OF SHARED STALL TO HAVE (2) 2600X5800 LONG WITH A 1500mm WIDE PAINTED BARRIER FREE AISLE AND SIGNAGE REFER TO ONTARIO INTEGRATED ACCESSIBILITY STANDARDS.
11 150mm WIDE CURB TYPICAL
12 EMPLOYEE AMENITY AREA – SEE LANDSCAPE DWGS.

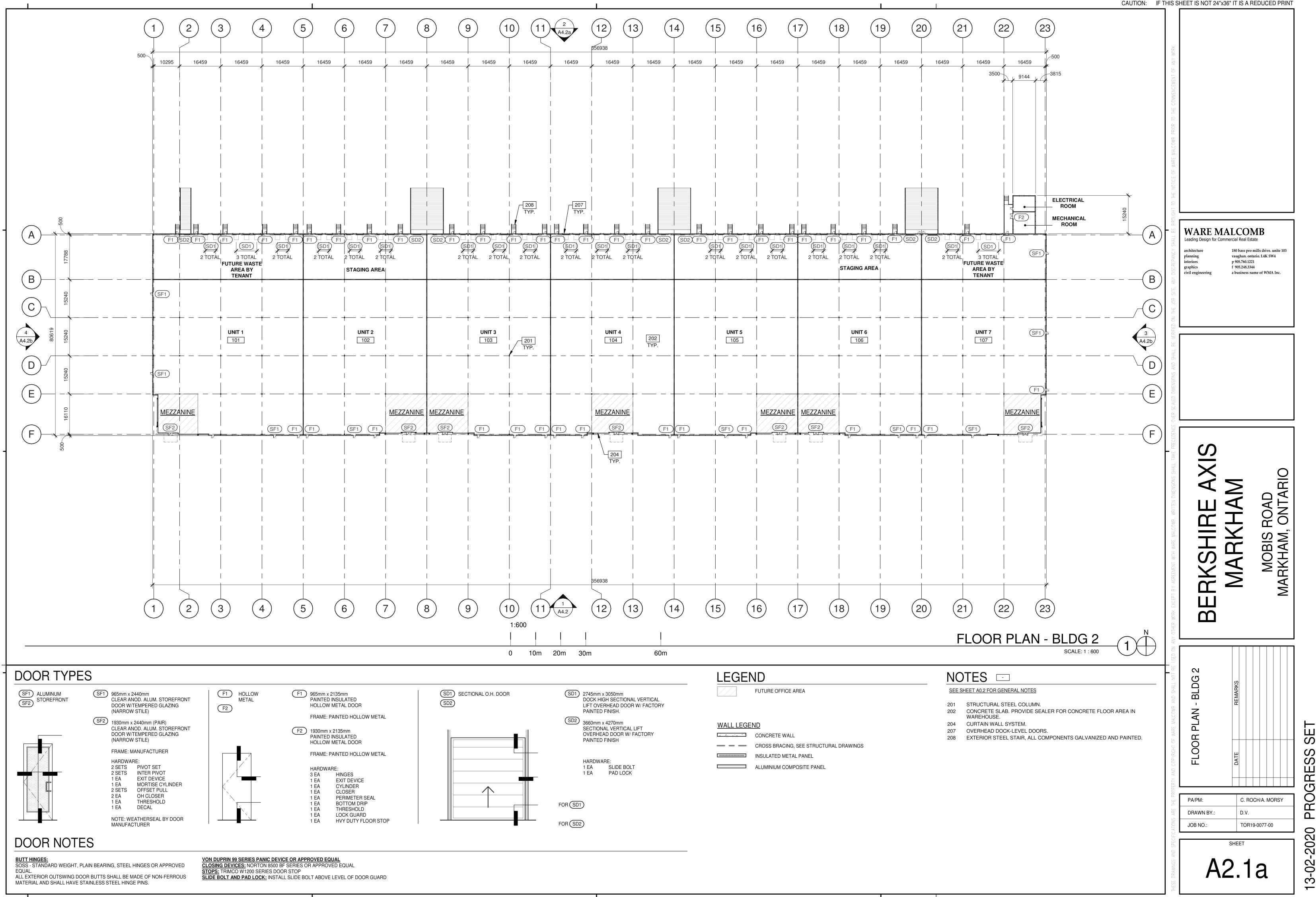
SITE LEGEND						
	AREA OF WORK IN SEPARATE APPLICATION FOR MUNICIPAL R.O.W.					
	NEW HEAVY DUTY PAVEMENT (HATCHED)					
[17:53] [12:53]	NEW LANDSCAPED AREA (HATCHED)					
<u> </u>	FIRE ACCESS ROUTE WITH 12.0M TURNING RADIUS					
	TRUCK LOADING DOCK DOOR					
\bigtriangleup	MAN DOOR					
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	TRANSFORMER LOCATION					
	CURRENT PROPERTY LINE					
0	DRIVE-IN DOOR					

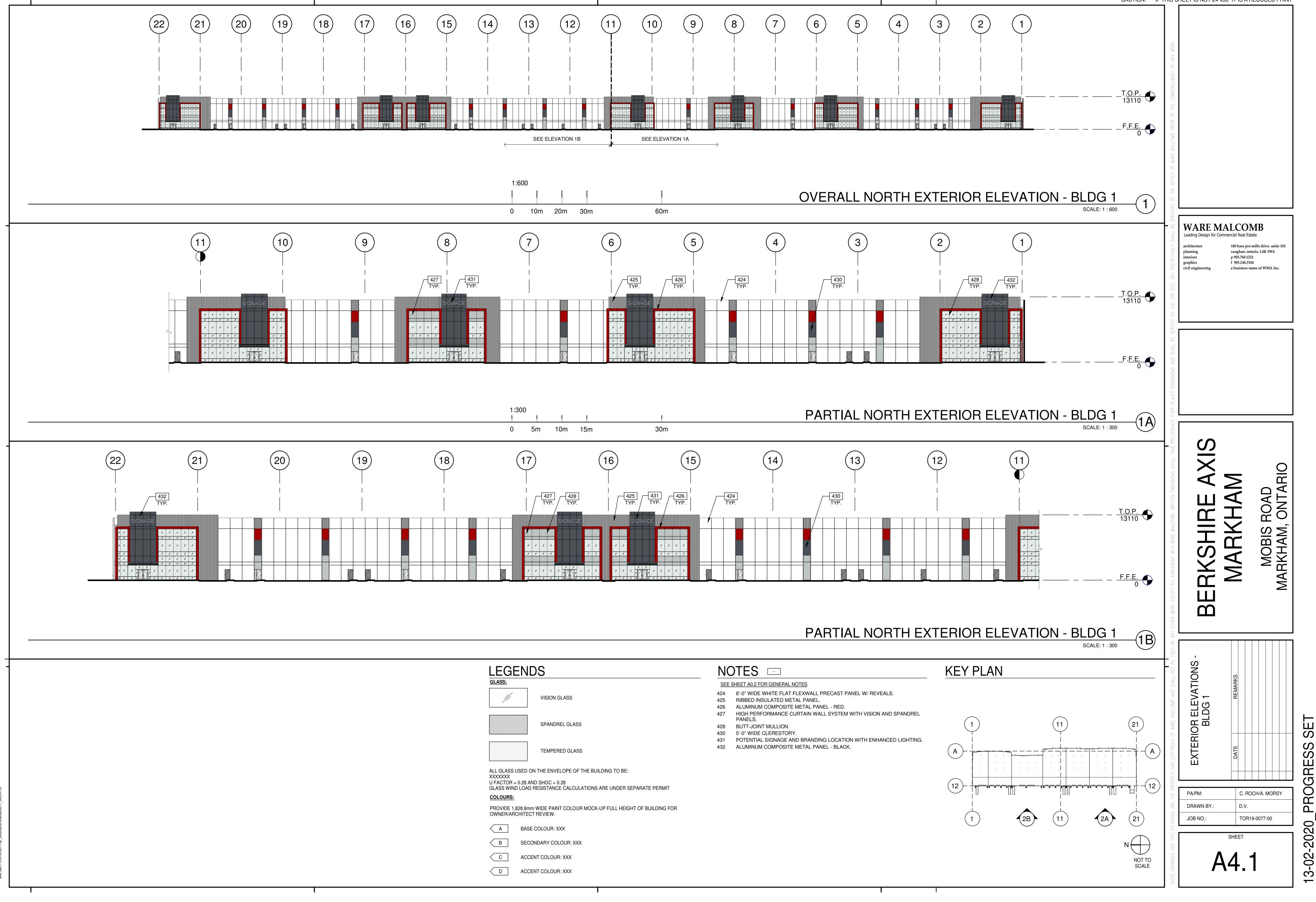


SITE LEGEND					
	AREA OF WORK IN SEPARATE APPLICATION FOR MUNICIPAL R.O.W.				
	NEW HEAVY DUTY PAVEMENT (HATCHED)				
[1975년] [1975년] 1976년] [1975년] 1976년]	NEW LANDSCAPED AREA (HATCHED)				
	FIRE ACCESS ROUTE WITH 12.0M TURNING RADIUS				
	TRUCK LOADING DOCK DOOR				
\triangle MAN DOOR					
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TRANSFORMER LOCATION					
	CURRENT PROPERTY LINE				
0	DRIVE-IN DOOR				

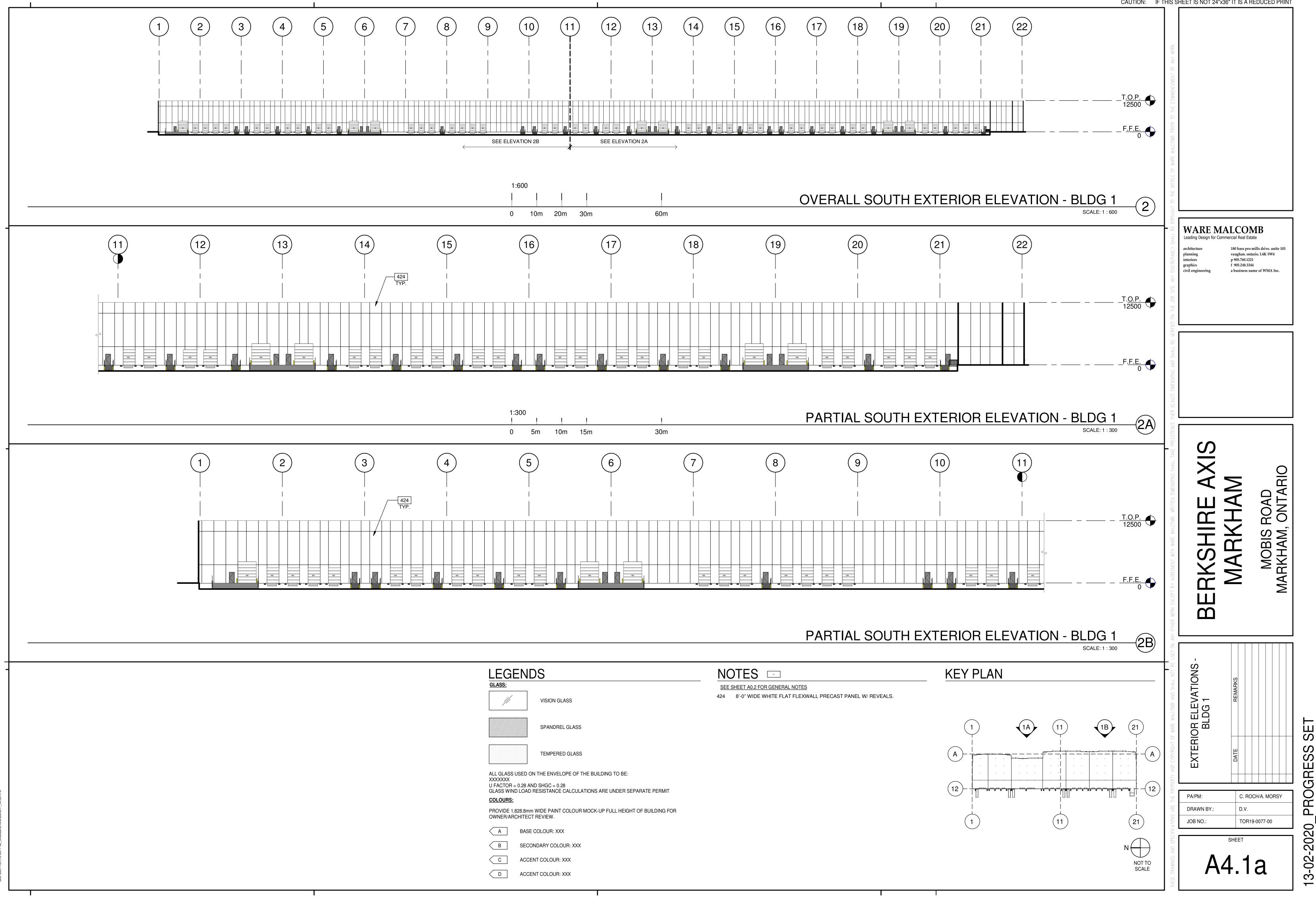


PROGRESS 2020 13-02-;



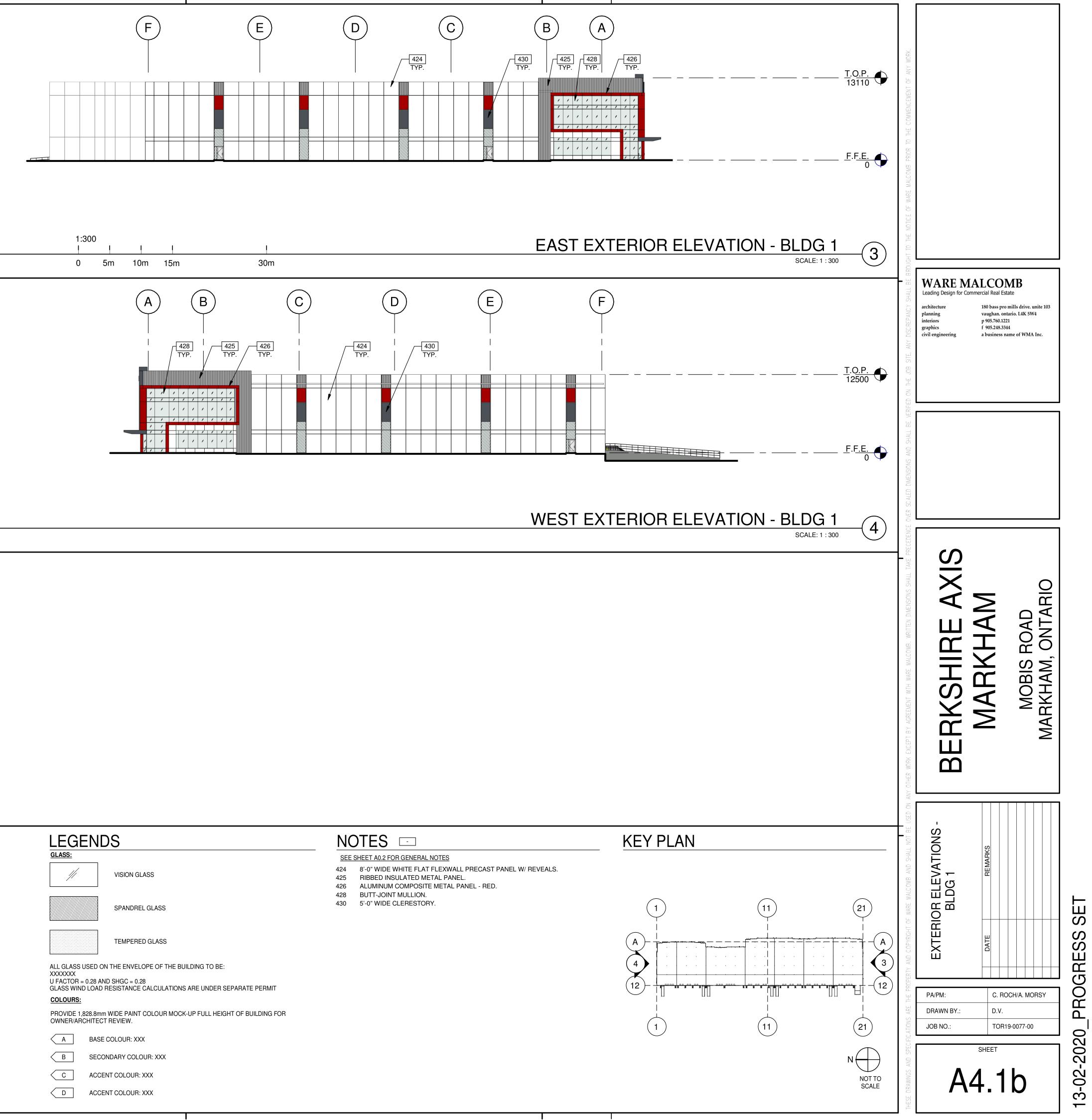


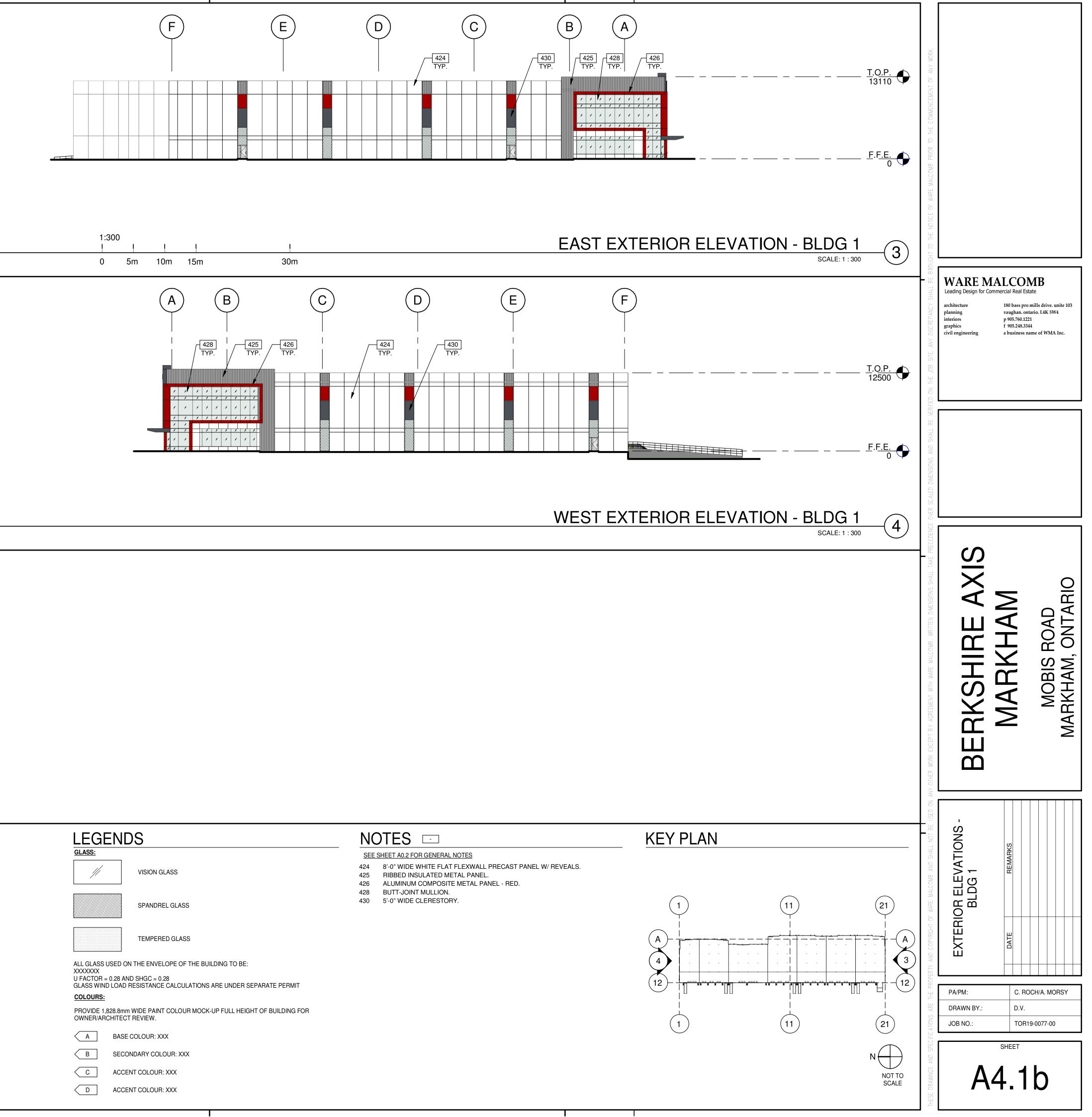
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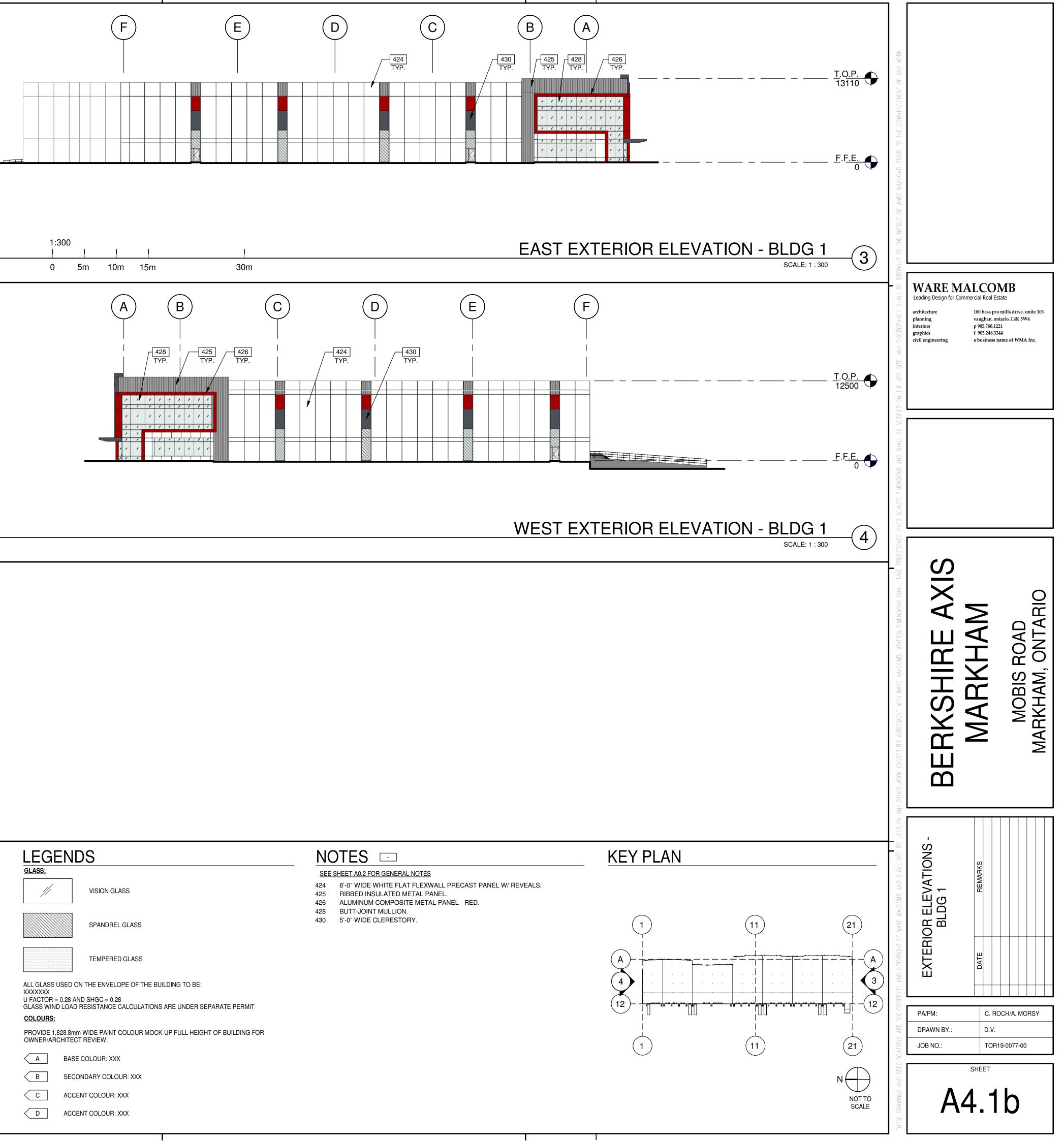


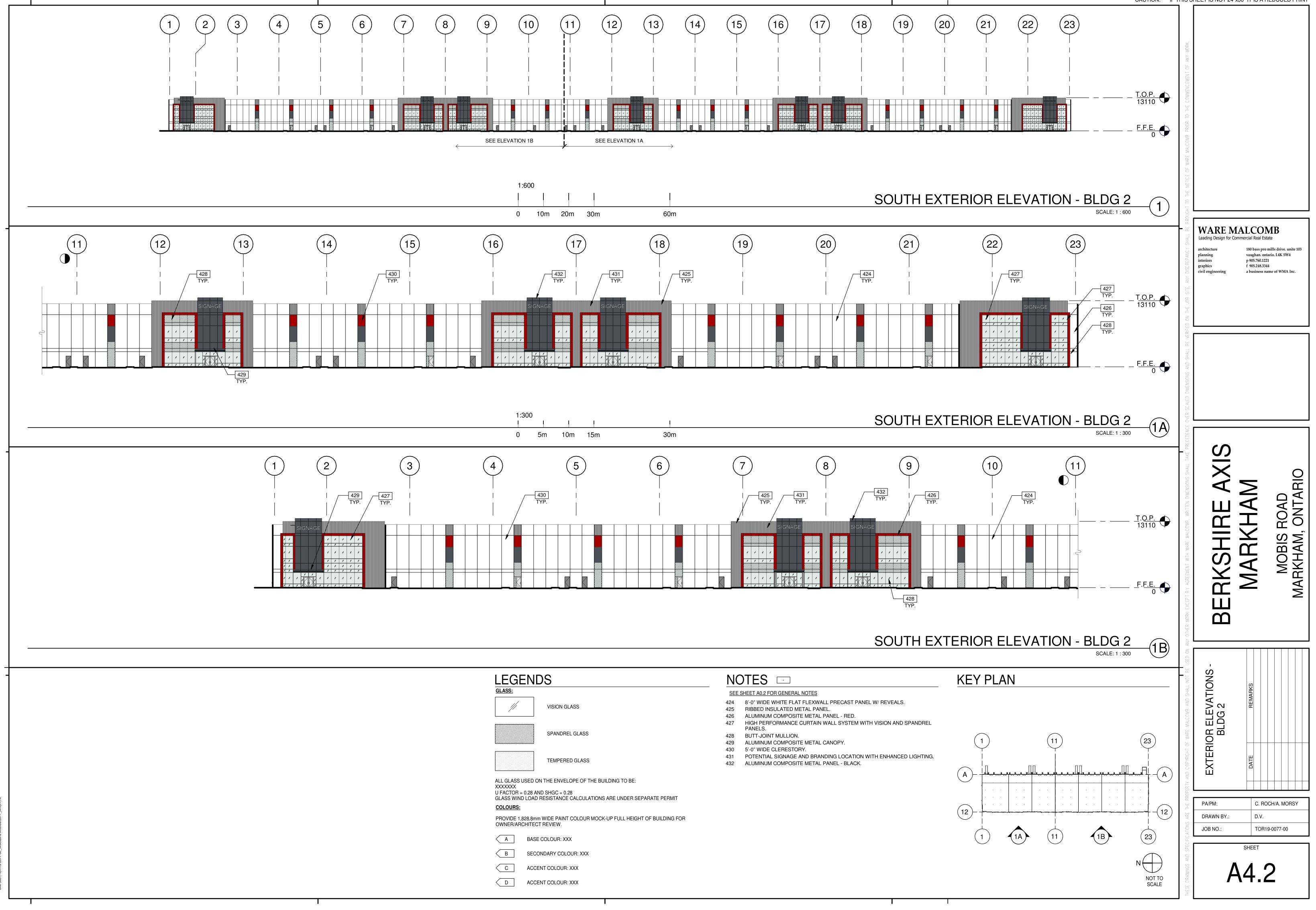
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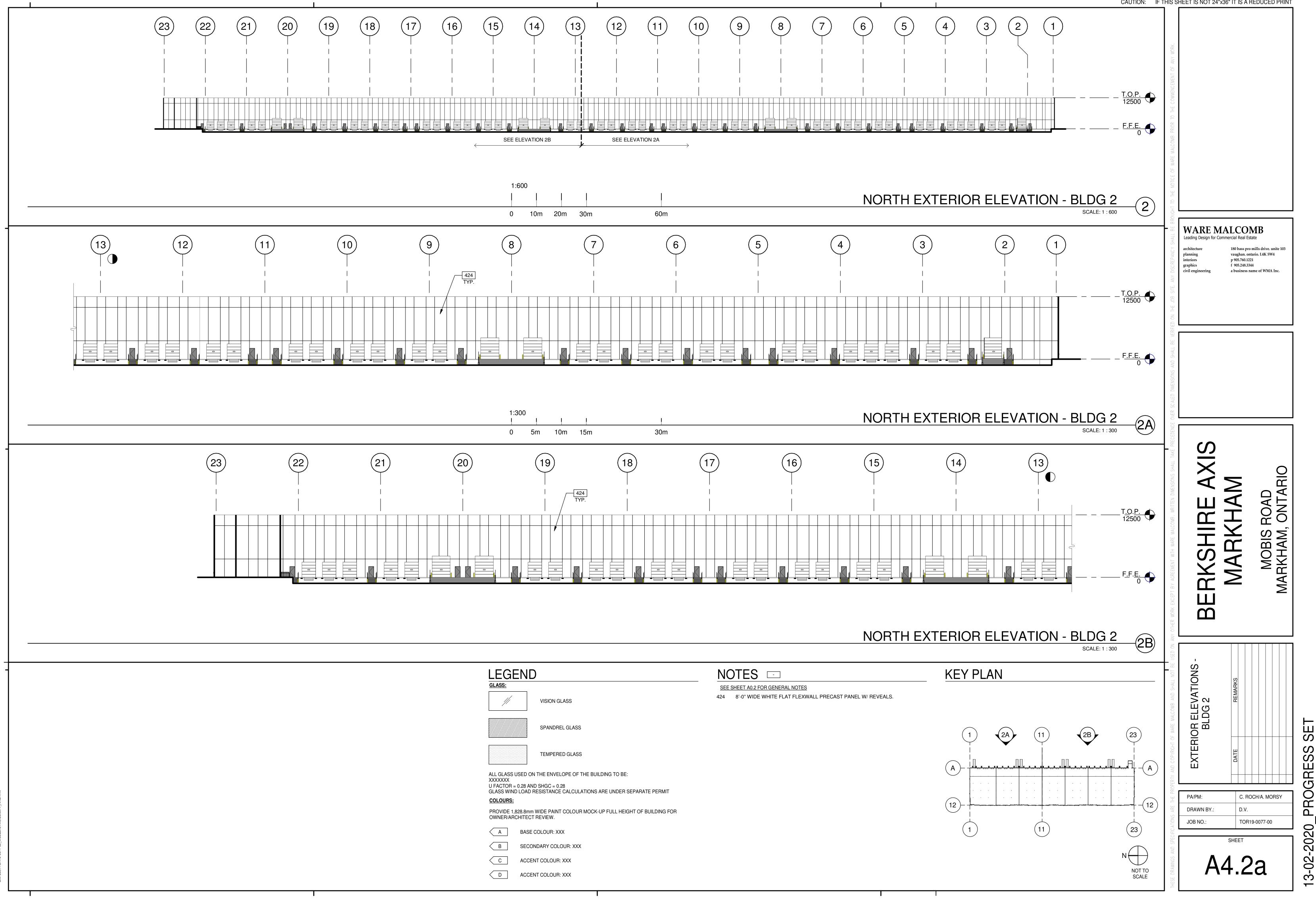






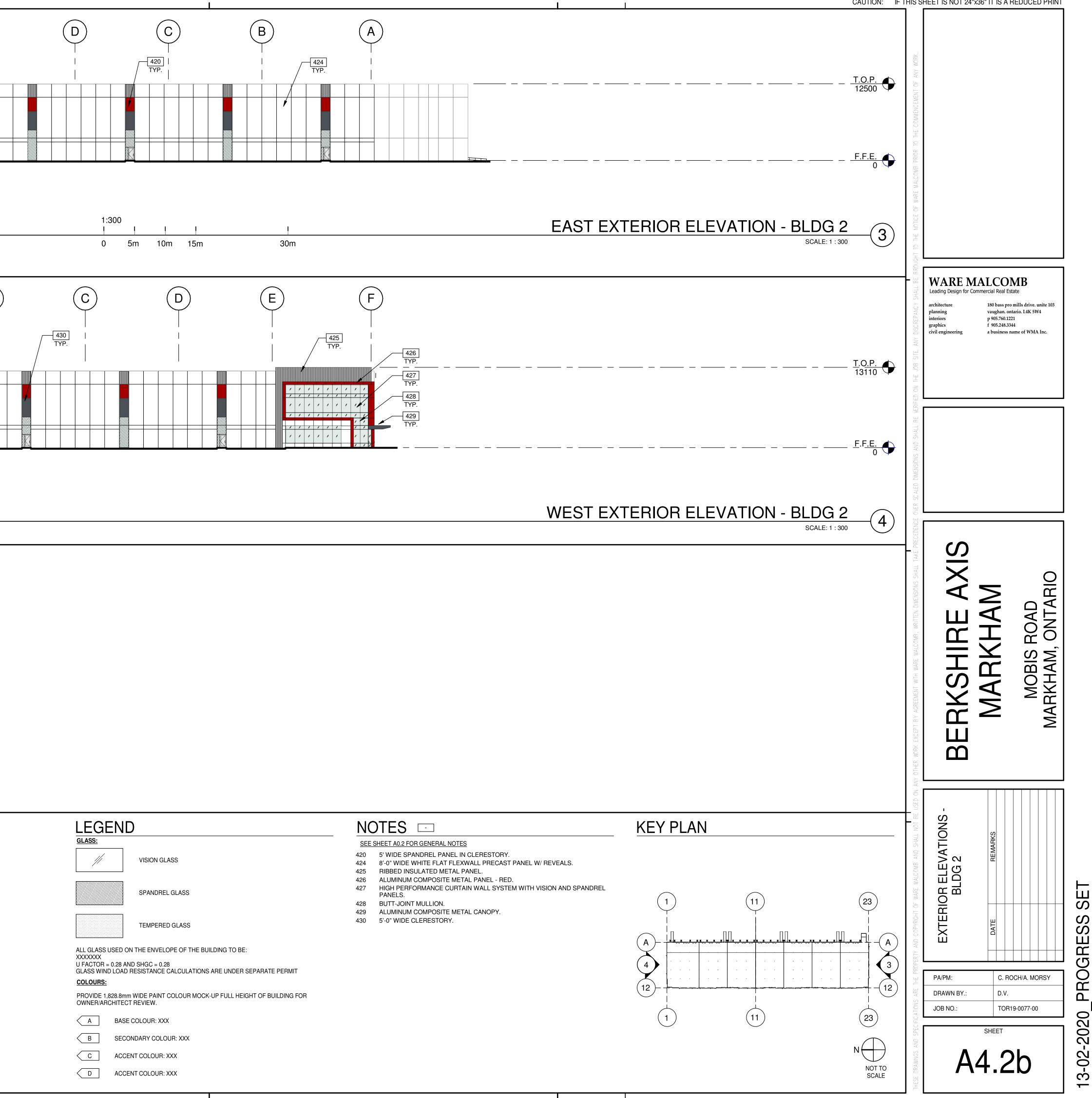
LEGENDS	NOTES 🖃
GLASS:	SEE SHEET A0.2 FOR GENERAL NOTES
VISION GLASS	 424 8'-0" WIDE WHITE FLAT FLEXWALL PRECAST PANEL W/ REVEALS. 425 RIBBED INSULATED METAL PANEL. 426 ALUMINUM COMPOSITE METAL PANEL - RED.
SPANDREL GLASS	 427 HIGH PERFORMANCE CURTAIN WALL SYSTEM WITH VISION AND SPAND PANELS. 428 BUTT-JOINT MULLION. 429 ALUMINUM COMPOSITE METAL CANOPY. 420 EVENTS OF EDESTORY.
TEMPERED GLASS	 430 5'-0" WIDE CLERESTORY. 431 POTENTIAL SIGNAGE AND BRANDING LOCATION WITH ENHANCED LIGH" 432 ALUMINUM COMPOSITE METAL PANEL - BLACK.
ALL GLASS USED ON THE ENVELOPE OF THE BUILDING TO BE: XXXXXXX U FACTOR = 0.28 AND SHGC = 0.28 GLASS WIND LOAD RESISTANCE CALCULATIONS ARE UNDER SEPARATE PERMIT COLOURS: PROVIDE 1,828.8mm WIDE PAINT COLOUR MOCK-UP FULL HEIGHT OF BUILDING FOR	
OWNER/ARCHITECT REVIEW.	
A BASE COLOUR: XXX	
B SECONDARY COLOUR: XXX	

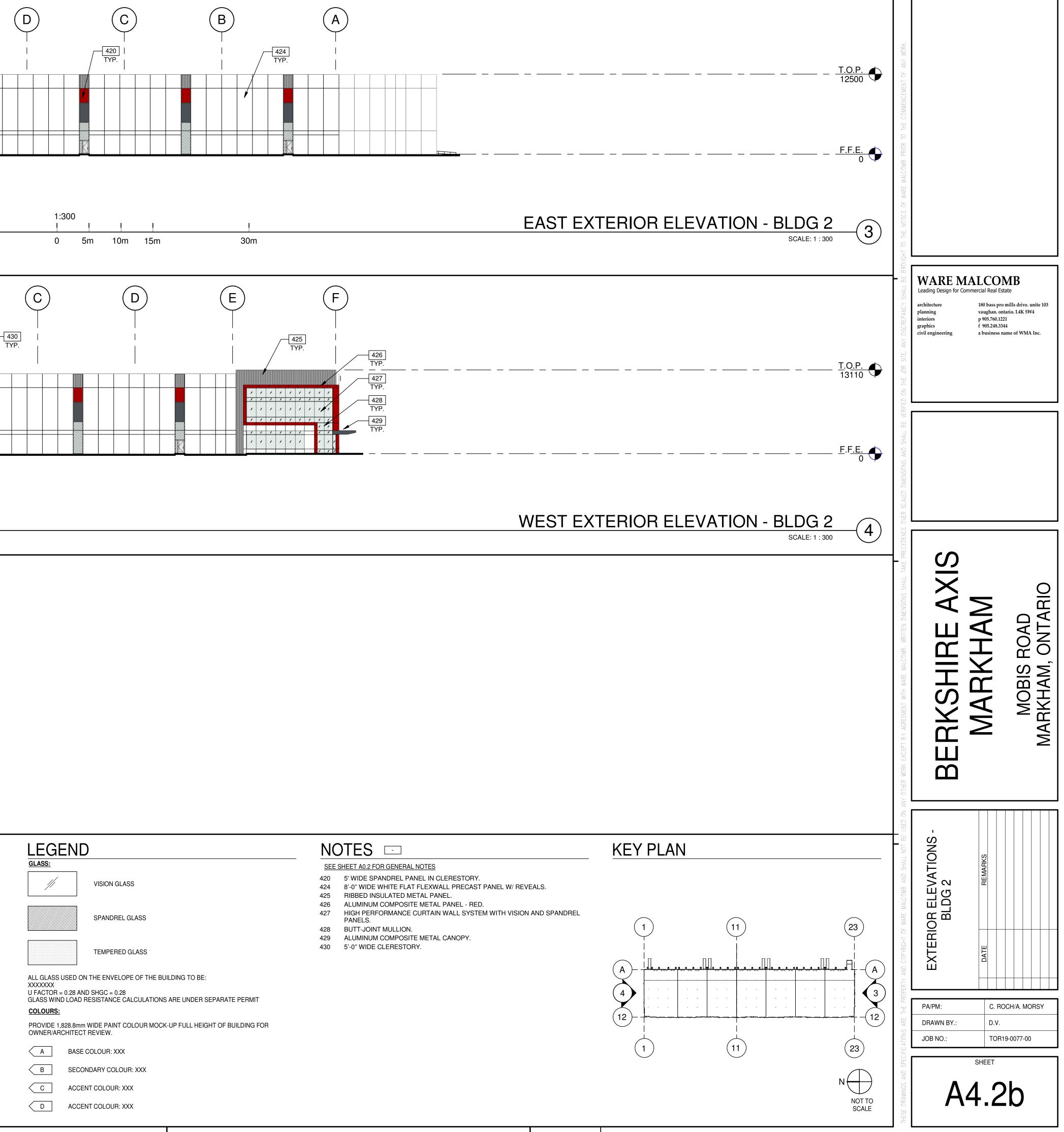
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PROGRESS 13-02-2020_

		425 TYP. 427 TYP. 428 TYP. 429 TYP.	
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13-02-2020_PROGRESS



Corporate Services

File No.: B/004/20, A023-24/20



July 15, 2020

Justin Leung, Secretary-Treasurer. Committee of Adjustment City of Markham 101 Town Centre Boulevard Markham, ON L3R 9W3

RE: Consent Application (CONS.20.M.0022, MVAR.20.M.0098) Markham File No. B/004/20, A023/20, A024/20 Submitted by Vetmar Limited (Sandra Vettesse) 11050 Woodbine Avenue City of Markham

The Regional Municipality of York (the "Region") has completed its review of the above noted consent application. The subject site is municipally known as 11050 Woodbine Avenue and located on the west side of Woodbine Avenue, north of Elgin Mills Road, east of Highway 404 in the City of Markham. The Region offers the following comments:

Region is protecting for a mid-block flyover that crosses Highway 404

The site is designated as Urban on Maps 1 and 2 of the York Region Official Plan 2010 (YROP 2010). As identified in Map 12 (YROP 2010), the Region is protecting for a midblock flyover that crosses Highway 404 from Richmond Hill that will involve the realignment of Mobis Road and the reconstruction of the Mobis Road and Honda Boulevard intersection. A Class Environmental Assessment Study was completed in September, 2015 which delineates the mid-block flyer road alignment. Please find attached Plates 3, 4 and 5 of the approved EA showing the preferred alignment of Mobis Road between Woodbine Avenue and Highway 404.

The Owner will be required to convey sufficient lands and easements across the northern portion of the property, to the satisfaction of the Region and the City of Markham, to allow the Region and City to construct the mid-block flyover. The Owner has requested that the lands required to construct the mid-block flyover be conveyed to the City following severance of the lands, to facilitate a land transaction. The Owner has agreed to enter into a Development Agreement committing the Owner to convey the lands to the City no later than December 31, 2021.

In addition, the Region will require two easements:

- a) A **permanent easement** between the future property line (measured 13.25 metres from proposed Mobis Road) and the future Hwy 404 flyover embankment grading limit, as depicted on the attached Environmental Assessment Plates 3 and 4.
- b) A **5 metres wide temporary easement** (for the maximum permissible period of 20 years) measured from the future Mobis Road right-of-way limit or the permanent easement limit, as depicted on the attached Environmental Assessment Plates 3, 4 and 5.

Details of what future site development works will be permitted within the temporary and permanent easements prior to the construction of the midblock crossing will be finalized through the Site Plan development process.

Conditions of Approval

The Region has no objection to the proposed Consent application provided the following conditions are satisfied:

Prior to final approval,

- The Owner shall arrange for the preparation, review and deposit on title of a 65R reference plan, describing the lands identified below, to the satisfaction of the Region. The reference plan shall identify all easements to be conveyed to the Region:
 - a) To the Region, a permanent easement between the future property line (measured 13.25 metre from proposed Mobis Road centreline) and the future Hwy 404 flyover embankment grading limit as depicted in Environmental Assessment Plates 3 and 4.
 - b) To the Region, a 5 metre wide temporary easement (for the maximum permissible period of 20 years) measured from the future Mobis Road right-ofway limit or the permanent easement limit, as depicted on the attached Environmental Assessment Plates 3, 4 and 5.
- 2. The Owner shall convey the easements identified in the R-Plan, pursuant to Condition 1, to the Region free of all costs and encumbrances, to the satisfaction of the Region's solicitors.
- 3. The Owner shall submit a revised Phase One Environmental Site Assessment ("ESA") in general accordance with the requirements of the Environmental

Protection Act and O. Reg. 153/04 Records of Site Condition, as amended ("O. Reg. 153/04"). The ESA must be for the Owner's property that is the subject of the application and include the lands to be conveyed to the Region (the "Conveyance Lands"). The ESA cannot be more than two (2) years old at: (a) the date of submission to the Region; and (b) the date title to the Conveyance Lands is transferred to the Region. If the originally submitted ESA is or would be more than two (2) years old at the actual date title of the Conveyance Lands is transferred to the Region, the ESA will need to be either updated or a new ESA submitted by the Owner. Any update or new ESA must be prepared, to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. The Region, at its discretion, may require further study, investigation, assessment, delineation and preparation of reports to determine whether any action is required regardless of the findings or conclusions of the submitted ESA. The further study, investigation, assessment, delineation and subsequent reports or documentation must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. Reliance on the ESA and any subsequent reports or documentation must be provided to the Region in the Region's standard format and/or contain terms and conditions satisfactory to the Region.

- 4. The Owner shall submit a certified written statement, as of the date title to the Conveyance Lands is transferred to the Region confirming: (i) there are no contaminants of concern, within the meaning of O. Reg. 153/04, which are present at, in, on, or under the property, or emanating or migrating from the property to the Conveyance Lands at levels that exceed the MOECC full depth site condition standards applicable to the property; (ii) no pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, in, on or under the Conveyance Lands; and (iii) there are no underground or aboveground tanks, related piping, equipment and appurtenances located at, in, on or under the Conveyance Lands.
- 5. The Owner shall be responsible for all costs associated with the preparation and delivery of the Phase One Environmental Site Assessment, any subsequent environmental work, reports or other documentation, reliance and the Owner's certified written statement.
- 6. The Owner acknowledges and agrees that any proposed access to Woodbine Avenue shall be provided at the sole discretion of the Region and at a location determined by the Region, as part of subsequent Site Plan applications for any proposed development on the severed and retained lots.
- 7. The Owner shall pay development application processing fee for Consent to Sever and Environmental Site Assessment as identified in York Region's By-law No. 2010-15. The review fee for Consent to Sever is \$1,000. The Review and Approval of Environmental Site Assessment Report fee is \$1,600. All payments shall be in the form of a cheque and made payable to "The Regional Municipality of York" and forwarded to the Development Engineering Application Coordinator, Planning and

Economic Development Branch. Development application fees are subject to annual adjustments and increases. Any unpaid fees, regardless of the year the application is submitted, will be subject to current fee requirements.

- 8. The Owner shall execute a Development Agreement with the City of Markham agreeing to convey sufficient lands to construct a mid-block flyover that crosses Highway 404.
- 9. Prior to final approval, the Planning and Economic Development Branch shall certify that Conditions 1-8 have been met to its satisfaction.

With respect to the conditions above, we request a copy of the notice of decision when it becomes available.

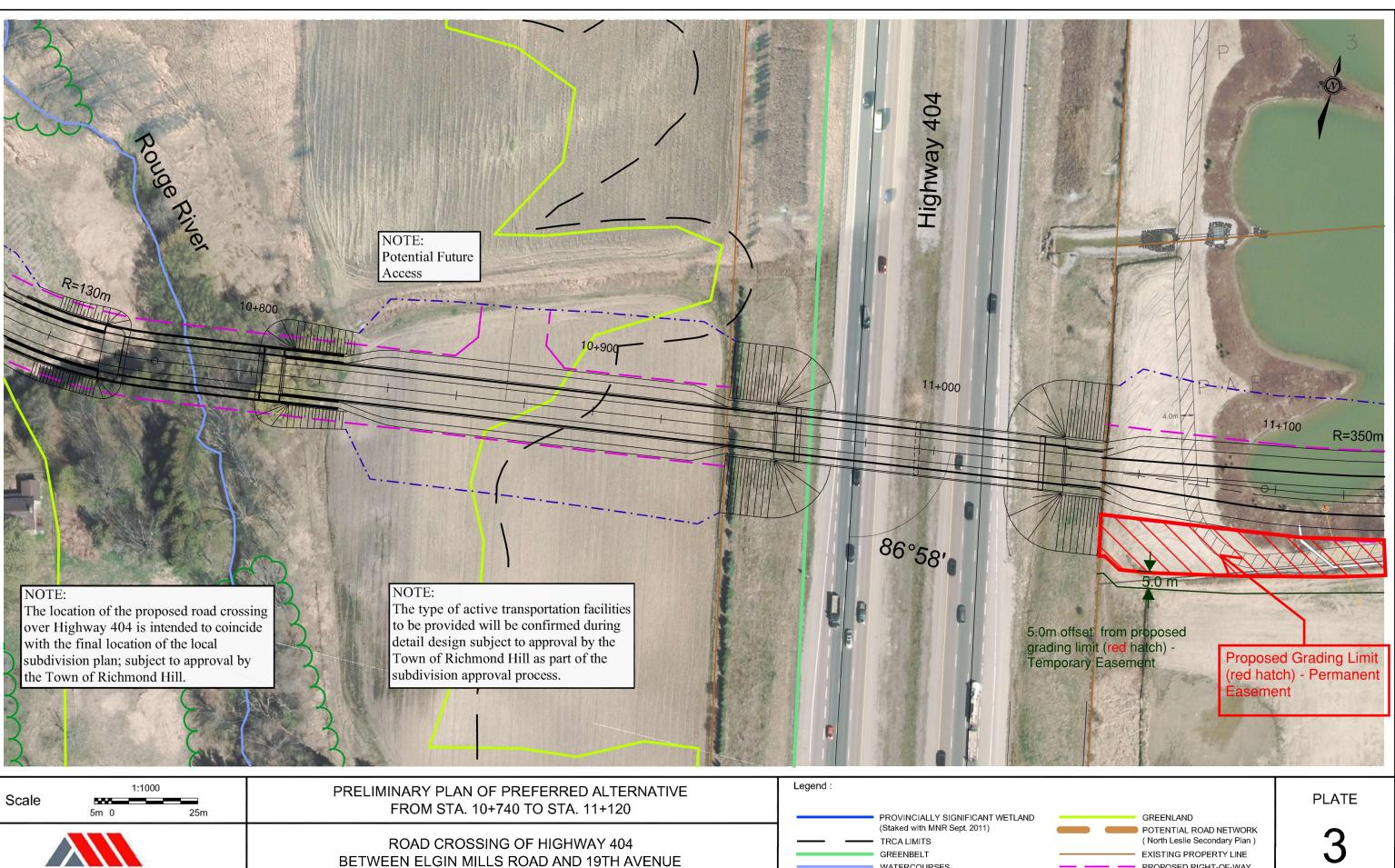
Should you have any questions regarding the above, please contact Gabrielle Hurst, Planner on File at extension 71538 or through electronic mail at gabrielle.hurst@york.ca

Regards,

Gabrielle Hurst

Gabrielle Hurst, MCIP, RPP Associate Planner cgh/TK







CLASS ENVIRONMENTAL ASSESSMENT STUDY



WATERCOURSES . . . FOREST

PROPOSED RIGHT-OF-WAY - PROPOSED GRADING LIMIT

