

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: October 29, 2019

CASE NO(S): PL170580

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant:	Sixteenth Land Holdings Inc.
Subject:	Request to amend the Official Plan - Failure of the City of Markham to adopt the requested amendment
Existing Designation:	“Open Space” (the golf course portion), “Hazard Lands” (the valleyland portion) and “Future Urban Area” (the vacant portion of the lands adjacent to Kennedy Road) in accordance with the 1987 Official Plan, as well as “Private Open Space” (the golf course portion) and “Greenway” (the valleyland portion) in accordance with the 2014 Official Plan
Proposed Designation:	“Urban Residential” and “Hazard Lands” and to apply the relevant policies to the subject lands for the development of a residential neighbourhood compatible to the surrounding existing residential community
Purpose:	To permit the redevelopment of the York Downs Golf Course into a residential subdivision containing a total of 2,421 residential units (for both the “East Subdivision” and “West Subdivision”) consisting of a mixture of single detached dwellings, townhouses, stacked townhouses, back-to-back townhouses, mid-rise condominium units and mixed-use units, as well as the inclusion of parkland, valleyland, stormwater management blocks, a woodlot block and an elementary school block

Property Address/Description: 4134 16th Avenue/ Part of Lots 16, 17 & 18,
Concession 5
Municipality: City of Markham
Approval Authority File No.: OP 16 179225
OMB Case No.: PL170580
OMB File No.: PL170580
OMB Case Name: Sixteenth Land Holdings Inc. v. Markham (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Sixteenth Land Holdings Inc.
Subject: Application to amend Zoning By-law No. 347-87, as amended – Neglect of application by the City of Markham
Existing Zoning: “CR – Commercial Recreation Zone” and “O1 – Open Space One Zone”
Proposed Zoning: A site-specific amendment to remove the subject lands from Zoning By-law No. 304-87, as amended, and include the subject site in Comprehensive Zoning By-law No. 177-96 and apply the appropriate residential, mixed-use and open space categories from Comprehensive Zoning By-law No. 177-96 and specify the appropriate standards regarding setbacks and other matters to permit the proposed redevelopment
Purpose: To permit the redevelopment of the York Downs Golf Course into a residential subdivision containing a total of 2,421 residential units (for both the “East Subdivision” and “West Subdivision”) consisting of a mixture of single detached dwellings, townhouses, stacked townhouses, back-to-back townhouses, mid-rise condominium units and mixed-use units, as well as the inclusion of parkland, valleyland, stormwater management blocks, a woodlot block and an elementary school block
Property Address/Description: 4134 16th Avenue/ Part of Lots 16, 17 & 18,
Concession 5
Municipality: City of Markham
Municipal File No.: ZA 16 179225
OMB Case No.: PL170580
OMB File No.: PL170581

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant:	Sixteenth Land Holdings Inc.
Subject:	Proposed Plan of Subdivision - Failure of the City of Markham to make a decision
Purpose:	To permit the development of 695 single detached dwellings, 335 townhouses and 227 medium density residential dwellings for a total of 1,257 dwelling units as well as the inclusion of 1 elementary school block, 3 parkland blocks, 1 walkway block, 2 stormwater management pond blocks, 1 residential reserve block, 3 one foot reserve blocks and 1 open space block (woodlot) in addition to new roads and laneways on the "East Subdivision" consisting of 75.997 hectares (187.793 acres)
Property Address/Description:	4134 16 th Avenue/ Part of Lots 16, 17 & 18, Concession 5
Municipality:	City of Markham
Municipal File No.:	SU 16 179225 001
OMB Case No.:	PL170580
OMB File No.:	PL170582

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant:	Sixteenth Land Holdings Inc.
Subject:	Proposed Plan of Subdivision - Failure of the City of Markham to make a decision
Purpose:	To permit the development of 392 single detached dwellings, 262 townhouses, 300 medium density residential dwellings, 1 mixed-used residential block to consist of 210 dwelling units for a total of 1,164 dwelling units as well as the inclusion of 4 parkland blocks, 2 stormwater management pond blocks, 3 road widening blocks, 2 one foot reserve blocks and 4 open space blocks (valley) in addition to new roads and laneways on the "West Subdivision" consisting of 92.585 hectares (228.783 acres)
Property Address/Description:	4134 16 th Avenue/ Part of Lots 16, 17 & 18, Concession 5
Municipality:	City of Markham

Municipal File No.: SU 16 179225 002
 OMB Case No.: PL170580
 OMB File No.: PL170583

Heard: February 15, 2019 by Telephone Conference Call

APPEARANCES:

<u>Parties</u>	<u>Council/Representative*</u>
Sixteenth Land Holdings Inc. (the "Applicant/Appellant")	Signe Leisk Meaghan Rourke
City of Markham (the "City")	Francesco Santaguida
Regional Municipality of York (the "Region")	Elsie Ikhariale*
Toronto and Region Conservation Authority ("TRCA")	Doris Cheng*
Rosemir and Alanasir Remtulla and 1938420 Ontario Inc. (Unionville Montessori School) ("Remtulla and UMS")	No one appeared
Richard and Susan Deacon (the "Deacons")	Isaac Tang
Unionville Ratepayers Association ("URA")	Peter Miasek* Michael Gannon*
York Region District School Board ("YRDSB")	No one appeared
York Region Condo Corporation No. 1205 ("Condo 1205")	No one appeared

**MEMORANDUM OF ORAL DECISION DELIVERED BY JOHN DOUGLAS ON
 FEBRUARY 15, 2019 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] This was a settlement hearing held by Telephone Conference Call (“TCC”) in the matter of appeals by Sixteenth Land Holdings Inc. (the “Appellant”), from the failure of the City of Markham (the “City”) to adopt the requested Official Plan Amendment (“OPA”); make a decision on the proposed Zoning By-law Amendment (“ZBLA”), and; make a decision on two draft Plans of Subdivision, within the legislated timelines for each, to permit the proposed redevelopment of the lands described above, currently occupied by the York Downs Golf and Country Club (the “Golf Club”). The subject property, known municipally as 4134 16th Avenue, is located on the north side of 16th Avenue and west of Kennedy Road, in the City of Markham.

[2] At the third Prehearing Conference (“PHC”), held in this matter by Telephone Conference Call (TCC) on November 22, 2018, the Tribunal set a date for a fourth PHC by TCC. The Tribunal was advised that the parties had reached an agreement and on the consent of the parties, the February 15, 2019 TCC was converted to a Settlement hearing.

[3] The Tribunal was advised that parties would rely on the evidence of Maria Gatzios for land use planning in support of the settlement agreement. Ms. Gatzios was retained in the spring of 2015 by Sixteenth Land Holding Inc. (the “landowner”) to provide land use planning services with respect to the subject property. On January 15, 2019, a sworn Affidavit of Ms. Gatzios was couriered to the Tribunal. Ms. Gatzios’ Curriculum Vitae and signed Acknowledgement of Expert’s Duty were attached to the Affidavit. Ms. Gatzios was qualified by the Tribunal to provided expert evidence in land use planning for this matter. The Affidavit relates to the planning approvals for the redevelopment of the Golf Club and was provided in support of the settlement agreement.

[4] No other witnesses were called.

The Subject Property and the surrounding lands

[5] The subject property is a total of 168.6 hectares (“ha”) in area and is located on the north side of 16th Avenue, west of Kennedy Road, in the City of Markham. Two tributaries of the Rouge River cross the subject property. A tributary of the Berczy Creek crosses the western portion of the subject property in two locations. The Bruce Creek traverses the subject property in a roughly north south direction, bisecting the Property into west and east tableland areas.

[6] The majority of the subject property is used as a private 27-hole golf course with tree lined fairways, manicured tee greens, man-made golf course irrigation ponds, and a woodlot of approximately 4.3 ha. The Clubhouse and parking area are centrally located and there are several golf course maintenance buildings. The Golf Club’s main driveway enters and exits at a signalized intersection on 16th Avenue. There is also a service access driveway in the northeast corner of the subject property and an additional access driveway located further south, both of which enter and exit on Kennedy Road. There is currently no vehicular access to the north (Angus Glen Village) or to the West (Warden Avenue).

[7] The Eastern portion of the subject property is vacant and in active agricultural production and also contains two temporary stormwater management ponds serving external urban development. Over the last decade, the Golf Club has sold parcels severed from the vacant eastern portion of the property near Kennedy Road for urban residential development. In 2015, the Golf Club voted to cease operations and sell the Property in its entirety.

[8] The lands surrounding the subject property include;

[9] To the north, the existing Angus Glen Village residential neighbourhood, which is comprised primarily of single detached homes. Angus Glen Boulevard, a collector road, runs through Angus Glenn Village from Major Mackenzie Drive East in the north west to Kennedy Road in the south east. At the subject property's northern edge, Angus Glen Boulevard is single loaded. Several road studs as well as the single loaded portion of Angus Glenn Boulevard along the north property line are available for future road connections.

[10] To the east, the northern portion of the subject property has frontage on Kennedy Road. Across Kennedy Road is the Berczy Glen/Upper Unionville residential neighbourhood. The southern portion of the subject property's east edge is adjacent to the St. Philips on the Hill Anglican Church and the associated St. Phillip's Church Unionville Anglican Cemetery (1829), both of which have frontage on Kennedy Road. South of the church is a residential townhouse development known as Yorkton phase II, recently approved and currently under construction. Yorkton II was formerly part of the Golf Club property prior to being severed and sold. Yorkton Boulevard extends from a signalized intersection with 16th Avenue to the boundary of the subject property.

[11] To the south, the subject property has frontage on 16th Avenue. The Normandale residential neighbourhood is located across 16th Avenue from the subject property. The Berczy and Bruce Creek Valley lands continue south of 16th Avenue.

[12] To the west, the northern portion of the subject property is adjacent to the rear yards of large single detached residential lots of the Glenridge/Walnut Glen neighbourhood. A narrow strip of the subject property (approximately 26 metres wide), at about the mid-point of the west side of the subject property, extends west to Warden Avenue. Valley lands associated with Berczy Creek are located within this extension. The southern portion of the subject property's west edge is adjacent to the Glenburn Forest townhouse condominium development, the rear yards of a number of large single detached residential lots on Country Estate Drive, and Berczy Creek.

The Proposed Development

[13] The Applicant/Appellant applied for an OPA, ZBLA, draft Plan of Subdivision and Draft Plan of Condominium to permit the redevelopment of the subject property as a residential plan of subdivision containing 2,421 residential units consisting of 1,087 single detached dwellings, 597 townhouses, 151 stacked townhouses, 76 back-to-back townhouses, 300 mid-rise condominium units and 210 mixed-use units. The proposed development also includes parkland, valley land, stormwater management blocks, a woodlot block and an elementary school block. The proposed development is proposed to be built out in phases.

Amended Development Proposal

[14] The original planning applications went through extensive public consultation and each has been modified from the original submissions to address government, agency, and local resident concerns.

[15] Ms. Gatzios explained that the Applicant/Appellant had provided a substantial amount of documentation and reports in support of the planning applications including:

- a. Master Environmental Servicing Plan
- b. Natural Environment Report/ Environmental Impact Study
- c. Hydrogeological Assessment and Water Balance
- d. Fluvial Geomorphology Report
- e. Functional Servicing, Stormwater and Grading Report
- f. Transportation Assessment
- g. Community Design Plan
- h. Phasing Plan

- i. Arborist Report
- j. Environmental Noise Report
- k. Geotechnical Investigation Report
- l. Traffic Impact Assessment
- m. Various Archaeological Assessments (Stages 1, 2, 3 and 4)
- n. Tree Removal Compensation Strategy
- o. Wildlife Management Plan
- p. Compensation and Enhancement Strategy
- q. Development Phasing Report
- r. Community Infrastructure Study
- s. Background Report for the Lack of a Collector Road Connection to Warden Avenue
- t. Planning Report

[16] A summary of the modified development proposal reached between the parties through the settlement agreement follows.

[17] The planning applications permit the development of a new residential neighbourhood, with 121.2 of the total 168.5 ha, or 72 percent of the subject property being developable.

[18] The balance of the subject property, including Berczy and Bruce Creeks and their valleylands, and the existing woodlot is included within various open space blocks, which total 47.4 ha or approximately 28 percent of the total property area. These open space blocks are to be dedicated as publicly owned blocks.

[19] The total residential unit count at full build-out is 2,279 units with various forms of singles, towns and multiple units proposed, as well as a mixed-use mid-rise block.

[20] The East Draft Plan of Subdivision contains 1,253 residential units, three park blocks, and two stormwater management blocks.

[21] The West Draft Plan of Subdivision contains 1,026 residential units, five park blocks, and two stormwater management blocks.

Total number of proposed Residential units by type		
Unit Type	Number	Percentage
Single-detached lots	1,039	45
Townhouses	671	29
Back-to-back Townhouses	72	4
Mid-rise condominiums	387	17
Mixed-use residential units	110	5
Total residential units	2,279	100

[22] The eight park blocks between the East and West Draft Plans of Subdivision contain a total of 7.955 ha, which is approximately 6.6 percent of the developable land area or 1 ha/286 residential units in total.

[23] An elementary school site with a block size of 2.423 ha has been provided in the East Draft Plan of Subdivision, as requested by the York District School Board. No other requests for school sites had been received.

Planning Instruments

[24] As part of the settlement in this matter, agreement on the following planning instruments has been reached by all parties. The planning instruments are appended to this Decision and Order as Attachments 1 through 6:

- OPA – Attachment 1
- ZBLA – Attachment 2
- East Draft Plan of Subdivision – Attachment 3
- East Draft Plan of Subdivision Conditions of Approval - Attachment 4
- West Draft Plan of Subdivision – Attachment 5
- West Draft Plan of Subdivision Conditions of Approval – Attachment 6

Evidence and Analysis

[25] In her affidavit, Ms. Gatzios provided evidence and her opinion on several key areas based on policy requirements as well as feedback from consultation with the Region, the City and consultations with agencies and the public: Natural Heritage Features; Transportation; Urban Design; Infrastructure; Built Heritage and Archaeology.

Natural Heritage Features

[26] In her Affidavit, Ms. Gatzios states that the natural heritage features on the subject property have been studied, and various environmental features and constraints have been identified. She notes that several threatened and endangered species are present on the site: Butternut trees, Redside Dace, Little Brown Bat and Barn Swallow. She states that the natural heritage features (woodlands, wetlands, and valleylands) were staked and a geomorphic assessment determined the meander belt for the Berczy and Bruce Creeks to delineate the Redside Dace Habitat. The natural heritage features, including the valleylands, and the woodlot to be preserved are contained within the Open Space blocks on the East and West Draft Plans of Subdivision, and are zoned for open space uses on Attachment 2, and will be dedicated into public ownership.

[27] A natural heritage features net gains analysis was performed to ensure that for any features being removed from the subject property, a large area of Greenway System is being created.

Transportation

[28] Ms. Gatzios testified that “the neighbourhood-structuring network of major and minor collector roads was determined in a collaborative multi-disciplinary consultant team approach with the road network reflecting the combination of transportation engineering, environmental network, civil engineering, planning and urban design goals and objectives.”

[29] A mobility and active transportation network have been incorporated into the plan, to facilitate opportunities for movement throughout the proposed development without the use of a vehicle. She notes that in addition to sidewalk trails and bike lanes, a number of Transit stops have been incorporated into the draft plans along the major collector road route providing a new segment of public transit from Kennedy Road south and west to 16th Avenue.

Urban Design

[30] Ms. Gatzios states in her affidavit that a Community Design plan has been prepared, which creates a compact accessible and integrated neighbourhood, which fits within its surroundings.

Infrastructure

[31] Ms. Gatzios testified that water and sanitary servicing infrastructure exists in the communities surrounding the subject property, and these can be accessed to provide full municipal services to the development.

[32] The existing stormwater management ponds located on the eastern portion of the subject property will be relocated and expanded to service all the East Draft Plan of Subdivision. Two new stormwater management ponds will be provided in the West Draft Plan of Subdivision. Low impact development strategies (“LIDS”) will be implemented throughout the development to maintain pre-development infiltration volumes.

Built Heritage

[33] The owner of the subject property is required to provide a Markham Remembered interpretive plaque for the Pringle Tenant Farmhouse in a public open space as close as possible to the original site of the Farmhouse. This requirement is reflected in a condition of approval for the East Draft Plan of Subdivision.

Archaeology

[34] Ms. Gatzios testified that several archaeological investigations were undertaken including Stages 1, 2, 3 and 4 investigations in several locations. She notes that one area of the subject property located within a proposed Open Space block on the East Draft Plan of Subdivision, has been identified as a potential cemetery/burying ground,

and remains to be addressed. This site will require further study at a later date prior to any disturbance in this area.

PLANNING POLICY ANALYSIS

Planning Act (the “Act”)

[35] In considering these applications, the Tribunal must be satisfied that the OPA, ZBLA and both Draft Plans of Subdivision have had regard to the matters of provincial interest under s. 2 of the Act. The Tribunal must also be satisfied that both Draft Plans of Subdivision with the associated conditions of draft approval have had regard to s. 51 of the Act, and in particular, s. 51(24) and 51(25).

[36] Ms. Gatzios testified that in her opinion the OPA, ZBLA and both Draft Plans of Subdivision have had regard to the matters of provincial interest set out in s. 2 of the Act. She further testified that both Draft Plans of Subdivision with the associated conditions of approval satisfy and adequately address the requirements of subdivision approvals pursuant to s. 51 of the Act.

Provincial Policy Statement 2014

[37] Ms. Gatzios considered a number of policies in the Provincial Policy Statement 2014 (the “PPS”). She noted that consistent with the policies of the PPS the planning applications before the Tribunal propose land uses within the settlement area of the City of Markham and outside of natural heritage features. She states that the proposed development uses resources wisely, promotes efficient development patterns, provides green spaces, makes effective use of existing and new infrastructure and public service facilities, and minimizes unnecessary public expenditures.

[38] Ms. Gatzios opines that the OPA, ZBLA and both the Draft Plans of Subdivision with their associated conditions of approval are all consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe 2017

[39] Since this matter was heard, the Growth Plan for the Greater Golden Horseshoe 2017 (the “Growth Plan”) has been replaced by the Growth Plan for the Greater Golden Horseshoe 2019. Ontario Regulation (“O. Reg.”) 311/06 addresses Transitional Matters with respect to the Growth Plan. Section 2.1(2) of the O. Reg. 311/06 states:

2.1(2) Where section 3 requires a matter to be continued and disposed of in accordance with the Plan and the matter was commenced before May 16, 2019, the requirement shall be read as a requirement that the matter be continued and disposed of in accordance with the 2017 Growth Plan as it read before its revocation if, on May 16, 2019, the Local Planning Appeal Tribunal or a joint board has completed its hearing of the matter but reserved its final decision.

[40] Having been heard on February 15, 2019, the Growth Plan 2017 applies in this matter.

[41] In her Affidavit, Ms. Gatzios states that she reviewed the applications against the policies of the Growth Plan. She notes that the subject property is located within the Urban Area and Built Boundary for York Region and is also located within the built-up area of the City of Markham. She testified that as directed by the policies in the Growth Plan, the applications propose development of urban land uses within a built up area where capacity exists to accommodate the expected population growth, promoting transit usage, and efficiently using existing infrastructure in an existing community. She also opined that the proposed development conforms with policies within the Growth Plan with respect to population density targets; optimization of use of infrastructure along transit and transportation corridors; achieving compact built form with a range of built forms within complete communities.

[42] Ms. Gatzios opined that the OPA, ZBLA and both Draft Plans of Subdivision with their associated conditions of approval all conform to the Growth Plan.

Region of York Official Plan

[43] Ms. Gatzios states in her affidavit, that in considering the applications for the subject property she reviewed and considered the policies of the Region of York Official Plan (“RYOP”). She testified that the subject property is designated as “Urban Area” and “Regional Greenlands System”. The Urban Area designation permits a wide range of urban land uses including the residential and associated uses proposed by this development. The natural heritage features on site are proposed to be retained, protected and dedicated, which conforms with the Regional Greenlands System policies.

[44] Ms. Gatzios opined that the proposed development plan and detailed implementation reports support the principles of the RYOP, contributing to the development of a range of residential, commercial and recreational opportunities for the community and includes land use designations that will create a mixed-use community to support the needs of the community. The proposed development includes a range of housing types and mix of uses with transit supportive densities. The proposal also protects and sustains the natural heritage features on the subject lands.

[45] Ms. Gatzios opined that the OPA, ZBLA and both of the Draft Plans of Subdivision with their associated conditions of approval all conform to the policies of the RYOP.

City of Markham Official Plan

[46] Ms. Gatzios testified that she had reviewed the applications against the policies of the City of Markham Official Plan (“MOP”). She opined that the proposed development contributes to the diversification of housing stock in the City; contributes to community infrastructure, parks and open spaces; addresses natural heritage preservation; and, protects cultural and archaeological resources. She summarized by

stating that the land use designations found in the new 2014 MOP are being applied and adhered to in this proposed development.

[47] Ms. Gatzios opined the with the proposed text and mapping amendments proposed in the OPA, these *Planning Act* applications reflect the policy direction, they implement the goals and objectives, and they conform to the applicable and in effect policies of the MOP.

CONCLUSION

[48] The Tribunal accepts the uncontested expert planning evidence of Ms. Gatzios with respect to her planning policy analysis and finds that the OPA, ZBLA, and both Draft Plans of Subdivision with their associated conditions of approval, have had regard to matters under the Act including s. 2 and 51, which are consistent with the PPS, conform or do not conflict with the policies of the Growth Plan, conform to both the RYOP and MOP.

[49] The Tribunal finds that Ms. Gatzios conducted a thorough and appropriate analysis of these applications in accordance with the requirements of the applicable provincial and municipal policies.

[50] Based upon the uncontroverted land use planning evidence of Ms. Gatzios, the submissions of counsel, the entire evidentiary record, and the agreement reached on consensus of the parties with respect to the planning instruments appended to this decision as Attachments 1 through 6, the Tribunal finds that the proposal is appropriate for the development of the subject lands and represents good planning.

ORDER

[51] The Tribunal allows the appeals in part and approves the instruments, appended to this decision as follows:

- Official Plan Amendment appended to this Decision as Attachment 1;
- Zoning By-law Amendment appended to this Decision as Attachment 2;
- East Draft Plan of Subdivision appended to this Decision as Attachment 3;
- East Draft Plan of Subdivision Conditions of Approval appended to this Decision as Attachment 4;
- West Draft Plan of Subdivision appended to this Decision as Attachment 5;
- West Draft Plan of Subdivision Conditions of Approval appended to this decision as Attachment 6;

[52] Pursuant to s. 51(56.1), the Tribunal provides that the final approval of the plan of subdivision for the purposes of s. 51(58) is to be given by the City of Markham.

[53] The Tribunal orders as directed above.

“John Douglas”

JOHN DOUGLAS
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Tribunals Ontario - Environment and Land Division
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

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ATTACHMENT 1

CITY OF MARKHAM

OFFICIAL PLAN AMENDMENT NO. XXX

To amend the City of Markham Official Plan 2014, as amended.

**York Downs Area of the Angus Glen/York Downs Planning District
(4134 16th Avenue)**

January 2019

D R A F T

CITY OF MARKHAM
OFFICIAL PLAN AMENDMENT NO. XXX

To amend the City of Markham Official Plan 2014, as amended.

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. _____ - ____ in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the __th day of _____, 2019.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

D R A F T

THE CORPORATION OF THE CITY OF MARKHAM

BY-LAW NO. _____

Being a by-law to adopt Amendment No. XXX to the City of Markham Official Plan 2014, 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 2014, 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 THIS __th DAY OF _____, 2019.

Kimberley Kitteringham
CITY CLERK

Frank Scarpitti
MAYOR

D R A F T

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D R A F T

PART I – INTRODUCTION

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

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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, including Schedules “A” to “L” attached thereto, constitutes Official Plan Amendment No. XXX. Part II is an operative part of this Official Plan Amendment.

2.0 LOCATION

This Amendment applies to the former 169 hectare York Downs Golf and Country Club property known municipally as 4134 16th Avenue. The subject lands are legally described as Part Lots 16, 17 and 18, Concession 5 and generally located north of 16th Avenue, west of Kennedy Road, south of the Angus Glen Village neighbourhood, and east of Warden Avenue.

3.0 PURPOSE

The purpose of this amendment is to re-designate the subject lands from ‘Private Open Space’ to ‘Residential Low Rise’, ‘Residential Mid Rise’ and ‘Mixed Use Low Rise’ to permit a new residential and mixed use development. The amendment will also refine the ‘Greenway’ designation to provide for additional natural heritage lands to be protected from development.

Certain policies and other maps and appendices will be amended on an area and site specific basis to allow the subject lands to be developed primarily for residential purposes, incorporating required community facilities such as schools and parks, opportunities for local retail, and integrated open space and transportation systems.

4.0 BASIS OF THIS AMENDMENT

The subject lands are currently designated ‘Private Open Space’ and ‘Greenway’ in the Official Plan with an area specific provision that in the event the existing golf course ceases operation, an appropriate alternative use shall be determined through an Official Amendment process.

The current golf club use on the subject lands is being discontinued. Given the subject lands are located in the Urban Area of Markham, and surrounded on all four sides by existing residential development, it is appropriate to consider redevelopment of the lands as a new residential low rise neighbourhood.

This Official Plan Amendment implements the policies of Official Plan 2014 by establishing ‘Residential Low Rise’, ‘Residential Mid Rise’, ‘Mixed Use Mid Rise’ and

D R A F T

‘Greenway’ designations with area and site specific provisions to guide the future residential development and natural heritage protection of the subject lands.

At full buildout, there will be approximately 2,300 units for a total population of approximately 7,200 people. There will be a number of primary and secondary access points into the development, which connect to surrounding collector and local roads. These include: two (2) 16th Avenue accesses, the extension of Yorkton Boulevard north from its current terminus, two (2) Kennedy Road accesses, and three (3) access points from the north.

The development also includes several parks, storm water management ponds, an elementary school block, and the Greenway System including valley lands, woodlands and wetlands, including Provincially Significant Wetlands.

The development will be built in phases. The first development phase is located on an unused portion of the golf course adjacent to Kennedy Road. Subsequent phases will be developed following the closure of the golf course. Staging of development is tied to the provision of adequate transportation infrastructure improvements.

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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 AMENDMENT

- 1.1 The following Maps and Appendices of Part I of the Official Plan 2014, as amended, are hereby amended as follows:
- a) Map 1 - Markham Structure is amended by reflecting the modified boundary of the 'Greenway' designation as detailed in Schedule "B" attached hereto, as shown on Schedule "A" attached hereto.
 - b) Map 3 - Land Use is amended by reflecting the modified boundary of the 'Greenway' designation as detailed in Schedule "C" attached hereto; replacing the 'Private Open Space' designation with 'Residential Low Rise', and 'Mixed Use Mid Rise' designations and adding 'Major Collector Roads', as shown on Schedule "B" attached hereto.
 - c) Map 4 - Greenway System is amended by modifying the boundaries of the 'Greenway System', 'Natural Heritage Network' and 'Other Greenway System Lands including certain naturalized stormwater management facilities' as shown on Schedule "C" attached hereto.
 - d) Map 5 - Natural Heritage Features and Landforms is amended by modifying the boundaries of the 'Woodlands' and 'Other Greenway System Lands including certain naturalized stormwater management facilities' as shown on Schedule "D" attached hereto.
 - e) Map 6 - Hydrologic Features is amended by modifying the boundaries of the 'Valleylands' and 'Other Greenway System Lands including certain naturalized stormwater management facilities, by removing certain 'Wetlands' and adding 'Provincially Significant Wetlands', and removing and adding 'Permanent Streams and Intermittent Streams' as shown on Schedule "E" attached hereto.
 - f) Map 10 - Road Network is amended by adding 'Major Collector Roads', and by reflecting the modified 'Permanent Streams and Intermittent Streams' as detailed in Schedule "E" attached hereto, as shown on Schedule "F" attached hereto.
 - g) Map 11 - Minor Collector Road Network is amended by adding 'Minor Collector Roads', and by reflecting the modified 'Permanent Streams and Intermittent Streams' as detailed in Schedule "E" attached hereto, as shown on Schedule "G" attached hereto.

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- h) Map 14 - Public School, Place of Worship and Park Sites is amended by adding 'Public School Site' and 'Park Site' symbols, as shown on Schedule "H" attached hereto.
- i) Appendix B - Headwater Drainage Features is amended by reflecting the modified boundary of the 'Greenway System' as detailed in Schedule "C" attached hereto, as shown on Schedule "I" attached hereto.
- j) Appendix C - Community Facilities is amended by reflecting the modified boundary of the 'Greenway System' as detailed in Schedule "C" attached hereto and removing the reference to 'Golf Courses and Private Day Camps' as shown on Schedule "J" attached hereto.
- k) Appendix D - Cycling Facilities is amended by adding 'Proposed Cycling Facilities' as shown on Schedule "K" attached hereto.
- l) Appendix E – Transportation, Services and Utilities is amended by reflecting the modified 'Permanent Streams and Intermittent Streams' as detailed in Schedule "E" attached hereto, as shown on Schedule "L" attached hereto.

1.2 Section 9.1 of Part 1 of the Official Plan 2014, as amended, is hereby amended by:

- a) Adding the following text after the last sentence of Section 9.1.1:
"The York Downs area refers to the lands shown in Figure 9.1.4."
- b) Deleting Section 9.1.4 in its entirety and replacing it with a new Section 9.1.4 including a new Figure 9.1.4, as follows:

"Land Use Objective - York Downs Area

9.1.4

The land use objective for this area is to create a balanced residential community which provides for a variety of land uses, building types, densities, road types and open spaces.

Building Types

- 9.1.4.1 Detached dwellings, semi-detached dwellings and townhouses (excluding back to back townhouses) without direct frontage on a public street may be permitted.

Urban Forest

- 9.1.4.2 Prior to final approval of any phase of registration, development proponents shall prepare a Tree Compensation and Enhancement Strategy to outline tree planting and ecological restoration works for the replacement of the *tree canopy* within the York Downs Area.

Developers' Group Agreement

- 9.1.4.3 Prior to final approval of any phase of registration, development proponents in the area shown on Figure 9.1.4 shall be required to enter into one or more developers' group agreement(s) where appropriate, to ensure equitable distribution of the costs of community and infrastructure facilities such as schools, parks, open space, enhancement and restoration of natural features, internal and external roads and road improvements, internal and external services, and stormwater management facilities.

Mixed Use Mid Rise Development

- 9.1.4.4 For the lands identified as '9.1.4.4' on Figure 9.1.4 the building heights shall be as follows:
- a) on the south half of the lands, all buildings shall be one (1) storey, except townhouses which may be a maximum of three (3) storeys, and,
 - b) on the north half of the lands, all buildings shall be a minimum of two (2) storeys and a maximum of three (3) storeys.

Residential Mid Rise Development

- 9.1.4.5 For the lands identified as '9.1.4.5' on Figure 9.1.4 the following shall apply:
- a) the maximum building height shall range from 4 storeys at the south limit of the lands to 6 storeys at the north limit of the lands, and
 - b) the maximum density for the lands shall be 2.5 FSI.

Community Design Plan

- 9.1.4.6 A Community Design Plan will be prepared in support of the development. All new development and redevelopment within the York Downs area shall be consistent with the provisions of the Community Design Plan, which may be amended from time to time.

Public School, Place of Worship and Park Sites

9.1.4.7

- a) *Public school* and park sites for the York Downs area as generally identified on Map 14 – Public School, Place of Worship and Park Sites shall be secured through the development approval process, including the establishment, where appropriate, of area specific parkland agreements.
- b) The *place of worship* site identified as ‘9.1.4.7 b)’ on Schedule “H” refers to a place of worship use, which would be located within a mixed use building on the block shown as ‘9.1.4.4’ on Figure 9.1.4. This block shall be subject to a Holding provision in the Zoning By-law. The Holding provision shall not be lifted until:
- i.
1. a site plan agreement for this block is executed which includes confirmation on the approved site plan that a *place of worship* and its associated parking can be accommodated and commitment is secured from the owner that a minimum of 250 square metres and a maximum of 500 square metres of space shall be reserved specifically for a *place of worship* for a minimum of three (3) years from the date of site plan approval, or
 2. five (5) years have passed since the date of the approval of the Official Plan Amendment or three years have passed since the date of registration of the phase of the draft plan of subdivision which includes this particular block, whichever is greater;
 3. Notwithstanding the above conditions, townhouses shall be permitted prior to lifting of the Holding provision.

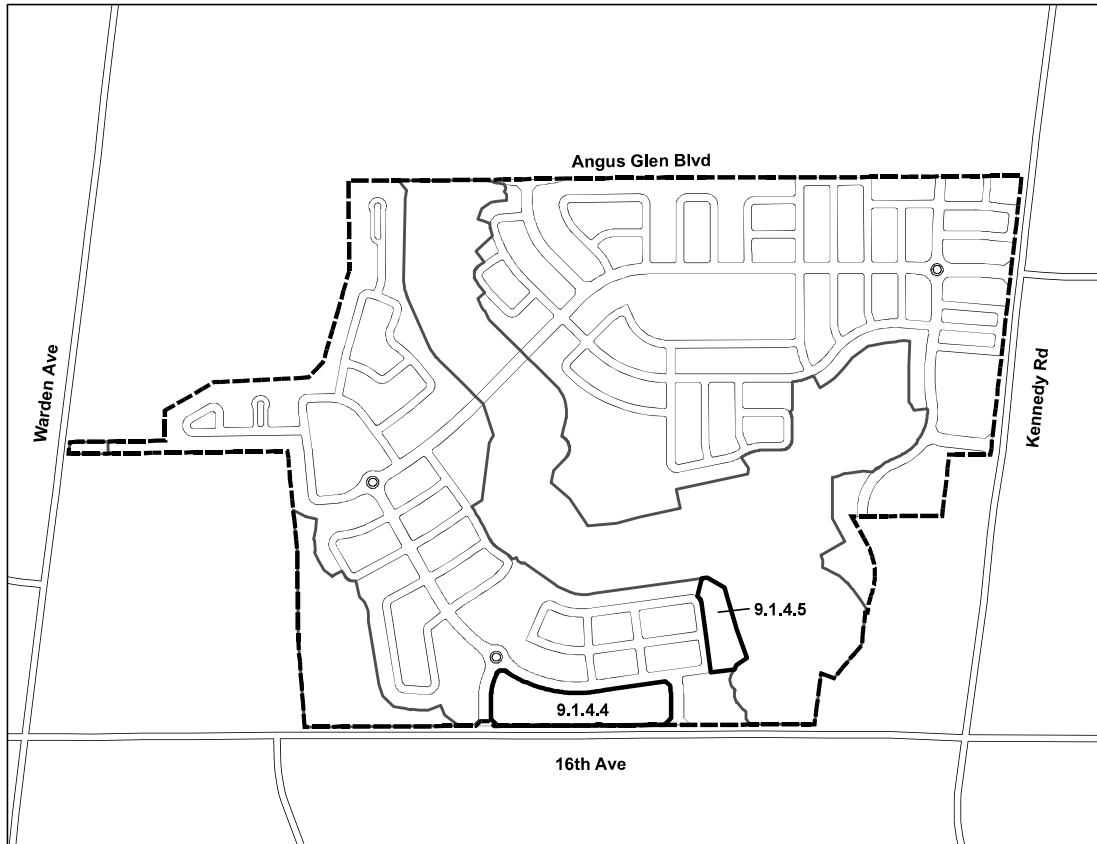


Figure 9.1.4

2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the City of Markham Official Plan 2014, 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 amendment to the Zoning By-Law and/or Plan(s) of Subdivision and/or Site Plan approval(s) and/or other Planning Act approvals, 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 map(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 10.7.5 of the City of Markham Official Plan 2014, as amended, shall apply.


Major Mackenzie Dr E


Warden Ave

Kennedy Rd

16th Ave

AMENDMENT TO MAP 1 - MARKHAM STRUCTURE
OF THE MARKHAM OFFICIAL PLAN 2014, AS AMENDED
OFFICIAL PLAN AMENDMENT XXX

 BOUNDARY OF AMENDMENT AREA

 Greenway System as modified by Schedule "C"

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Major Mackenzie Dr E

FROM 'PRIVATE OPEN SPACE' AND 'GREENWAY'
TO DESIGNATIONS AS SHOWN





Warden Ave

Kennedy Rd

16th Ave

AMENDMENT TO MAP 3 - LAND USE
OF THE MARKHAM OFFICIAL PLAN 2014, AS AMENDED
OFFICIAL PLAN AMENDMENT XXX

 BOUNDARY OF AMENDMENT AREA

-  Greenway System as modified by Schedule "C"
-  Residential Low Rise
-  Residential Mid Rise
-  Mixed Use Mid Rise

DRAFT



Major Mackenzie Dr E

Warden Ave

Kennedy Rd

16th Ave

REFINED 'NATURAL HERITAGE NETWORK' LANDS

REFINED 'NATURAL HERITAGE NETWORK' LANDS

AMENDMENT TO MAP 4 - GREENWAY SYSTEM OF THE MARKHAM OFFICIAL PLAN 2014, AS AMENDED OFFICIAL PLAN AMENDMENT XXX

--- BOUNDARY OF AMENDMENT AREA

Greenway System Boundary

Greenway System Boundary prior to this Amendment

Natural Heritage Network

DRAFT



Major Mackenzie Dr E


Warden Ave





Kennedy Rd

16th Ave

REFINED 'WOODLANDS'

AMENDMENT TO MAP 5 - NATURAL HERITAGE FEATURES AND LANDFORMS OF THE MARKHAM OFFICIAL PLAN 2014, AS AMENDED OFFICIAL PLAN AMENDMENT XXX

 BOUNDARY OF AMENDMENT AREA

-  Greenway System Boundary as modified by Schedule "C"
-  Woodlands
-  Other Greenway System Lands including certain naturalized stormwater management facilities
-  Permanent Streams and Intermittent Streams as modified by Schedule "E"

DRAFT



Major Mackenzie Dr E

Warden Ave

Kennedy Rd

16th Ave


REFINED 'VALLEYLANDS'






REMOVE 'WETLANDS'
AND ADD 'PROVINCIALY
SIGNIFICANT WETLANDS'

REMOVE 'PERMANENT STREAM
AND INTERMITTENT STREAM'

ADD 'PERMANENT
STREAM AND
INTERMITTENT STREAM'

AMENDMENT TO MAP 6 - HYDROLOGIC FEATURES OF THE MARKHAM OFFICIAL PLAN 2014, AS AMENDED OFFICIAL PLAN AMENDMENT XXX

 BOUNDARY OF AMENDMENT AREA

-  Greenway System as modified by Schedule "C"
-  Valleylands
-  Other Greenway System Lands including certain naturalized stormwater management facilities
-  Provincially Significant Wetlands
-  Permanent Streams and Intermittent Streams

DRAFT



Major Mackenzie Dr E


Warden Ave

Kennedy Rd


ADD 'MAJOR COLLECTOR ROAD'
AS SHOWN

16th Ave

AMENDMENT TO MAP 10 - ROAD NETWORK
OF THE MARKHAM OFFICIAL PLAN 2014, AS AMENDED
OFFICIAL PLAN AMENDMENT XXX

 BOUNDARY OF AMENDMENT AREA

 Major Collector Road

 Permanent Streams and Intermittent Streams
as modified by Schedule "E"

DRAFT



Major Mackenzie Dr E


Warden Ave

Kennedy Rd


16th Ave

ADD 'MINOR COLLECTOR ROAD'

AMENDMENT TO MAP 11 - MINOR COLLECTOR ROAD NETWORK
OF THE MARKHAM OFFICIAL PLAN 2014, AS AMENDED
OFFICIAL PLAN AMENDMENT XXX

 BOUNDARY OF AMENDMENT AREA

 Minor Collector Road

 Permanent Streams and Intermittent Streams
as modified by Schedule "E"

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Major Mackenzie Dr E

Warden Ave




Kennedy Rd

ADD 'PUBLIC SCHOOL SITE', 'PLACE OF WORSHIP SITE' AND 'PARK SITE' AS SHOWN

16th Ave

AMENDMENT TO MAP 14 - PUBLIC SCHOOL, PLACE OF WORSHIP AND PARK SITES OF THE MARKHAM OFFICIAL PLAN 2014, AS AMENDED OFFICIAL PLAN AMENDMENT XXX

 BOUNDARY OF AMENDMENT AREA

-  Public School Site
-  Park Site
-  Place of Worship Site (See Section 9.1.4.7 b)

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Major Mackenzie Dr E


Warden Ave

Kennedy Rd

16th Ave

AMENDMENT TO APPENDIX B - HEADWATER DRAINAGE FEATURES
OF THE MARKHAM OFFICIAL PLAN 2014, AS AMENDED
OFFICIAL PLAN AMENDMENT XXX

 BOUNDARY OF AMENDMENT AREA

 Greenway System as modified by Schedule "C"

DRAFT







Major Mackenzie Dr E

FROM 'GOLF COURSES AND PRIVATE DAY CAMPS'
TO 'GREENWAY SYSTEM' AND 'PARKS AND OPEN
SPACE' AS SHOWN



AMENDMENT TO APPENDIX C - COMMUNITY FACILITIES
OF THE MARKHAM OFFICIAL PLAN 2014, AS AMENDED
OFFICIAL PLAN AMENDMENT XXX

 BOUNDARY OF AMENDMENT AREA

-  Greenway System
-  Pathways and Trails
-  Parks and Open Space

DRAFT

Major Mackenzie Dr E


Warden Ave


Kennedy Rd

16th Ave

ADD 'PROPOSED CYCLING FACILITIES' AS SHOWN

AMENDMENT TO APPENDIX D - CYCLING FACILITIES
OF THE MARKHAM OFFICIAL PLAN 2014, AS AMENDED
OFFICIAL PLAN AMENDMENT XXX

 BOUNDARY OF AMENDMENT AREA

 Proposed Cycling Facilities

DRAFT




Major Mackenzie Dr E


Warden Ave

Kennedy Rd

16th Ave

AMENDMENT TO APPENDIX E - TRANSPORTATION SERVICES AND UTILITIES
OF THE MARKHAM OFFICIAL PLAN 2014, AS AMENDED
OFFICIAL PLAN AMENDMENT XXX

 BOUNDARY OF AMENDMENT AREA

 Permanent Streams and Intermittent Streams
as modified by Schedule "E"

DRAFT





BY-LAW 2017-_____

A By-law to amend By-law _____, as amended
(to delete lands from the designated areas of By-laws _____)
and to amend By-law 177-96, as amended
(to incorporate lands into the designated area of By-law 177-96)

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

1. That By-law _____, as amended, are hereby further amended by deleting the lands shown on Schedule 'A' attached hereto, from the designated areas of By-law _____, 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 additional lands as shown on Schedule "A" attached hereto.
 - 2.2 By zoning the lands outlined on Schedule "A" attached hereto:

from:

**Commercial Recreation (CR) Zone and;
 Open Space One (O1) Zone**

to:

**Residential Two (R2*608) Zone;
 Residential Two – Special (*613) Zone;
 Residential Two – Special (*614) Zone;
 Residential Two – Special (*609*615) Zone;
 Residential Two – Special (*609*616) Zone;
 Residential Two – Special (*609*612*619) Zone;
 Residential Two – Special (*609*611) Zone;
 Residential Two – Special (*609*612) Zone;
 Residential Two – Special (*609*619*617) Zone;
 Residential Two – Special (*609*617) Zone;
 Residential Two – Special (*609*619) Zone;
 Residential Two – Special (*609) Zone;
 Residential Two – Special (*609*620*615) Zone;
 Residential Two – Special (*609*618) Zone;
 Residential Two – Special (*609*620) Zone;
 Residential Four – (R4*622) Zone
 Residential Three (R3*610) Zone;
 Residential Four (R4*621) Zone;
 Community Amenity One (CA1*623) Zone
 Open Space One – (OS1) Zone
 Open Space Two – (OS2) Zone
 Greenway – (G) Zone
 Residential Two (R2*83) Zone**

3. By adding the following subsections to Section 7 – EXCEPTIONS:

Exception 608	Sixteenth Land Holdings Inc North of 16 th Ave, West of Kennedy	Parent Zone R2
File ZA 16 179225		Amending By-law 2019-____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *608 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.		
7.608.1 Additional Permitted Uses		
The following additional uses are permitted:		
a)	<i>One (1) Accessory Dwelling Unit</i>	
7.608.2 Special Zone Standards		
The following special zone standards shall apply:		
a)	Maximum <i>height</i> – 13.5 metres	
b)	Minimum <i>rear yard</i> – 6 metres	
c)	<i>Minimum lot frontage:</i>	
	i) <i>Townhouse dwelling units</i> – 6.0 metres	

Exception 609	Sixteenth Land Holdings Inc North of 16 th Ave, West of Kennedy	Parent Zone R2-S
File ZA 16 179225		Amending By-law 2019-____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *609 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.		
7.609.1 Additional Permitted Uses		
The following additional uses are permitted:		
a)	<i>One (1) Accessory Dwelling Unit</i>	
7.609.2 Special Zone Standards		
The following special zone standards shall apply:		
a)	Minimum <i>exterior side yard</i> – 3.0 metre	
b)	Maximum <i>height</i> – 13.5 metres	
c)	Maximum <i>garage width</i> : i) <i>Lot frontages</i> of 15.2 metres or greater – 6.4 metres	
d)	Setbacks from street roundings, traffic circles, and other <i>lot line</i> deviations: i) Where a property sides onto a <i>public lane</i> or <i>public street</i> , and the <i>lot line</i> is curved, any required setback is measured to a hypothetical <i>front, side, rear, or exterior lot line</i> , projected from the tangent of the actual <i>front, side, rear, or exterior lot line</i> ii) In the case of a <i>lot</i> abutting a traffic circle: a) Where the <i>front yard</i> is entirely curved, the <i>front yard</i> is measured from the tangent of the <i>front yard</i> of the next adjacent <i>lot</i> with a straight <i>front lot line</i> b) Where the <i>exterior side yard</i> is entirely curved, the <i>exterior side yard</i> setback shall be measured from the tangent of the <i>exterior side yard</i> , opposite, most distant from, and parallel to the <i>interior side yard</i> c) The rear <i>lot line</i> shall be deemed to be the <i>lot line</i> that separates the lot from the public lane. The front lot line shall be deemed to be the lot line opposite and most distant from the <i>rear lot line</i> iii) Where a <i>corner lot</i> has a portion of its <i>frontage</i> is dedicated to a sight visibility triangle, the setbacks shall be measured to a hypothetical <i>front, side, rear or exterior lot line</i> , projected from the actual <i>front, side, rear or exterior lot line</i> . iv) Where a portion of the property has been dedicated for a utility notch, or snow storage notch, the setback shall be measured to a hypothetical <i>rear or side yard</i> projected from the <i>front, side, rear or exterior lot line</i> v) Notwithstanding the above, in no instance shall a buildings or structure be located within 0.6 metres of a <i>lot line</i> . No <i>building</i> or <i>structures</i> , including encroachments such as eaves or gutters, may extend beyond any <i>lot line</i>	
e)	Notwithstanding the provisions of section 6.7, lots that are accessed by a <i>lane</i> , and where the <i>lot line</i> opposite the lane abuts an OS1, OS2, or G zone shall be deemed to have frontage on a <i>public street</i> . The lot line opposite to the <i>lane</i> , and abutting the OS1, OS2, or G zone shall be deemed the <i>front lot line</i> for the purpose of this by-law	

Exception 610	Sixteenth Land Holdings Inc North of 16 th Ave, West of Kennedy	Parent Zone R3
File ZA 16 179225		Amending By-law 2019-____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *610 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.		
7.610.1 Only Permitted Uses		
The following are the only permitted uses:		
a)	<i>Multiple Dwellings</i>	
7.610.2 Special Zone Standards		
The following special zone standards shall apply:		
a)	Notwithstanding provision H of Table B5 (Part 2 of 2) the minimum unit width shall be 6.0 metres	
b)	Maximum <i>height</i> – 15 metres	
c)	Special Provision 4 of Table B5 shall not apply	
d)	Minimum <i>front yard</i> – 4.5 metres	
e)	Minimum <i>exterior side yard</i> :	
	i) Abutting Yorkton Boulevard – 3.0 metre	
f)	Minimum <i>rear yard</i> – 0.0 metres	
g)	Maximum <i>garage width</i> – 3.1 metres	

Exception 611	Sixteenth Land Holdings Inc North of 16 th Ave, West of Kennedy	Parent Zone R2-S
File ZA 16 179225		Amending By-law 2019-____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *611 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.		
7.611.1 Special Zone Standards		
The following special zone standards shall apply:		
a)	Minimum <i>rear yard</i> - 7 metres	

Exception 612	Sixteenth Land Holdings Inc North of 16 th Ave, West of Kennedy	Parent Zone R2-S
File ZA 16 179225		Amending By-law 2019-____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *612 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.		
7.612.1 Special Zone Standards		
The following special zone standards shall apply:		
a)	Minimum <i>rear yard</i> - 6 metres	
b)	Where a driveway crosses the <i>exterior side lot line</i> :	
	i) Maximum garage width – 6.1 metres	
	ii) Minimum required <i>rear yard</i> – 0.6 metres	

Exception 613	Sixteenth Land Holdings Inc North of 16 th Ave, West of Kennedy	Parent Zone R2-S
File ZA 16 179225		Amending By-law 2019-____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *613 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.		
7.613.1 Additional Permitted Uses		
The following additional uses are permitted:		
a)	One (1) <i>Accessory Dwelling Unit</i>	
7.613.2 Special Zone Standards		
The following special zone standards shall apply:		
a)	Maximum <i>height</i> – 15 metres	
b)	Minimum <i>rear yard</i> – 0.6 metres	
c)	Minimum <i>front yard</i> – 2.0 metres	

Exception 614	Sixteenth Land Holdings Inc North of 16 th Ave, West of Kennedy	Parent Zone R2-S
File ZA 16 179225		Amending By-law 2019-____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *614 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.		
7.614.1 Additional Permitted Uses		
The following additional uses are permitted:		
a)	One (1) <i>Accessory Dwelling Unit</i>	
7.614.2 Special Zone Standards		
The following special zone standards shall apply:		
a)	Maximum <i>height</i> – 15 metres	
b)	Minimum <i>rear yard</i> – 0.6 metres	
c)	Minimum <i>front yard</i> – 4.0 metres	

Exception 615	Sixteenth Land Holdings Inc North of 16 th Ave, West of Kennedy Lane access Single Detached	Parent Zone R2-S
File ZA 16 179225		Amending By-law 2019-____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *615 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.		
7.615.1 Additional Permitted Uses		
The following additional uses are permitted:		
a)	One (1) <i>Accessory Dwelling Unit</i>	
7.615.2 Special Zone Standards		
The following special zone standards shall apply:		
a)	Driveways and Garages are permitted to access a <i>lane</i> across an <i>exterior</i> or <i>interior side lot line</i>	
b)	Minimum required <i>rear yard</i> to a <i>dwelling units</i> accessed by a <i>lane</i> i) with attached <i>private garage</i> - 0.6 m ii) without attached <i>private garage</i> – 11.6 m	
c)	Maximum <i>lot coverage</i> for detached <i>private garages</i> – no maximum;	
d)	Minimum <i>parking space</i> width on a <i>parking pad</i> accessed by a <i>lane</i> – 2.55 m.	
e)	Minimum <i>outdoor amenity area</i> – 20 square metres	

Exception 616	Sixteenth Land Holdings Inc North of 16 th Ave, West of Kennedy	Parent Zone R2-S
File ZA 16 179225		Amending By-law 2019-____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *616 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.		
7.616.1 Special Zone Standards		
The following special zone standards shall apply:		
a)	Minimum <i>rear yard</i> :	
	i) For up to 45% of the <i>building width</i> – 3.0 metre	

Exception 617	Sixteenth Land Holdings Inc North of 16 th Ave, West of Kennedy	Parent Zone R2-S
File ZA 16 179225		Amending By-law 2019-____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *617 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.		
7.617.1 Special Zone Standards		
The following special zone standards shall apply:		
a)	Minimum <i>rear yard</i> :	
	i) <i>Dwelling</i> - 11.5 metres	
	ii) <i>Accessory buildings</i> – 4 metres	

Exception 618	Sixteenth Land Holdings Inc North of 16 th Ave, West of Kennedy	Parent Zone R2-S
File ZA 16 179225		Amending By-law 2019-____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *618 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.		
7.618.1 Special Zone Standards		
The following special zone standards shall apply:		
a)	Minimum required <i>front yard</i> – 3.0 metres	

Exception 619	Sixteenth Land Holdings Inc North of 16 th Ave, West of Kennedy	Parent Zone R2-S
File ZA 16 179225		Amending By-law 2019-____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *619 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.		
7.619.1 Special Zone Standards		
The following special zone standards shall apply:		
a)	Maximum <i>garage width</i> :	
	i) <i>Lot frontage</i> less than 11.6 metres – 6.1 metres	
	ii) <i>Lot frontage</i> greater than 20 metres – 9.8 metres	

Exception 620	Sixteenth Land Holdings Inc North of 16 th Ave, West of Kennedy	Parent Zone R2-S
File ZA 16 179225		Amending By-law 2019-____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *620 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.		
7.620.1 Special Zone Standards		
The following special zone standards shall apply:		
a)	Minimum required <i>front yard</i> – 4.0 metres	

Exception 621	Sixteenth Land Holdings Inc North of 16 th Ave, West of Kennedy Medium Density Block 26	Parent Zone R4
File ZA 16 179225		Amending By-law 2019-____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *621 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.		
7.621.1 Special Zone Standards		
The following special zone standards shall apply:		
a)	Minimum <i>rear yard</i> – 10 metres	
b)	Maximum number of <i>dwelling units</i> per hectare – not applicable	
c)	Maximum <i>height</i> – i) The lesser of 25.2 metres or 6 <i>storeys</i> ii) Within 55 metres of the southerly <i>lot line</i> – the lesser of 19.2 metres or 4 <i>storeys</i>	
d)	Maximum FSI – 2.5	

Exception 622	Sixteenth Land Holdings Inc North of 16 th Ave, West of Kennedy Medium Density Blocks	Parent Zone R4
File ZA 16 179225		Amending By-law 2019-____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *622 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.		
7.622.1 Additional Permitted Uses		
The following additional uses are permitted:		
a)	<i>Townhouse Dwellings</i>	
b)	One (1) <i>Accessory Dwelling Unit</i>	
7.622.2 Special Zone Standards		
The following special zone standards shall apply:		
a)	<i>Townhouse Dwellings</i> shall be built in accordance with the provisions of Table B5	
b)	Maximum <i>height</i> for <i>townhouse dwellings</i> – i) 15 metres	

Exception 623	Sixteenth Land Holdings Inc North of 16 th Ave, West of Kennedy Mixed-Use Block	Parent Zone CA1
File ZA 16 179225		Amending By-law 2019-____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *623 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.		
7.623.1 Additional Permitted Uses		
The following additional uses are permitted:		
a)	<i>Supermarket</i>	
7.623.2 Special Zone Standards		
The following special zone standards shall apply:		
a)	Notwithstanding the provisions below, all uses except <i>Multiple Dwellings</i> and <i>Townhouse Dwellings</i> shall be built in accordance with the <i>Apartment Dwellings</i> and <i>Institutional and Office Building</i> standards of table B7 (Part 2 of 4)	
b)	<p>Maximum <i>height</i>:</p> <ul style="list-style-type: none"> i) <i>Townhouse dwellings</i> – 13.5 metres ii) All other buildings <ul style="list-style-type: none"> - Within 40 metres of the south <i>lot line</i> – 11.5 metres excluding architectural features - Greater than 40m from the south <i>lot line</i> - 15 metres excluding architectural features iii) Notwithstanding ii) above, uses other than <i>Multiple Dwellings</i>, <i>Townhouse Dwellings</i>, and <i>Apartment Dwellings</i>, are only permitted to be 1 <i>storey</i> within 40 metres of the south <i>lot line</i>, and that <i>storey</i> is permitted to be 11.5m metres in <i>height</i> excluding architectural features. 	
c)	The total maximum <i>gross floor area</i> for uses identified in Table A2 as I, X, Ee, Ff, Gg, Hh, Ii, and Kk, shall not exceed 3,700 square metres	
d)	The maximum <i>gross floor area</i> for a single <i>unit</i> containing a <i>Supermarket</i> , or uses identified in Table A2 as I, X, Ee, Ff, Gg, Hh, Ii, and Kk, shall not exceed 2,350 square metres	
e)	<p><i>Gross floor area</i> of a <i>place of worship</i>:</p> <p>Minimum – 250 square metres</p> <p>Maximum – 500 square metres</p>	
f)	A <i>place of worship</i> shall only be permitted in a mixed use building	
g)	Special provisions of Table A2 shall not apply	
h)	<i>Drive-through facilities</i> shall not be located within 40 metres of the south <i>lot line</i>	
i)	<i>Garage doors</i> , loading bays, overhead doors, or a door providing direct access to a garbage storage facility, shall not be located within a wall facing the southern <i>lot line</i>	
j)	Lots containing uses other than <i>apartment building</i> , <i>townhouse dwellings</i> and <i>multiple dwellings</i> shall have a maximum <i>frontage</i> of 196 metres along the southerly <i>lot line</i>	
k)	<p>Minimum <i>landscape strip</i>:</p> <ul style="list-style-type: none"> i) 6 metres from the southerly <i>lot line</i> 	
l)	Notwithstanding k) above, the minimum landscape strip may be reduced to 3 metres where a minimum 6 metre wide <i>public</i> or <i>private street</i> is provided between the <i>landscape strip</i> and an <i>apartment building</i> , <i>townhouse dwelling</i> , or <i>multiple dwelling use</i>	
m)	<i>Townhouse Dwellings</i> are permitted to front onto <i>private streets</i> , and are not permitted to front onto or back onto 16 th Avenue	
n)	The total combined maximum <i>gross floor area</i> for all non-residential uses shall not exceed 11,150 square metres	

2. SECTION 37 CONTRIBUTION

2.1 A contribution by the Owner to the City of facilities, services, or matters in accordance with Section 37 of the Planning Act, as amended, shall be

required. Nothing in this section shall prevent the issuance of a building permit as set out in Section 8 of the Building Code Act or its successors.

3. HOLDING PROVISION

- 3.1 For the purpose of this By-law, a Holding (H) provision is hereby established on lands zoned CA1*623 as identified on Schedule 'A' attached hereto by the letter (H) in parenthesis following the zoning symbols.
- 3.2 No person shall hereafter erect or alter any building or structure on lands subject to the Holding (H) provision for the purpose permitted under this By-law until amendment(s) to this By-law to remove the letter (H) have come into effect pursuant to the provisions of Section 36 of the Planning Act.
- 3.3 A Zoning By-law Amendment to remove the Holding (H) symbol from the lands shown on Schedule "A" shall not be passed until the following conditions have been met:
- a) Execution of a site plan agreement between the Owner and the City of Markham containing a *Place of Worship* of at least 250 metres as a use on the site; or
 - b) The passage of five (5) years from the date of approval of the Official Plan Amendment applicable to this Plan of Subdivision or the passage of three (3) years from the date of registration of the subdivision agreement for the phase of this Plan of Subdivision containing Block 25; whichever is greater.

Driveways, underground parking structures, townhouse dwellings, and multiple dwellings may be constructed prior to the removal of the Holding provision 'H'.

Read and first, second and third time and passed on _____, 2019.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW 2019-____

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

Name of Applicant
Property Legal Description
Property Address
 ZA 17 000000

Lands Affected

The proposed by-law amendment applies to a parcel of land with an approximate area of ____ hectares (____ acres), which is located north of _____ Road and west of _____ Road in the _____ Community.

Existing Zoning

The subject lands are zoned Commercial Recreation (CR) and Open Space One (O1) Zone under By-law 304-87, as amended.

Purpose and Effect

The purpose and effect of this By-law is to rezone the subject lands from By-law 304-87 to By-law 177-96, as amended as follows:

from:

**Commercial Recreation (CR) Zone and;
 Open Space One (O1) Zone**

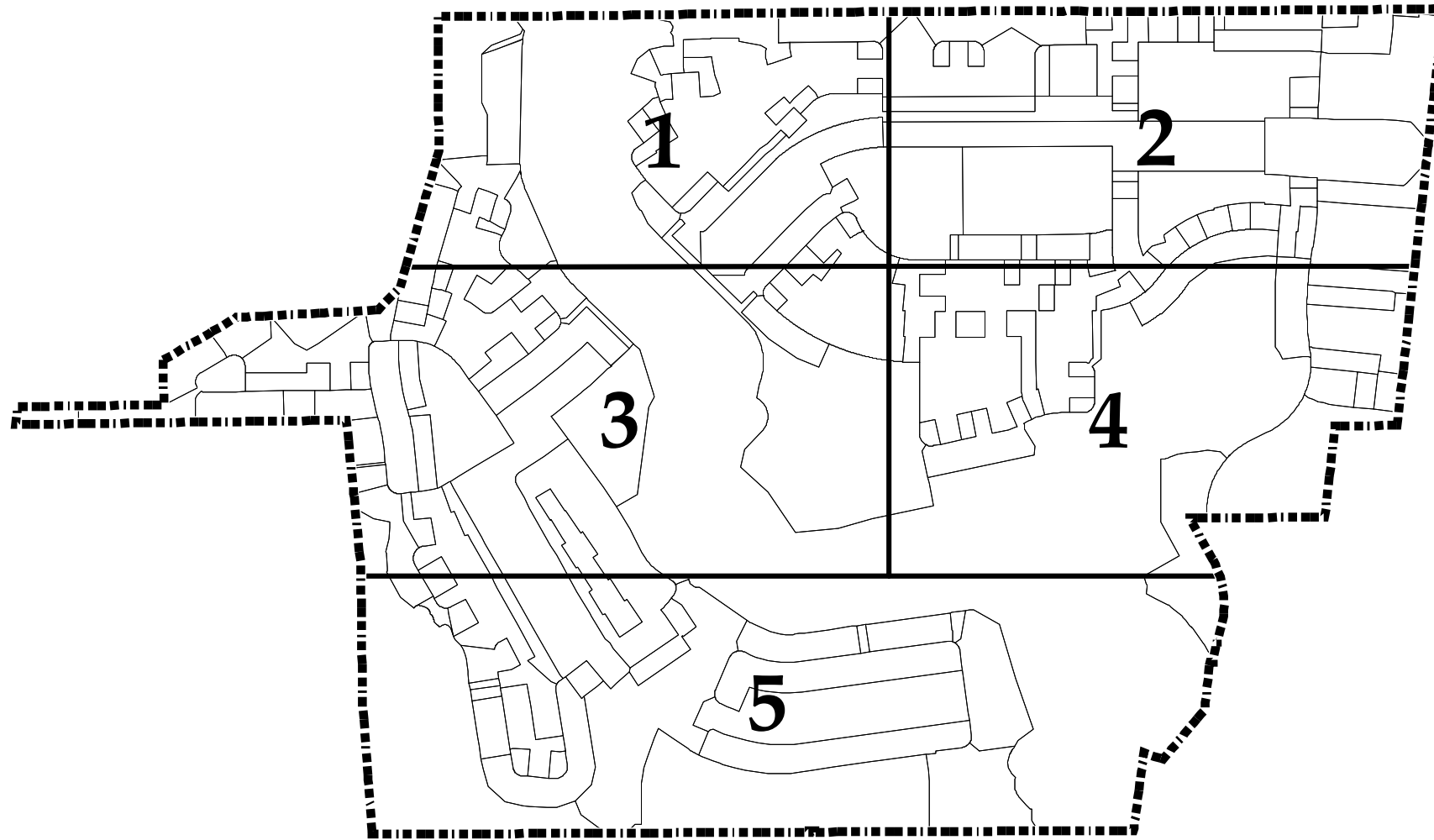
to:

**Residential Two (R2*608) Zone;
 Residential Two – Special (*613) Zone;
 Residential Two – Special (*614) Zone;
 Residential Two – Special (*609*615) Zone;
 Residential Two – Special (*609*616) Zone;
 Residential Two – Special (*609*612*619) Zone;
 Residential Two – Special (*609*611) Zone;
 Residential Two – Special (*609*612) Zone;
 Residential Two – Special (*609*619*617) Zone;
 Residential Two – Special (*609*617) Zone;
 Residential Two – Special (*609*619) Zone;
 Residential Two – Special (*609) Zone;
 Residential Two – Special (*609*620*615) Zone;
 Residential Two – Special (*609*618) Zone;
 Residential Two – Special (*609*620) Zone;
 Residential Four – (R4*622) Zone
 Residential Three (R3*610) Zone;
 Residential Four (R4*621) Zone;
 Community Amenity One (CA1*623) Zone
 Open Space One – (OS1) Zone
 Open Space Two – (OS2) Zone
 Greenway – (G) Zone
 Residential Two (R2*83) Zone**

in order to permit a residential development on the lands.

Note Regarding Further Planning Applications on this Property

The *Planning Act* provides that no person shall apply for a minor variance from the provisions of this by-law before the second anniversary of the day on which the by-law was amended, unless the Council has declared by resolution that such an application is permitted.



DRAFT

SCHEDULE " A " TO BY-LAW 177-96


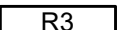

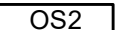
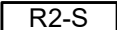

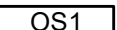
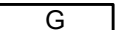
AMENDING BY-LAW

DATED

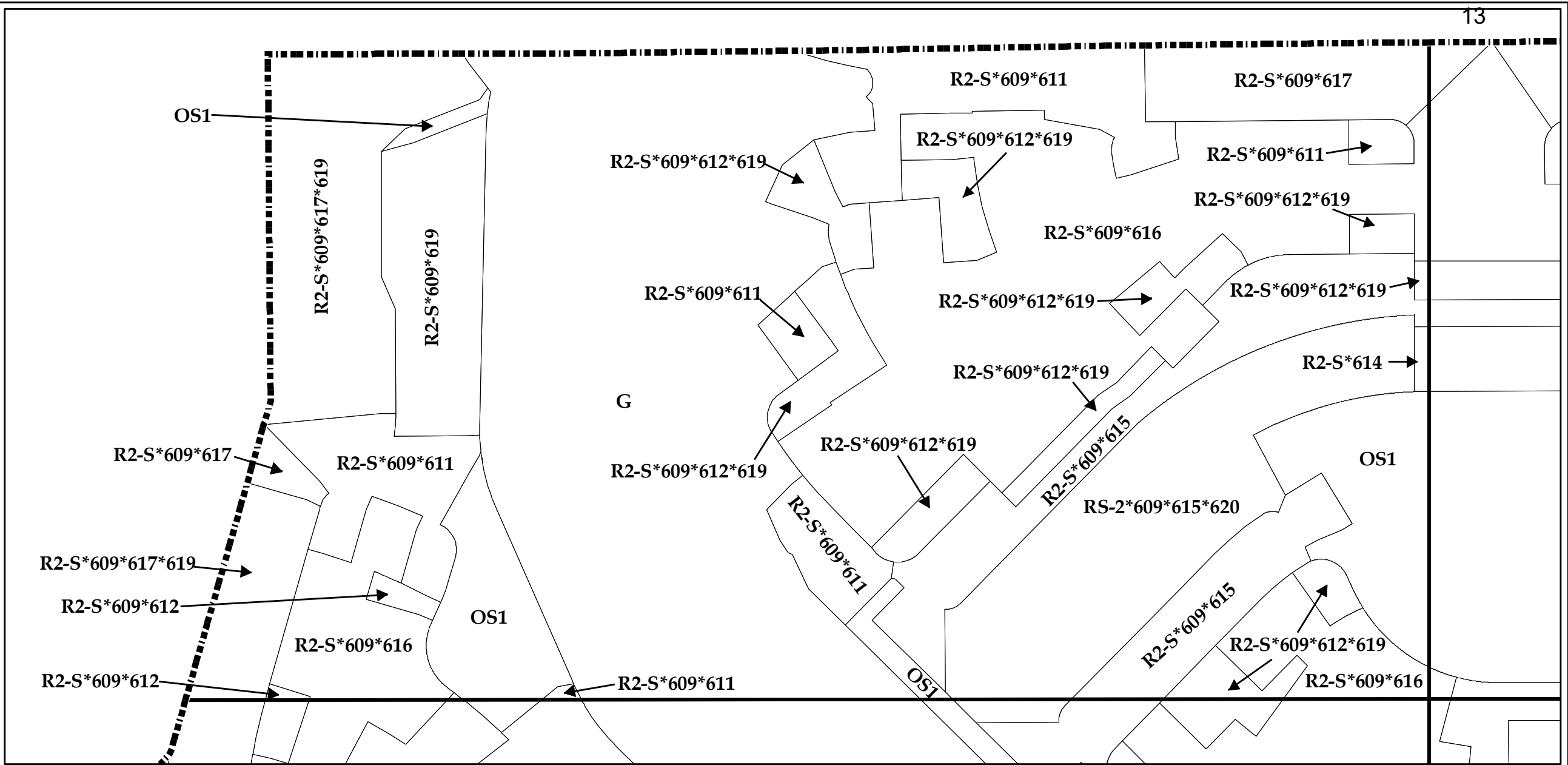


 BOUNDARY OF AREA COVERED BY THIS SCHEDULE

 BOUNDARY OF ZONE DESIGNATION(S)

- | | | | |
|--|--|--|---|
|  Residential Two Zone |  Residential Three Zone |  Community Amenity One Zone |  Open Space Two Zone |
|  Residential Two - Special Zone |  Residential Four Zone |  Open Space One Zone |  Greenway Zone |

THIS IS NOT A PLAN OF SURVEY. Zoning information presented in this Schedule is a representation sourced from Geographic Information Systems. In the event of a discrepancy between the zoning information contained on this Schedule and the text of zoning by -law, the information contained in the text of the zoning by -law of the municipality shall be deemed accurate.



DRAFT

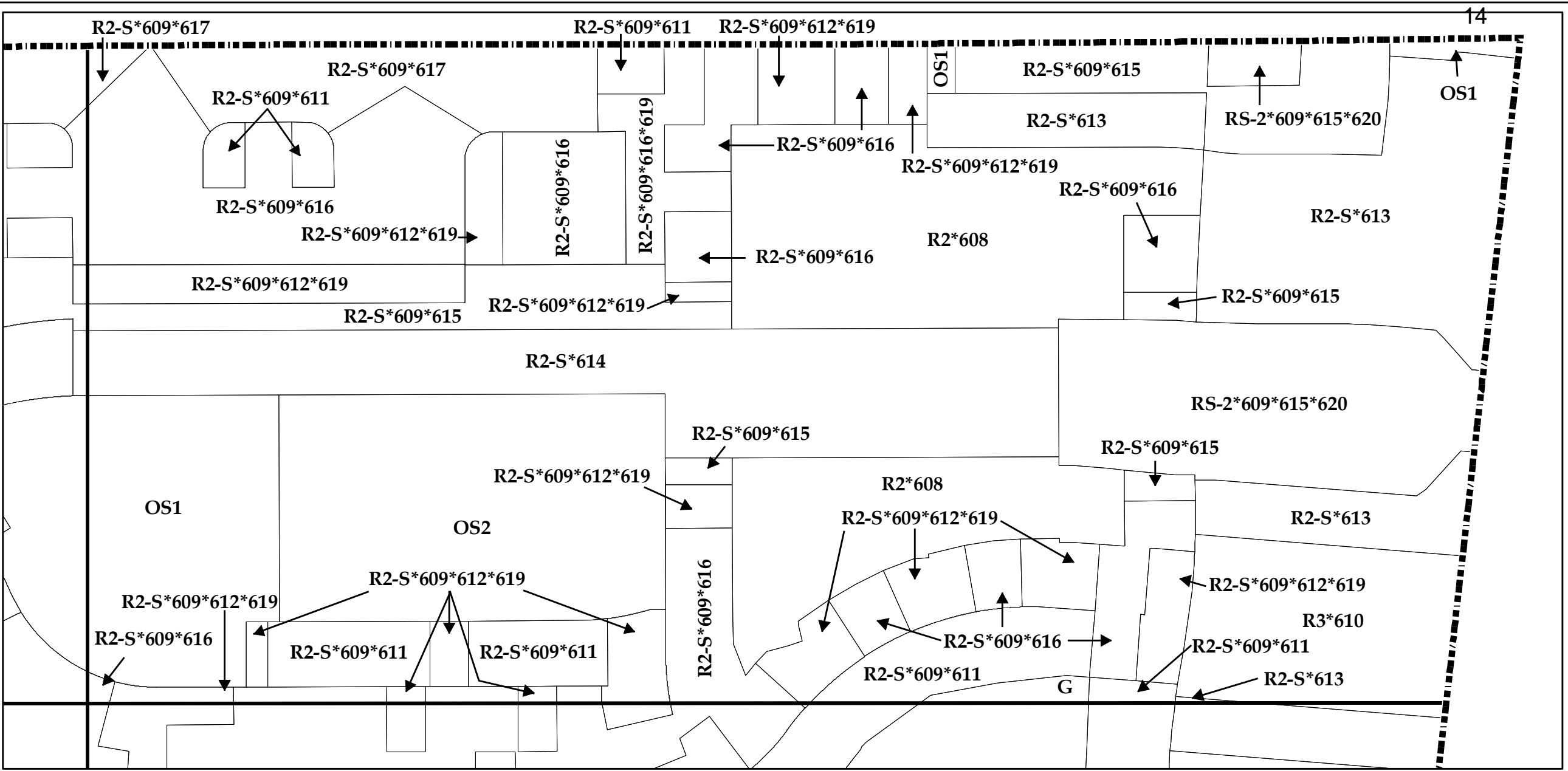
SCHEDULE " A-1 " TO BY-LAW 177-96

AMENDING BY-LAW

DATED

THIS IS NOT A PLAN OF SURVEY. Zoning information presented in this Schedule is a representation sourced from Geographic Information Systems. In the event of a discrepancy between the zoning information contained on this Schedule and the text of zoning by-law, the information contained in the text of the zoning by-law of the municipality shall be deemed accurate.





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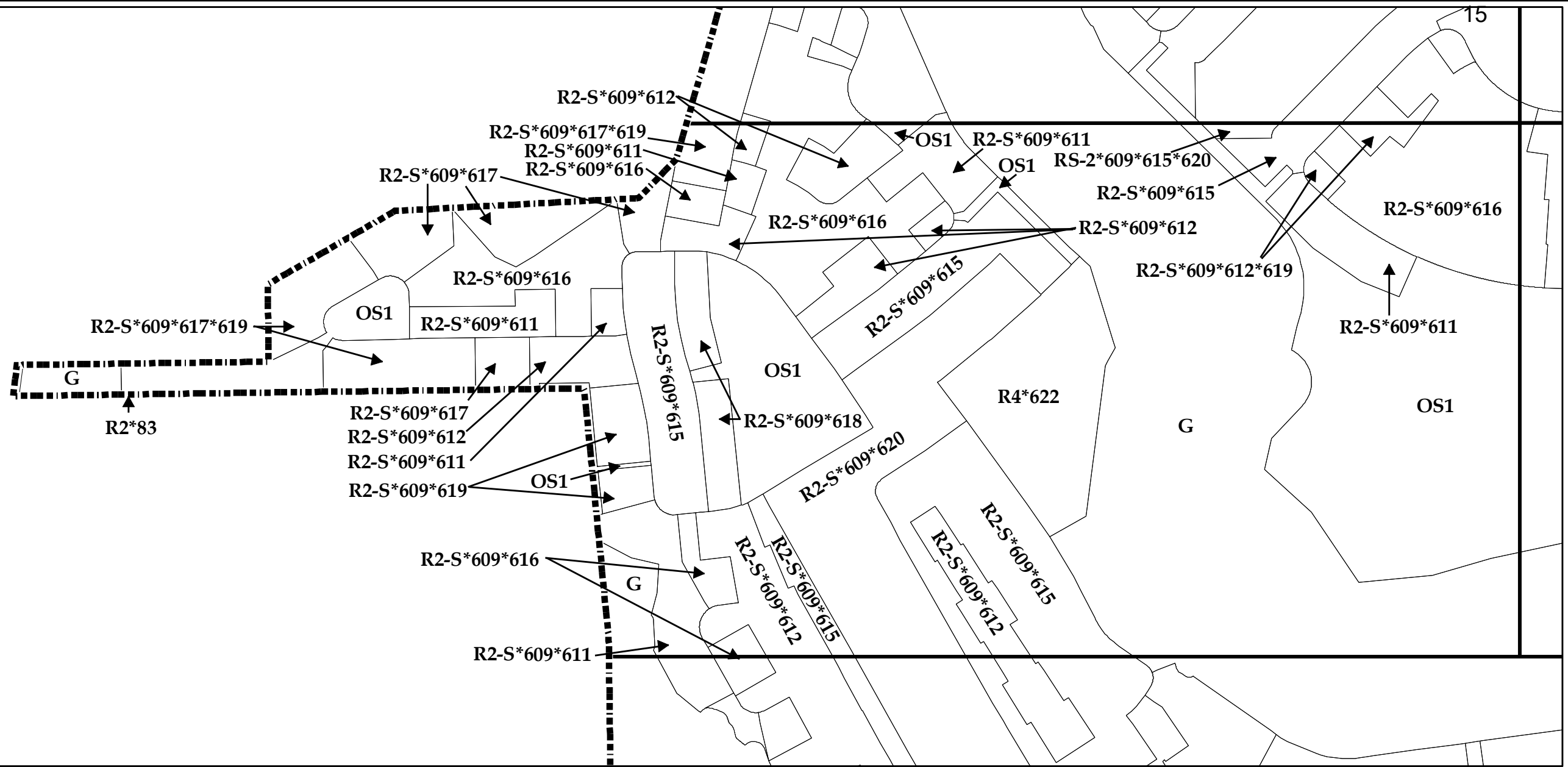
SCHEDULE " A-2 " TO BY-LAW 177-96

AMENDING BY-LAW

DATED

THIS IS NOT A PLAN OF SURVEY. Zoning information presented in this Schedule is a representation sourced from Geographic Information Systems. In the event of a discrepancy between the zoning information contained on this Schedule and the text of zoning by -law, the information contained in the text of the zoning by -law of the municipality shall be deemed accurate.





DRAFT

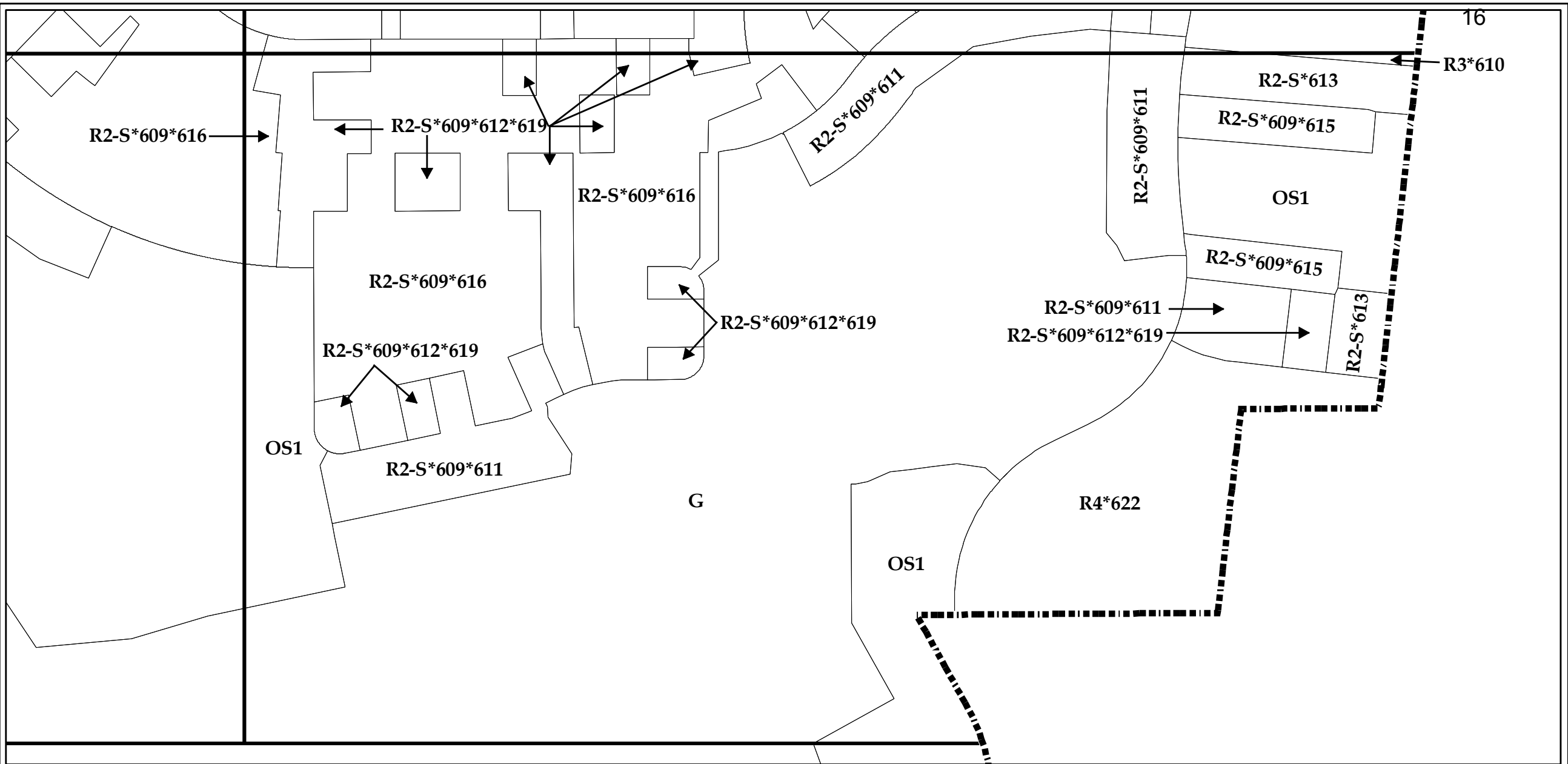
SCHEDULE " A-3 " TO BY-LAW 177-96

AMENDING BY-LAW

DATED

THIS IS NOT A PLAN OF SURVEY. Zoning information presented in this Schedule is a representation sourced from Geographic Information Systems. In the event of a discrepancy between the zoning information contained on this Schedule and the text of zoning by-law, the information contained in the text of the zoning by-law of the municipality shall be deemed accurate.





DRAFT

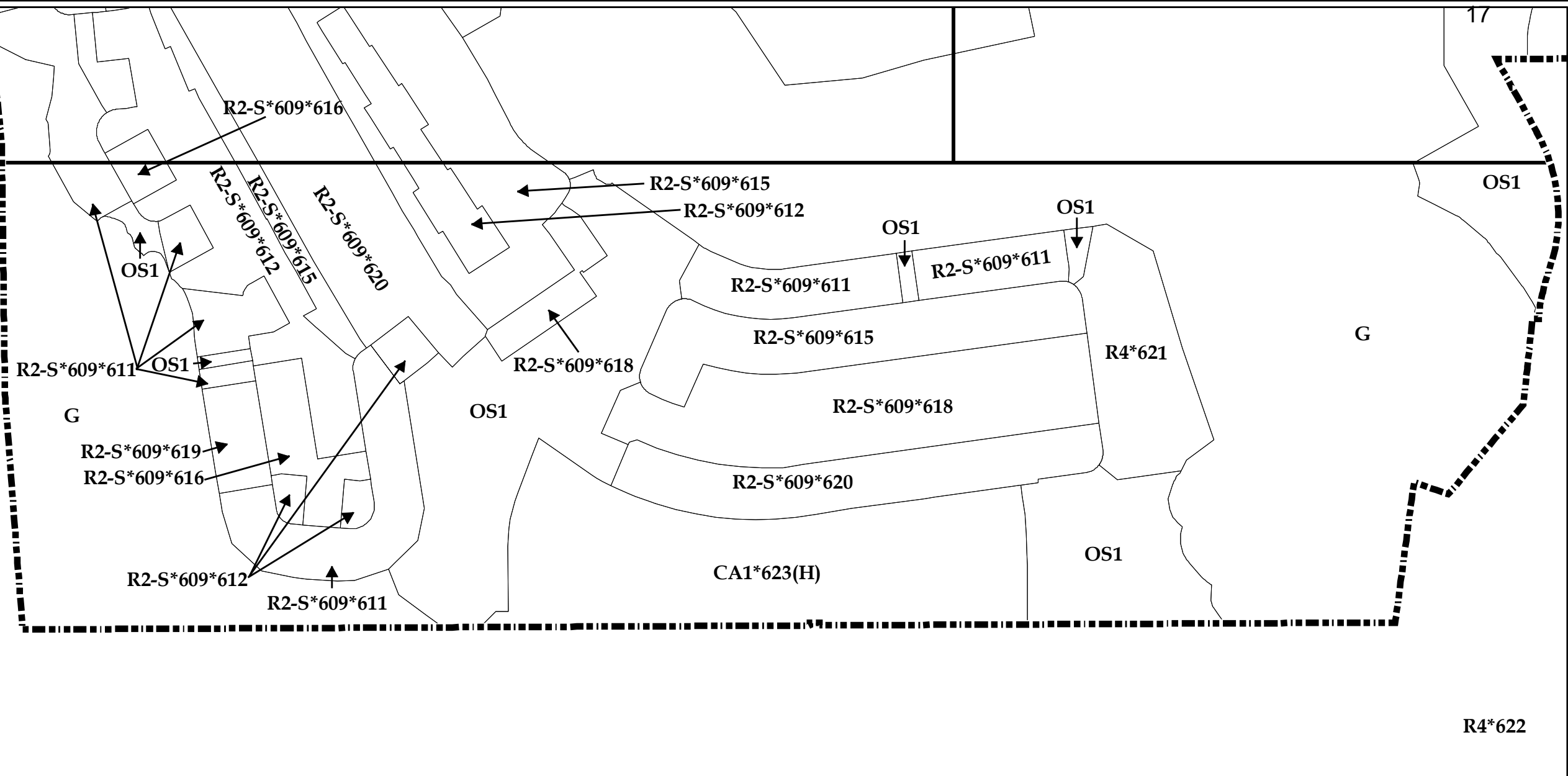
SCHEDULE " A-4 " TO BY-LAW 177-96

AMENDING BY-LAW

DATED

THIS IS NOT A PLAN OF SURVEY. Zoning information presented in this Schedule is a representation sourced from Geographic Information Systems. In the event of a discrepancy between the zoning information contained on this Schedule and the text of zoning by -law, the information contained in the text of the zoning by -law of the municipality shall be deemed accurate.





DRAFT

SCHEDULE " A-5 " TO BY-LAW 177-96

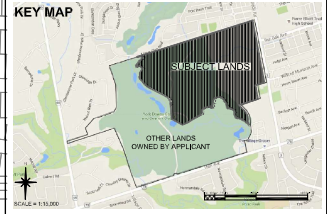
AMENDING BY-LAW DATED

THIS IS NOT A PLAN OF SURVEY. Zoning information presented in this Schedule is a representation sourced from Geographic Information Systems. In the event of a discrepancy between the zoning information contained on this Schedule and the text of zoning by-law, the information contained in the text of the zoning by-law of the municipality shall be deemed accurate.



ENVIRONMENTAL CONSTRAINTS LEGEND:

- WATER COURSE
- UNSATURATED LONG TERM SHADE TOP OF SOILS
- UNSATURATED LONG TERM SHADE TOP OF SOILS + 10%
- UNSATURATED LONG TERM SHADE TOP OF SOILS + 20%
- UNSATURATED LONG TERM SHADE TOP OF SOILS + 30%
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- UNSATURATED LONG TERM SHADE TOP OF SOILS + 970%
- UNSATURATED LONG TERM SHADE TOP OF SOILS + 980%
- UNSATURATED LONG TERM SHADE TOP OF SOILS + 990%
- UNSATURATED LONG TERM SHADE TOP OF SOILS + 1000%



DRAFT PLAN OF SUBDIVISION
 19T-16M10
 PART OF LOT 16, 17 AND 18 CONCESSION 5
 CITY OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK

OWNER'S CERTIFICATE
 I, THE UNDERSIGNED, BEING THE REGISTERED OWNER OF THE SUBJECT LANDS, HEREBY AFFIRMED AND CERTIFIED THAT I HAVE REVIEWED AND APPROVED THE DRAFT PLAN OF SUBDIVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THE SAME COMPLY WITH THE REQUIREMENTS OF THE PLANNING ACT AND THE SUBDIVISION ACT.
 DATE: SEPTEMBER 19, 2016
 SIGNATURE: [Signature]
 NAME: Michael Long
 DATE: SEPTEMBER 19, 2016
 SIGNATURE: [Signature]
 NAME: Michael Long

SURVEYOR'S CERTIFICATE
 I, THE UNDERSIGNED, BEING A REGISTERED SURVEYOR OF THE PROVINCE OF ONTARIO, HEREBY AFFIRMED AND CERTIFIED THAT I HAVE REVIEWED AND APPROVED THE DRAFT PLAN OF SUBDIVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THE SAME COMPLY WITH THE REQUIREMENTS OF THE PLANNING ACT AND THE SUBDIVISION ACT.
 DATE: SEPTEMBER 19, 2016
 SIGNATURE: [Signature]
 NAME: Joseph J. Jones

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51 (17) OF THE PLANNING ACT

(a) AS SHOWN	(d) AS SHOWN
(b) AS SHOWN	(e) CLAY LOCAL VARIABLE
(c) REFER TO KEY PLAN	(f) AS SHOWN
(g) AS SHOWN	(h) MUNICIPAL SERVICES
(i) AS SHOWN	(j) AS SHOWN

METRIC
 DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

Area	Area (sq. m)	Area (sq. ft.)
Subtotal of all lots	1,100,000	12,500,000
Lot 1	100,000	1,100,000
Lot 2	200,000	2,200,000
Lot 3	300,000	3,300,000
Lot 4	400,000	4,400,000
Lot 5	500,000	5,500,000
Lot 6	600,000	6,600,000
Lot 7	700,000	7,700,000
Lot 8	800,000	8,800,000
Lot 9	900,000	9,900,000
Lot 10	1,000,000	11,000,000
Lot 11	1,100,000	12,100,000
Lot 12	1,200,000	13,200,000
Lot 13	1,300,000	14,300,000
Lot 14	1,400,000	15,400,000
Lot 15	1,500,000	16,500,000
Lot 16	1,600,000	17,600,000
Lot 17	1,700,000	18,700,000
Lot 18	1,800,000	19,800,000
Lot 19	1,900,000	20,900,000
Lot 20	2,000,000	22,000,000
Lot 21	2,100,000	23,100,000
Lot 22	2,200,000	24,200,000
Lot 23	2,300,000	25,300,000
Lot 24	2,400,000	26,400,000
Lot 25	2,500,000	27,500,000
Lot 26	2,600,000	28,600,000
Lot 27	2,700,000	29,700,000
Lot 28	2,800,000	30,800,000
Lot 29	2,900,000	31,900,000
Lot 30	3,000,000	33,000,000
Lot 31	3,100,000	34,100,000
Lot 32	3,200,000	35,200,000
Lot 33	3,300,000	36,300,000
Lot 34	3,400,000	37,400,000
Lot 35	3,500,000	38,500,000
Lot 36	3,600,000	39,600,000
Lot 37	3,700,000	40,700,000
Lot 38	3,800,000	41,800,000
Lot 39	3,900,000	42,900,000
Lot 40	4,000,000	44,000,000
Lot 41	4,100,000	45,100,000
Lot 42	4,200,000	46,200,000
Lot 43	4,300,000	47,300,000
Lot 44	4,400,000	48,400,000
Lot 45	4,500,000	49,500,000
Lot 46	4,600,000	50,600,000
Lot 47	4,700,000	51,700,000
Lot 48	4,800,000	52,800,000
Lot 49	4,900,000	53,900,000
Lot 50	5,000,000	55,000,000

Revision #	Description	Date
1	Revised Post Circulation Comments	September 10, 2017
2	O.L.S. Boundary Dimensions	September 18, 2017
3	Revised Post Circulation Comments	April 6, 2018
4	Revised Post Circulation Comments	August 22, 2018

1434 16th Avenue
East Draft Plan
 Scale: 1:2000
 Date: September 15, 2016
 Job #: 65MA-1511
 Draft: 1511-DP3E

Gatzios Planning + Development Consultants Inc.
 203 Mount Pleasant Road - 3rd Floor
 Toronto, ON M4S 2Y4
 Tel: (416) 464-7200
 Fax: (416) 464-7866
 www.gatziosplanning.com

mbtw wai
 200 Woodbine Ave., 10th Fl. Toronto, Ontario M4B 1W8
 Tel: (416) 464-7200
 Fax: (416) 464-7866
 www.mbtw.com



ATTACHMENT 4**THE CONDITIONS OF THE CITY OF MARKHAM TO BE SATISFIED PRIOR TO
RELEASE FOR REGISTRATION OF DRAFT PLAN OF SUBDIVISION 19T-16M10
(York Downs EAST Draft Plan of Subdivision)****1. General**

- 1.1. Approval shall relate to Draft Plan of Subdivision 19T-16M10 prepared by Gatzios Planning + Development Consultants Inc. and MBTW | WAI, identified as Job Number 65MA-1511, Drawing Number 1511-DP3E, dated September 15, 2016, revised August 22, 2018.
- 1.2. This draft approval shall apply for a maximum period of six (6) years from date of approval by the LPAT, and shall accordingly lapse on XXX XX, 20XX unless extended by the City upon application by the Owner.
- 1.3. The Owner and the City acknowledge and agree that registration of this Draft Plan of Subdivision may occur in phases. Prior to the earlier of release for registration of each phase of this Draft Plan of Subdivision or the Owner initiating the detailed engineering design of each phase, the Owner shall provide a detailed Phasing and Staging Plan to the City's Director of Engineering and Director of Planning and Urban Design.
- 1.4. Prior to the release for registration of every phase within this Draft Plan of Subdivision, the Owner shall enter into a Subdivision Agreement with the City agreeing to satisfy all conditions of the City and Agencies, financial and otherwise.
- 1.5. Prior to the release for registration of any phase of this Draft Plan of Subdivision, amendments to Zoning By-law 177-96, as amended, shall have come into effect in accordance with the provisions of the Planning Act, as amended.
- 1.6. The Owner shall enter into a construction agreement and/or encroachment agreement or any other agreement deemed necessary to permit construction of services, roads, stormwater management facilities or any other services that are required to service the proposed development that are internal or external to this Draft Plan of Subdivision, to the satisfaction of the City's Director of Engineering and the City Solicitor.
- 1.7. The Owner acknowledges and agrees that this Draft Plan of Subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the City Departments, 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, MESP, Stormwater Management Report, Functional Servicing Report, Noise Impact Study, confirmation of alignment of roads with the locations shown in this Draft Plan of Subdivision, as well as any comments and conditions received from municipal departments and external agencies after draft approval has been granted.

- 1.8. Prior to the release for registration of any phase within this Draft Plan of Subdivision, the Owner shall prepare and submit to the satisfaction of the City's Director of Engineering and Director of Planning and Urban Design all required technical reports, studies, and drawings, including but not limited to, traffic studies, functional traffic designs, stormwater management reports, functional servicing reports, design briefs, watermain analysis reports, detailed design drawings, noise studies, etc., to support this Draft Plan of Subdivision. The Owner agrees to revise this Draft Plan of Subdivision as necessary to incorporate the design and recommendations of the accepted technical reports, studies, and drawings.
- 1.9. The Owner shall agree in the Subdivision Agreement to implement the designs and recommendations of the accepted technical reports/studies submitted in support of this Draft Plan of Subdivision including but not limited to, traffic studies, functional road designs, stormwater management reports, functional servicing reports, design briefs, watermain analysis reports, detailed design drawings, noise studies, etc., to the satisfaction of the City's Director of Engineering and Director of Planning and Urban Design, and at no cost to the City.
- 1.10. The Owner shall covenant and agree in the Subdivision Agreement to design and construct all required relocations of, and modifications to existing infrastructure, including but not limited to sewers, watermains, light standards, utilities, stormwater management facilities and roads to the satisfaction of, and at no cost to, the City.
- 1.11. The Owner shall covenant and agree in the Subdivision Agreement to pay to the City all required fees in accordance with the City's Fee By-Law 211-83, as amended by Council from time to time.
- 1.12. The Owner shall covenant and agree in the Subdivision Agreement or Pre-Servicing Agreement, whichever comes first, to submit financial security for each phase of the Draft Plan of Subdivision as required by the City prior to the construction of municipal infrastructure required to service that phase of development.

2. Roads

- 2.1. Prior to the release for registration of any phase within this Draft Plan of Subdivision, the road allowances within this Draft Plan of Subdivision shall be named to the satisfaction of the City and the Region of York.
- 2.2. The Owner shall covenant and agree in the Subdivision Agreement to provide temporary turning circles where required, at its cost, and remove them and restore the streets to their normal condition at its cost, when required to do so by the City, to the satisfaction of the Director of Engineering and Director of Planning and Urban Design. 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 and Director of Planning and Urban Design.
- 2.3. The Owner acknowledges and agrees to undertake the following detailed engineering and associated landscape design, to the satisfaction of the City's Director of Engineering, for works external to the area of this Draft Plan of Subdivision. The Owner agrees to construct these works at no cost to the City, in accordance with the approved Functional Servicing Report for the particular phase containing the portion of the relocated Angus Glen Boulevard right-of-way, and in conjunction with that particular phase:
 - a) Introduction of a public laneway to serve the existing dwellings on the north side of Angus Glen Boulevard, including a landscaped boulevard south of the new public laneway, and, a realignment to the south of the existing paved travel portion and existing sidewalk of Angus Glen Boulevard located immediately north of its intersection with Street 'D'.

3. Intentionally left blank

4. Tree Preservation, Compensation and Enhancement

- 4.1. Prior to the removal of any trees or destruction or injury to any part of a tree within this Draft Plan of Subdivision, the Owner shall obtain written approval from the Director of Planning and Urban Design.
- 4.2. Prior to the issuance of a Top Soil Stripping Permit for each phase within this Draft Plan of Subdivision, the Owner shall provide a site grading plan identifying trees to be preserved based on the approved Tree Inventory Preservation Plan, to the satisfaction of the City's Director of Planning and Urban Design.

- 4.3. Prior to the release for registration of any phase within this Draft Plan of Subdivision, the Owner shall submit to the City for approval a Compensation and Enhancement Strategy for both this Draft Plan of Subdivision and the adjacent Draft Plan of Subdivision 19T-16M11 combined. The methodology for the Compensation and Enhancement Strategy shall be approved by the City's Director of Planning and Urban Design prior to submission. The Owner agrees that the Compensation and Enhancement Strategy may be implemented through an agreement between the landowner of this Draft Plan of Subdivision, the owner of the adjacent Draft Plan of Subdivision 19T-16M11, and the City.
- 4.4. The Owner acknowledges and agrees that the Compensation and Enhancement Strategy shall include the following, to be provided at the Owners cost, to the satisfaction of the City's Director of Planning and Urban Design:
- a) A Tree Inventory and Preservation Plan indicating trees to be removed and trees to be retained;
 - b) A compensation and enhancement summary assessment providing a net gain conclusion;
 - c) For lots adjacent to existing residential lands, existing trees shall be preserved where possible, and, rear yard tree planting will be included in yards adjacent to existing residential lands;
 - d) A row of trees planted with a continuous planting trench in the residential yards along Collector Roads, being Streets 'A', 'B', 'C' and 'D' which will function as a second row of street trees;
 - e) Tree planting within Park blocks and Stormwater Management blocks;
 - f) Tree planting within Open Space blocks (the Greenway System) at a specified minimum tree density;
 - g) A requirement that all trees planted be guaranteed for two years, and if a planted tree fails the replacement tree shall be guaranteed for an additional two years, and that specific monitoring be detailed in the Environmental Management Plan;
 - h) Any other ecological enhancements including but not limited to wildlife habitat structures, wetland creation, headwater drainage daylighting and invasive species management; and,
 - i) A restoration phasing plan that ties restoration to phased subdivision registration, with the Owner acknowledging and agreeing that it is the City's objective to have restoration undertaken as early as possible.
- 4.5. The Owner acknowledges and agrees to implement the recommendations of the Compensation and Enhancement Strategy on a phase by phase basis, including the submission of an updated Tree Inventory and Preservation Plan and Landscape Plans for each phase of development.

4.6. The Owner shall covenant and agree in the Subdivision Agreement to provide a 300mm depth of topsoil in the entire municipal boulevard including a continuous planting trench to appropriately plant boulevard trees and provide a soil report demonstrating compliance with the City's Streetscape Manual to the satisfaction of the City's Director of Planning and Urban Design.

5. Natural Heritage and Open Space

5.1. Prior to the release for registration of any phase within this Draft Plan of Subdivision, the Owner shall submit an Environmental Management Plan to the satisfaction of the City's Director of Planning and Urban Design which addresses the following:

- a) recommendations to mitigate impacts to wildlife during construction;
- b) a monitoring program to identify changes to wildlife, woodlands, wetlands, and surface water features and to recommend methods to address any unforeseen impacts;
- c) plans for any required wildlife exclusion fencing; and,
- d) a sediment and erosion control plan.

5.2. The Owner acknowledges and agrees that those portions of the Natural Environmental Report and the Environmental Impact Study which have not been endorsed by the City, the TRCA or other applicable agency shall be peer reviewed at the Owner's expense to the satisfaction of the City's Director of Engineering.

5.3. The Owner shall covenant and agree in the Subdivision Agreement to post approved copies of the Compensation and Enhancement Plan, the Landscape Plans for all Open Space blocks, and the Conceptual Park Development Master Plans in all sales offices for dwelling units within this Draft Plan of Subdivision.

5.4. The Owner acknowledges and agrees that Open Space Blocks 1, and 9 to 18 inclusive have been set aside for environmental protection purposes or other public open space purposes, and that they shall be conveyed by the Owner to the City of Markham upon registration of the associated phase of this Draft Plan of Subdivision.

5.5. Prior to the release for registration of any phase within this Draft Plan of Subdivision containing Open Space blocks, the Owner shall prepare and submit for approval Landscape Plans for the Open Space blocks in accordance with the City's Streetscape Manual, the City's Engineering standards, TRCA requirements and MNRF requirements, as appropriate. The Landscape Plans will address and illustrate the proposed landscape treatments to ensure restoration planting is achieved as per the Compensation and Enhancement Strategy, including but not limited to seed mixes, ground covers, tree plantings,

the trail system, water course crossings, and appropriate top soil depths, all to the satisfaction of the City's Director of Planning and Urban Design and the City's Director of Engineering. If external agency requirements result in unforeseen restrictions on tree planting in the Greenway System, the City will negotiate a credit for tree planting on an alternative site.

- 5.6. The Owner acknowledges and agrees to implement a trail system in the Open Space blocks as per the requirements of the Community Design Plan to the satisfaction of the City's Director of Planning and Urban Design and the City's Director of Engineering. The Trail System may be implemented in phases corresponding to the time of the conveyance of the Open Space blocks containing sections of Greenway system associated with restoration works, and/or the time of construction of restoration works in the Open Space blocks, to the City's Director of Planning and Urban Design's satisfaction. The Owner agrees that the Trail system shall be implemented and constructed through an agreement between the owners of this draft plan, the owners of the adjacent Draft Plan of Subdivision 19T-16M11, and the City.
- 5.7. The Owner shall covenant and agree to the following in the Subdivision Agreement for each phase of this Draft Plan of Subdivision:

"The Owner covenants and agrees to comply with the requirements of the Endangered Species Act, 2007, S.O. 2007, c. 6. (the "ESA"), and the Species at Risk Act, S.C. 2002, c. 29. (the "SARA"), with respect to any species identified in accordance with the ESA and the SARA. The Owner acknowledges and agrees that, notwithstanding this Agreement and any approvals made or given by the City in respect of the Subdivision, the onus is on the Owner to comply with the provisions of the ESA and the SARA. The Owner covenants and agrees to indemnify and save harmless the City, its directors, officers, Mayor, Councillors, employees and agents from any and all actions, causes of action, suits, claims, demands, losses, penalties, fines, expenses and damages whatsoever that may arise either directly or indirectly from the approval and registration of the Subdivision and the Assumption of Subdivision, the construction and use of the Works or anything done or neglected to be done in connection with the ESA and the SARA."

6. Community Design

- 6.1. The Owner acknowledges and agrees to implement and incorporate all requirements of the Community Design Plan into all landscape plans, architectural control guidelines, engineering plans, site plans, and any other required design documents.
- 6.2. Prior to the release for registration of the first phase within this Draft Plan of Subdivision, the Owner shall prepare and submit for approval Architectural Control Guidelines which include design requirements for lane-based

townhouses and Green Buildings, and which address appropriate elements of the City of Markham's Draft Sustainable Development Checklist and the Community Design Plan.

- 6.3. The Owner acknowledges and agrees to retain a design consultant acceptable to the City's Director of Planning and Urban Design to implement the Architectural Control Guidelines.
- 6.4. The Owner acknowledges and agrees to ensure that the design architect for any buildings within this Draft Plan of Subdivision shall not also assume the role of control architect for this Draft Plan of Subdivision.
- 6.5. The Owner acknowledges and agrees that all plans submitted for building permits within this Draft Plan of Subdivision, including for model home permit purposes, 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.
- 6.6. The Owner acknowledges and agrees to submit townhouse siting applications for all lane-based townhouses in accordance with the City's Site Plan Control By-Law 262-94, as amended, to the satisfaction of the City's Director of Planning and Urban Design.

7. Parkland

- 7.1. The Owner and the City acknowledge and agree that parkland dedication within this Draft Plan of Subdivision is required at a rate as specified in Section 51.1 of the Planning Act, as amended, and, that the dedication requirements are calculated for both this Draft Plan of Subdivision and the adjacent Draft Plan of Subdivision 19T-16M11 collectively, in total. The Owner and the City acknowledge and agree that parkland provided in this Draft Plan of Subdivision, in combination with parkland provided in the adjacent draft plan of subdivision 19T-16M11 satisfy parkland dedication requirements calculated in total between both Draft Plans of Subdivision as of the date of Draft Plan of Subdivision approval.
- 7.2. The Owner acknowledges and agrees that the parkland dedication within this Draft Plan of Subdivision shall be a minimum of 3.971 ha, comprised of Park Blocks 4 to 6 inclusive, and that this parkland dedication satisfies the parkland dedication requirements for a total of up to but not exceeding the approved Draft Plan of Subdivision total unit count of 1,253 units. The Owner acknowledges and agrees that any increase in the number of units in this Draft Plan of Subdivision beyond the approved 1,253 units may trigger additional

parkland dedication requirements, subject to the satisfaction of the City's Director of Planning and Urban Design.

- 7.3. The Owner acknowledges and agrees to dedicate Park Blocks 4 to 6 inclusive to the City, at no cost, upon registration of the associated phase of this Draft Plan of Subdivision.
- 7.4. Prior to the release for registration of each phase within this Draft Plan of Subdivision, the Owner shall provide the City's Director of Planning and Urban Design with a letter from the Landowner Group Trustee indicating the total parkland dedication to date for both this Draft Plan of Subdivision and the adjacent Draft Plan of Subdivision 19T-16M11, as of the date of the subject phase's Subdivision Agreement execution.

8. Subdivision Landscaping Works

- 8.1. Prior to the release for registration of every phase within this Draft Plan of Subdivision, the Owner shall submit Landscape Plans prepared by a qualified person based upon: the City of Markham Urban Design Guidelines; the Architectural Control Guidelines and the Community Design Plan, all to the satisfaction of the City's Director of Planning and Urban Design, to provide for all of the following within the subject phase:
 - a) For all public streets, streetscape plans and street tree planting in accordance with the City of Markham Streetscape Manual dated June 2009, as amended from time to time;
 - b) For all traffic islands and roundabouts, provide landscaping;
 - c) For all rear yards adjacent to surrounding existing residential lots, provide rear yard tree planting in soil trenches if possible;
 - d) For all yards adjacent to Collector Roads, being Streets 'A', 'B', 'C' and 'D', provide front yard tree planting in soil trenches if possible;
 - e) For all corner lots, provide privacy wood screen corner lot fencing, if required;
 - f) For all lots backing or flanking onto an Open Space block (the Greenway System), a Park block or a School block, provide a 1.5m high black vinyl chain-link fence on the property line installed prior to occupancy, as determined appropriate by the Director of Engineering;
 - g) For all lane-based townhouses, corner lots, and gateway lots as identified in the Architectural Control Guidelines, provide a front yard landscaping plan which does not include sod and which is low maintenance in order to reduce the need for front yard lawn mowing;
 - h) For all Stormwater Management blocks, provide landscaping;

- i) Any other landscaping and green infrastructure as determined by the Community Design Plan, Compensation and Enhancement Strategy and the Master Environmental Servicing Plan;
 - j) A trail network;
 - k) Noise attenuation fencing in accordance with the approved noise study; and,
 - l) Any other landscaping as determined by the Community Design Plan, Architectural Control Guidelines and Master Environmental Servicing Plan.
- 8.2. The Owner shall construct all landscaping referred to in condition 8.1 in accordance with the approved plans, at no cost to the City, except for item j) the trail network, which may be eligible for Development Charge credits.
- 8.3. Prior to execution of the Subdivision Agreement for each phase within this Draft Plan of Subdivision, 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, tree compensation, fencing, streetscape, buffer and other landscaping requirements applicable to the subject phase.
- 8.4. The Owner shall not permit its home builders to charge home purchasers for the items listed in condition 8.1.
- 8.5. The Owner shall include in all agreements of purchase and sale the following clause:

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

1. STREET TREES (TREES PLANTED IN THE CITY BOULEVARD OR IN ADJACENT PUBLIC LANDS OR PRIVATE LOTS,
2. CORNER LOT FENCING,
3. REAR LOT LINE FENCING AT LANES (IF SPECIFICALLY REQUIRED BY THE CITY'S DIRECTOR OF PLANNING AND URBAN DESIGN),
4. TREE PLANTING IN REAR YARDS ADJOINING THE LANES (IF SPECIFICALLY REQUIRED BY THE CITY'S DIRECTOR OF PLANNING AND URBAN DESIGN),
5. NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY,
6. FENCING OF SCHOOL, PARK, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS,

7. BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES,
8. SUBDIVISION ENTRY FEATURES AND DECORATIVE FENCING AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE CITY'S DIRECTOR OF PLANNING AND URBAN DESIGN,
9. FRONT YARD LANDSCAPING FOR CERTAIN LANE BASED TOWNHOUSE UNITS.

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

9. Stormwater Management

- 9.1. The Owner acknowledges and agrees 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.

10. Municipal Services

- 10.1. The Owner shall covenant and agree in the Subdivision Agreement that it shall construct, or pay for the construction of, roads, bicycle lanes, curbs, gutters, sidewalks (in accordance with the applicable Council policy and City's Design Criteria and Standards), underground and above ground services, street lights, street signs, utilities, stormwater management facilities, etc., to the satisfaction of the City (Commissioner of Development Services).
- 10.2. The Owner acknowledges and agrees to provide easement of sufficient width for the construction and maintenance of all required sanitary and storm sewers, watermain, utilities, and all other underground and aboveground infrastructure within Blocks 4, 5, 12, 13, 21, 22, 23, 24 and 25. The layout of all the underground and above ground infrastructure shall be in accordance to City standards and design criteria and to the satisfaction of the Director of Engineering. Further, prior to the release for registration of a phase of this Draft Plan of Subdivision containing any of these Blocks, the Owner acknowledges that should it be determined by the Director of Engineering that these Blocks are of insufficient size for the proper design, construction, and future maintenance of all the underground and aboveground infrastructure, the Owner covenants and agrees to adjust the size, at no cost to the City, in order to provide the additional land required.

- 10.3. Prior to the release for registration of every phase within this Draft Plan of Subdivision, the Owner shall prepare, to the satisfaction of the City's Commissioner of Development Services a Watermain Analysis Report. The Owner shall ensure that the water pressure within the site is in compliance with the City's design standard and the Master Environmental Servicing Plan (MESP). In accordance to the MESP, no municipally-owned pressure reducing valves are permitted for servicing this site. The Owner also acknowledges and agrees to address all watermain issues as determined in the watermain analysis, including but not limited to water pressure and water quality, to the satisfaction of the City's Director of Engineering. If the water pressure zone interface is required to be changed, the Owner shall covenant and agree in the Subdivision Agreement to pay for all the costs related to the work required for this pressure zone interface change.
- 10.4. Prior to the release for registration of every phase within this Draft Plan of Subdivision, the Owner shall demonstrate to the satisfaction of the City of Markham that the phase will be provided with two independent water supply points to provide for adequate redundancy and looping for domestic and fire protection purposes.
- 10.5. The Owner shall covenant and agree in the Subdivision Agreement for each phase of the draft Plan of Subdivision to not apply for any building permits until the City is satisfied that adequate road access, municipal water supply, sanitary sewers, and storm drainage facilities are available to service the proposed development.
- 10.6. Prior to the release for registration of any phase in this Draft Plan of Subdivision, the Owner shall revise and/or update the functional servicing and stormwater management reports in the event that the Director of Engineering determines that field conditions are not suitable for implementation of the servicing and stormwater strategy recommended in the previously accepted functional servicing and stormwater management reports.
- 10.7. The Owner shall covenant and agree in the Subdivision Agreement to contact the City's Director of Engineering prior to commencing the design for streetlighting to confirm the type(s) of poles and luminaires to be provided for different streets and/or lanes.
- 10.8. The Owner shall covenant and agree in the subdivision agreement to design and construct, to the satisfaction of the City's Director of Engineering, a new trunk sanitary sewer system from the north property limit to Open Space Block 15 within this Draft Plan of Subdivision to replace and decommission the existing 750 mm trunk sanitary sewer, where applicable, that connects the Angus Glen Community sanitary sewer system to York-Durham Sanitary Sewer ("YDSS") on 16th Avenue. The Owner shall further agree that there shall be no

interruption of services for the external properties that currently rely on the function and operation of the existing trunk sanitary sewer.

- 10.9. The Owner shall covenant and agree in the subdivision agreement to design and construct, to the satisfaction of the City's Director of Engineering, all necessary stormwater management infrastructure (ponds, sewers, etc.) to replace the existing stormwater management Pond "H" and its associated storm sewers within this Plan of Subdivision. The Owner shall further agree that there shall be no interruption of services for the external properties that currently rely on the function and operation of the existing stormwater management Pond "H".
- 10.10. The Owner and the City acknowledge and agree that the existing easements in favor of the City for the existing trunk sanitary sewer, storm sewer, and stormwater management Pond "H", as described on Plan 65R-18400 and 65R-20307 respectively, will be released by the City upon completion of the construction and acceptance by the City of the new trunk sanitary sewer system, and the new storm sewer and stormwater management infrastructure referenced in the above conditions as certified by the Owner's engineering consultant, and the registration of the necessary easements referenced below.
- 10.11. The Owner agrees to grant the City the necessary easements over the new trunk sanitary sewer system and the stormwater management infrastructure referenced above for access and maintenance purposes free of all costs and encumbrances, to the satisfaction of the Director of Engineering and City Solicitor, and at no cost to the City.

11. Environmental Clearance

- 11.1. The Owner shall covenant and agree in the Subdivision Agreement to retain a "Qualified Person" to prepare all necessary Environmental Site Assessments (ESA) and 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. The lands to be conveyed to the City shall be defined as any land or easement to be conveyed to the City, in accordance with the City's Environmental Policy and Procedures for Conveyance of Land to the City Pursuant to the Planning Act.
- 11.2. Prior to the earlier of any construction (including site alteration), the execution of a pre-servicing agreement, or the execution of a Subdivision Agreement for every phase in this Draft Plan of Subdivision, the Owner shall submit Environmental Site Assessment (ESA) report(s) prepared by a Qualified Person, in accordance with the Environmental Protection Act and its regulations

and all applicable standards, for all lands to be conveyed to the City for peer review and concurrence.

- 11.3. Prior to the earlier of any construction (including site alteration), the execution of a pre-servicing agreement or the execution of a Subdivision Agreement for every phase in this Draft Plan of Subdivision, the Owner agrees to submit environmental clearance(s) and Reliance Letter(s) from a Qualified Person to the Director of Engineering for all lands or interests in lands to be conveyed to the City to the satisfaction of the Director of Engineering. The Environmental Clearance and Reliance Letter will be completed in accordance with the City's standard and will be signed by the Qualified Person and a person authorized to bind the Owner's company. The City will not accept any modifications to the standard Environmental Clearance and Reliance Letter, except as and where indicated in the template.
- 11.4. The Owner acknowledges and agrees that if, during construction of any phase within this Draft Plan of Subdivision, contaminated soils or materials or groundwater are discovered, the Owner shall inform the Director of Engineering and Director of Planning and Urban Design 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 Director of Planning and Urban Design and the Ministry of the Environment, Conservation and Parks.
- 11.5. The Owner shall covenant and agree in the Subdivision Agreement to assume full responsibility for the environmental condition of the lands comprising the Draft Plan of Subdivision. The Owner shall further agree in the Subdivision Agreement 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 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 this Draft Plan of Subdivision, including any work undertaken by or on behalf of the City in respect of the lands comprising this Draft Plan of Subdivision and the execution of the Subdivision Agreement.

12. Development Charges

- 12.1. The Owner shall covenant and agree in the Subdivision Agreement 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 this Draft Plan of Subdivision at the time the lands are transferred to the first purchasers.

- 12.2. The Owner and the City acknowledge and agree that the bridge crossing the Bruce Creek providing a vehicular connection from this Draft Plan of Subdivision to the adjacent draft Plan of Subdivision 19T-16M11 is eligible for Development Charge Credits, and the City agrees to reimburse the Owner for the actual cost of the works it has incurred through City Wide Development Charge Credits (CWDC) and/or reimbursement, in accordance with the terms of the CWDC By-laws, the City's DC Credit and Reimbursement Policy, and approval by the City of the amount of the requested CWDC Credits.

13. Heritage

- 13.1. Prior to the release for registration of any phase within this draft Plan of Subdivision, the Owners shall carry out a Cultural Heritage Resource Assessment for the lands within this Draft Plan of Subdivision to ensure the assessment and identification of appropriate treatment of built heritage and archaeological resources; and to mitigate any identified adverse impacts to significant heritage resources, to the satisfaction of the City (Commissioner of Development Services) and the Ministry of Tourism Culture and Sport. The Owner shall submit a letter issued by the Ministry of Tourism Culture and Sport that the Heritage Resource Assessment has been entered into the Ontario Public Register of Archaeology Reports prior to registration of the draft plan and prior to any demolition, grading, filling or any form of soil disturbances on lands within the draft plan.
- 13.2. The Owner shall covenant and agree in the Subdivision Agreement to implement any measures recommended by the Cultural Heritage Resource Assessment, to the satisfaction of the City and the Ministry of Tourism, Culture and Sport.
- 13.3. The Owner acknowledges and agrees to provide, at the Owner's cost, a Markham Remembered interpretive plaque to be placed in a public open space as close as possible to the original site of the Pingle Tenant Farmhouse within this Draft Plan of Subdivision.

14. Additional City Requirements

- 14.1. The Owner shall covenant and agree in the Subdivision Agreement that it shall include the following clauses in all offers of purchase and sale for units with a single-car garage:

"PURCHASERS/TENANTS ARE ADVISED THAT THE CITY'S PARKING BY-LAW REQUIRES A MINIMUM OF TWO PARKING SPACES, ONE IN THE

DRIVEWAY AND ONE IN THE GARAGE. OUTSIDE A PRIVATE GARAGE, PARKING IS ONLY PERMITTED ON A DRIVEWAY.

PURCHASERS/TENANTS ARE ADVISED THAT THE CITY'S ZONING BY-LAW RESTRICTS DRIVEWAY WIDTHS, WHICH MAY NOT ALLOW TWO CARS TO PARK SIDE BY SIDE.

PURCHASERS/TENANTS ARE ADVISED THAT OVERNIGHT STREET PARKING WILL NOT BE PERMITTED UNLESS AN OVERNIGHT STREET PARKING SYSTEM IS IMPLEMENTED BY THE CITY."

- 14.2. The Owner shall provide and post display plans in all sales offices which clearly indicate the location of the following facilities in relation to the lot being purchased, prior to any Agreements of Purchase and Sale being executed by the Owner, a builder, or their real estate agents:

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

All display plans shall be submitted the City for review and approval by City staff, prior to the opening of the sales office.

- 14.3. The Owner acknowledges and agrees that municipal addresses shall be designated from the main public road accesses and not from laneway accesses, except for those residential units which do not front onto a public road, in which case municipal addresses shall be designated from the laneway accesses and the municipal address numbering shall be posted on both front and rear faces of each residential unit.
- 14.4. The Owner acknowledges and agrees that two separate and remote water supply connections will be required to ensure adequacy and reliability of the water supply at all times for firefighting purposes.
- 14.5. The Owner shall covenant and agree in the Subdivision Agreement that in order to ensure reliability of access for Fire Department vehicles under all conditions, two means of access, and independent of one another are to be provided into the development.

- 14.6. Prior to the release for registration of each phase within this Draft Plan of Subdivision, the Owner shall demonstrate to the satisfaction of the City's Fire Chief or designate that the phase will be provided with two separate and independent accesses for the purposes of emergency services access and egress.
- 14.7. 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, or designate. 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.
- 14.8. The Owner acknowledges and agrees to purchase from the City two recycling containers, one green bin and one kitchen collector per residence so that each purchaser may participate in the City's waste diversion program. Furthermore, the Owner shall ensure that the recycling containers, green bins, kitchen collectors and educational materials are deposited in each home on or before the date of closing. The Owner acknowledges and agrees to pay to the City the cost for recycling containers, green bins and kitchen collectors and to provide said recycling containers, green bins and kitchen collectors to purchasers at the same cost as paid to the City. The City shall provide all educational materials necessary to enable the purchaser to participate in the City's waste diversion program, at no cost to the Owner for the Owner to provide to the purchasers.
- 14.9. The Owner acknowledges and agrees to contact the City at least four weeks prior to unit occupancy to arrange an appointment time in which the recycling containers, green bins, kitchen collectors and educational materials are to be collected by the Owner.
- 14.10. The Owner acknowledges and agrees to provide adequate access for municipal waste and recycling collection vehicles in accordance with the City of Markham Engineering design standards, including providing: minimum pavement widths and turning radii, and road configurations that do not require municipal waste and recycling collection vehicles to travel in reverse.
- 14.11. The Owner acknowledges and agrees that all waste and recyclable materials will be collected municipally.
- 14.12. The Owner acknowledges and agrees that during the construction phase of the development, unobstructed roadway access to a width no less than 5.5 metres will be provided for the safe passage of municipal waste and recycling collection

vehicles on the designated collection day. Furthermore, if required, the Owner shall provide vehicle turning space that meets the City's engineering design standards. The Owner agrees that at times when the above defined access cannot be provided, the Owner shall be responsible for moving all residential waste, recyclables and organics from the occupied units to an agreed upon centralized location at the Owner's expense, for collection by the City.

14.13. The Owner shall covenant and agree in the Subdivision Agreement to implement sustainable design features within the dwellings, including, but not limited to:

- Energy Efficient Rated Windows
- Mid Velocity HVAC systems
- Energy Efficient Boilers
- Programmable Thermostats
- Direct Vent Fireplaces with Spark Ignition (where applicable as per plans)
- Low Flow Toilets & Fixtures
- Drain Water Heat Recovery (DWHR) on Showers
- Energy Efficient Lighting & Fixtures
- Electrical Car Ready Conduit from Garage to Hydro panel
- Solar Ready Conduits from Hydro Panel to Attic

14.14. That the Owner acknowledges and agrees to enter into a Section 37 Agreement to secure the provision of Public Art by the City, as required by implementing zoning by-law 2018-xxx.

14.15. The Owner shall covenant and agree in the Subdivision Agreement to include in the building permit application all mitigation recommendations from the geotechnical consultant to waterproof basements which are below the ground water to the satisfaction of the Chief Building Official on a lot specific basis. The Owner shall further covenant and agree that the acceptance of these measures will be subject to approval from the Chief Building Official.

14.16. The Owner shall agree to provide, to the satisfaction of the Fire Chief, or designate, Fire access from the laneway to the dwelling unit, for the following lots and blocks on the Draft Plan of Subdivisions:

East DP:

Lot Nos. 611 to 622, inclusive, on Lane 'GG'

Lot Nos. 623 to 631, inclusive on Lane 'II'

Lot Nos. 306, 307 & 308, inclusive on Lane 'V'

Lot Nos. 316, 317, 318, inclusive on Lane 'Z'

15. Developers Group Agreement Clearance

- 15.1. Prior to the release for registration of any phase within this draft Plan of Subdivision, the Owner shall have entered into one or more Developers Group Agreement(s) with the owners of the adjacent Draft Plan of Subdivision 19T-16M11 as appropriate, to ensure the equitable distribution of the costs of, and the provision of community and infrastructure facilities such as schools, parks, open space, enhancement and restoration of natural features, internal and external roads and road improvements, internal and external services, and stormwater management facilities, all to the satisfaction of the Director of Engineering, Director of Planning and Urban Design and City Solicitor. A certificate confirming the completion of such agreement(s) shall be provided to the City by the Developers Group Trustee to the satisfaction of the City Solicitor. The Owner shall covenant and agree in the Subdivision Agreement that the subject Plan of Subdivision shall not be released for registration by the City until the Owner delivers a release to the City from the Trustee of the Developers Group to the effect that all conditions obligations of the Group Agreement have been met to the satisfaction of the Trustee.

16. Lands to be Conveyed to the City / Easements

- 16.1 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. The owner shall also provide for any easement and works external to the draft plan necessary to connect watermains, storm and sanitary sewers to outfall trunks and stormwater management facilities to the satisfaction of the Director of Engineering and the City Solicitor.
- 16.2 The Owner shall convey Stormwater Management Blocks 2 and 3 to the City for stormwater management purposes, free of all costs and encumbrances, to the satisfaction of the Director of Engineering, the City Solicitor and the TRCA, upon registration of the associated phase of the Draft Plan of Subdivision.

17. Utilities

- 17.1. 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 Director of Planning and Urban Design and authorized agencies.

- 17.2. 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.
- 17.3. 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 individual dwelling units within the subdivision as and when each dwelling unit is constructed.

18. Toronto and Region Conservation Authority (TRCA)

- 18.1. That *prior to* any development, pre-servicing or site alteration, or registration of this plan or any phase thereof, the applicant shall submit a detailed response chart identifying how all outstanding issues as itemized in Appendix 'A' in the August 24, 2018 correspondence letter has been addressed to the satisfaction of the TRCA. This includes but is not limited to attaining final approval from the TRCA for the following:
- a) The final consolidated Master Environmental Servicing Plan (MESP) addressing all outstanding issues and commitments to updating and revising the documents contained within the MESP, including but not limited to:
 - i. Servicing and Grading Report (SGR) which includes Stormwater Management (SWM) and Low Impact Development (LID)
 - ii. Fluvial Geomorphology Report
 - iii. Natural Environment Report / Environmental Impact Study (NER)
 - iv. Feature Based Water Balance Report (FBWB)
 - v. Hydrogeological Assessment
 - vi. Geotechnical Reports
 - b) The final Environmental Management Plan (EMP), including a dynamic Adaptive Management Plan (AMP) be approved to the satisfaction of the TRCA.
 - c) A development phasing plan (if applicable) be provided to the TRCA, illustrating the various phases of development and associated timing of construction to implement the draft;

- d) A detailed engineering report including but not limited to the Functional Servicing and Stormwater Management that describes the storm drainage system (quantity and quality) for the proposed development of the subject lands, and how it will comply with all related Master Environmental Servicing Plan 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 or major flows. Confirmation must be provided with respect to how target flows as identified in the related hydrologic studies within the approved MESP will be achieved during and post-development;
 - ii. appropriate Stormwater Management Practices (SWMP's) to be used to treat stormwater, to mitigate the impacts of development on the quality of ground and surface water resources (including thermal impacts) 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, and the existing ecological function of all headwater drainage features is to be maintained, and consistent with TRCA Guidelines.
 - iii. location and description of all stormwater outlets, outfalls, outflow channels and/or flow dispersal measures associated with stormwater discharge, be designed to incorporate TRCA's guidelines and be collectively reviewed and designed to ensure a collaborative approach and confirmed in the field. Collaboration may include regard for additional enhancements to water quality, quantity control, mitigation of thermal impacts to the receiving habitat, reduce potential erosion and maximize potential infiltration, and integrate naturalized outlet channels or constructed wetlands where applicable, to the satisfaction of the TRCA;

For areas which require a permit pursuant to Ontario Regulation 166/06, the Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (ie. outfalls), all supporting technical studies and analysis, be provided.

Should red-line revisions be necessary to meet the requirements of the TRCA, these alterations to expand blocks, or modify the size or configuration may occur on lands within this subdivision which are currently proposed for development;

- iv. the integration of 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;
- v. mapping of all proposed stormwater management measures (including Low Impact Development measures of LIDs), with consideration for existing vegetation to be disturbed, grade differentials and extent and depth of grading required for construction.
- vi. 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 and how the receiving stormwater management ponds (which may or may not be located on this property) are being managed during the construction phase while some or all of the LIDs are not in operation. Should the LIDs be constructed in the first phase of development, the report should also identify how the LIDs will be maintained during and after construction to ensure they function in accordance with the intended design parameters;
- vii. the size and location of all LID measures associated with this development be confirmed to the satisfaction of the TRCA. If required to meet TRCA requirements, red-lined revisions be made to the plan to provide for necessary blocks within the Plan. This may require modifications to the size or configuration of the LID into surrounding lands within this subdivision which are currently proposed for development.
- viii. identification and quantification of the specific measures that are being employed, and the analysis that has been completed to ensure that there will be no predicted erosion related impacts on downstream areas (during and post construction), which are to be integrated into the stormwater management plan to the satisfaction of the TRCA. The report must specifically identify in detail, the potential for downstream erosion associated with flows generated from this development (erosion threshold analysis) and provide a suite of mitigation measure if required;
- ix. demonstrate how the pre-development drainage patterns are being preserved, post-development (to the greatest extent possible), in accordance with the approved MESP. The report shall include an impact mitigation report which demonstrates how construction and development shall minimize the potential impacts of the flow diversion on the natural systems on or off the subject property, with

specific regard for Feature 1 and 2 as identified in the Natural Environment Report;

- x. in order to preserve the limits of the natural heritage feature adjacent to the stormwater management pond blocks, the Owner is hereby notified that any lots or blocks abutting stormwater management Block 3 may be subject to adjustment or deletion should additional tablelands be required to accommodate revisions to the stormwater management ponds to meet the requirements of the TRCA.
- e) proposed methods for controlling or minimizing erosion and siltation on-site and/or in downstream areas and/or discharge to wetland areas during and after construction, in accordance with current Erosion and Sediment Control (ESC) guidelines utilized by the TRCA. ESC plans and an ESC report must address phasing and staging, demonstrate how impacts to the NHS will be minimized, and contingency measures within the EMP/AMP;
- f) prior to each phase of development, an overall Environmental Management Plan (EMP) will be prepared. The EMP will contain an Adaptive Management Plan which may be amended to address specific phases of development. The EMP shall include a comprehensive monitoring program associated with wetlands where the pre-development catchment area is being altered through this development, and watercourses to which stormwater from this property is being discharged. This report must compile all available pre-development/baseline monitoring information, provide for on-going pre-development monitoring where possible, and provide a plan with measures to be implemented for maintaining the pre-development water balance (in accordance with the requisite water balance reports) during construction and post-construction to the greatest extent possible. In the absence of sufficient pre-development monitoring, this report must also identify contingency measures and specific actions that may be taken within the development area to supplement and/or modify the quantity and quality of flows being directed to each impacted feature on an on-going basis, should the monitoring program identify that the pre-development conditions and/or pre-development wetland characteristics are being adversely impacted, to the satisfaction of the TRCA. The Adaptive Management Report must also include a specific section including an assessment of potential options for addressing unanticipated results of the monitoring – such as erosion downstream of the stormwater management outlet, or sediment discharge to natural features;
- g) provide a ground water constraint assessment that will examine existing and proposed ground water levels in relation to the proposed development, underground construction and servicing and stormwater

management infrastructure.

- h) anti-seepage collars be installed for all stormwater, sanitary and watermain services in areas in which these services are to be installed below the water table.
- i) permanent dewatering of groundwater associated with any component of this development shall not be permitted. The need for liners associated with the stormwater management system shall be assessed, and suitable liners shall be provided where necessary. All underground construction and infrastructure must be designed to not require permanent dewatering, and any potential impacts to the groundwater system that may result from the development must be assessed and mitigated;
- j) the potential need for sub-drains within the SWM ponds will be considered based on detailed geotechnical design requirements. Should they be required, subdrains will be directed towards tributaries and wetland features in accordance with the approved EMP, and in accordance with the approved Feature Based Water Balance;
- k) provide confirmation that foundations or basements are not located within the water table, and will not require active permanent dewatering. Passive permanent dewatering such as foundation drains may be permitted subject to collected groundwater directed into a 3rd pipe or equivalent to promote infiltration or appropriately convey the groundwater to the Natural Heritage Features.
- l) information detailing all anticipated temporary dewatering that may be required during the construction phase, including anticipated volumes, duration, discharge locations, recovery rates and time to recover groundwater to 90% recovery on an upward trend, and filtration media - as required, to the satisfaction of the TRCA;
- m) mitigation to confine the zone of influence (to the greatest extent possible) for temporary dewatering and/or depressurization for the purposes of installing infrastructure and or services, to the satisfaction of the TRCA and the City;
- n) the applicant attain all Ontario Regulation 166/06 permits from the TRCA for all works proposed on the subject property for which permits would be required, and those related to any associated infrastructure or stormwater management works required to support this development. No grading, pre-servicing or temporary stormwater management works are to be initiated until such time as a permit from the TRCA and all requisite TRCA approvals are attained;

- o) final grading plans illustrating that grading, site alterations, construction staging, or materials associated with these activities, will not encroach or be placed on lands to be conveyed to a public agency as part of this plan of subdivision, or on environmental lands adjacent to this plan of subdivision. The plans must indicate how grade differentials will be transitioned to the existing grade without the use of retaining walls within or adjacent to natural feature blocks, associated environmental buffers, or adjacent landowners unless otherwise agreed upon by the City and the TRCA;
- p) no grading shall be permitted within any Natural Heritage Feature or associated buffer. Grading encroachment within these established areas (as may be determined on a site by site basis) shall not be permitted unless otherwise agreed upon by the City and the TRCA. All areas to be protected must be effectively isolated through fencing or other appropriate measures prior to initiating any site alteration.
- q) all slopes be designed to be at a stable incline, with due consideration for TRCA's Healthy Soil Guidelines within all buffer areas and restored with a robust planting plan, consistent with TRCA's planting guidelines, and to the satisfaction of the TRCA.
- r) the decommissioning of all existing irrigation ponds / golf water hazards and/or the creation of offline wetlands be further reviewed approved by TRCA and the owner obtain the applicable permits pursuant to Ontario Regulation 166/06 (as amended).
- s) prior to decommissioning existing tableland stormwater management ponds (including but not limited to Pond B, Pond H), TRCA staff will be consulted and be provided information with respect to dewatering/drawdown, discharge location, wildlife relocation and any phasing associated with its removal of this pond while providing temporary stormwater management measures associated with other off-site lands (as applicable).
- t) provision of evidence from the Ministry of Natural Resources which identifies any permits and/or other authorizations required under the Ontario Endangered Species Act, 2007 (ESA) and its prescribed regulations has been obtained.
- u) the Compensation and Enhancement Strategy be completed, including a comprehensive planting and restoration plan to the satisfaction of the TRCA for all stormwater management blocks, created wetland areas, environmental buffers, and all environmental lands to be conveyed to a public agency associated with this draft plan;

- v) the Compensation Strategy be finalized to individually document all restoration works with respect to the fill for SWM Pond 3 on the East Draft Plan which is to be cut on the West Draft, works associated with the removal of Wetland 18, and the works associated with the removal of SDF-B, to the satisfaction of TRCA;
- w) all tree plantings associated with the previous golf course renovations (175 trees and shrubs) be relocated from the West Draft Plan onto the East Draft Plan between Feature 1 and Bruce Creek. The owner shall confirm that these plantings are not considered as part of the overall Tree Compensation Strategy.
- x) Generally, tree plantings associated with the Tree Compensation Strategy should not be located within the 100 year floodline. However, all planting plans are to depict the 100 year floodline associated with the stream corridors. Should plantings be proposed to be located in the 100 year floodline (in consultation with the TRCA), floodplain mapping may be required to be updated and recalculated and by changing the Mannings 'N' to the satisfaction of the TRCA.
- y) provide a detailed trail plan that conforms to the TRCA and City of Markham Trail and planting guidelines and standards be provided for review and approval.
- z) all utility crossings under watercourses will be required to meet TRCA standards of a minimum of 2.0 metres between the obvert of the utility and the valley (watercourse thalweg and bank wall), and that appropriate ESCs showing construction practices and staging are provided to TRCA's satisfaction;
- aa) any proposed transportation or servicing crossings of the NHS, associated buffers or adjacent areas for interim and/or permanent servicing, be collectively reviewed and designed to ensure a collaborative approach. Further detailed information is to be provided with respect to the location and span of the crossing, and shall be consistent with TRCA's Stream Crossing guidelines, and permits pursuant to Ontario Regulation 166/06 be obtained, to the satisfaction of the TRCA;
- bb) all stormwater outlets and outflow channels be naturalized, be designed to incorporate TRCA's design guidelines, and be designed to provide additional enhancements to water quality, quantity control, thermal impact mitigation, and habitat. Off-line wetlands, riparian plantings, flow dispersal measures, micro-topography creation and similar measures shall be employed where feasible to achieve these objectives;
- cc) all calculations and modeling parameters prepared for the stormwater

management, erosion assessment, water balance, and floodplain assessment as part of the MESP will be confirmed, updated and/or refined as part of the subsequent detailed design stages based on updated information on land-use, building envelopes, site imperviousness, and any area where more detailed information will be provided.

- dd) A comprehensive site water balance be provided as an update to the MESP showing that best efforts to achieve post to pre development water balance are being provided to meet the approved targets established in the final consolidated MESP.
- 18.2. The design and coordination of the servicing plans be provided for review and approval to the satisfaction of the TRCA. Servicing must demonstrate that the alignment and location of the services are feasible with due consideration to avoid natural features, and demonstrate the proposed works will have no negative impacts upon the ecological or hydrogeological concerns within the subject lands.
- 18.3. The implementing zoning by-law recognize all stormwater management and environmental buffer blocks in a suitable zoning category which has the effect of prohibiting development and structural encroachment, and ensuring the long term preservation of the lands in perpetuity, to the satisfaction of the TRCA;
- 18.4. Prior to the registration of this plan or any phase thereof, the Owner shall prepare a plan that addresses the removal and restoration of any historical or man-made intrusions in the Natural Heritage Features and their associated buffers to the satisfaction of TRCA. This includes (but is not limited to) the removal of cart paths, culverts, structures, fences, debris, etc. and the restoration of these areas to a natural state.
- 18.5. To provide for all warning clauses and information identified in TRCA's conditions into all purchase and sale agreements and subdivision agreement;
- 18.6. That the owner agrees in the subdivision agreement, in wording acceptable to the TRCA;
- a) to carry out, or cause to be carried out, to the satisfaction of the TRCA, the recommendations of the technical reports and plans referenced in TRCA's conditions, including but not limited to;
- i. Master Environmental Servicing Plan, including:
- Servicing and Grading Report (SGR) including the Stormwater Management (SWM) and Low Impact Development (LID)
 - Fluvial Geomorphology Report
 - Natural Environment Report/Environmental Impact Study (NER)

- Feature Based Water Balance Report (FBWB)
 - Hydrogeological Assessment
 - Geotechnical Reports
- ii. Environmental Management Plan / Adaptive Management Report and Plan
 - iii. Stormwater Management Report and Plan
 - iv. Functional Servicing Report
 - v. Erosion and Sediment Control Report and Plan
 - vi. Compensation and Enhancement Strategy
 - vii. Restoration and Enhancement Plans for all Environmental Buffers
- 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 or MNRF Silt Smarts as may be applicable;
 - 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 from the TRCA, in addition, provide documentation that all necessary permits and approvals from the Ministry of the Environment for PTTW and the Ministry of Natural Resources and Forestry have been obtained as applicable;
 - f) to erect a permanent fence on the property line on all private lots and blocks abutting lands natural heritage system lands to be conveyed to the public authority, to the satisfaction of the TRCA. The 1.5m chain link fence shall be erected on the property line and installed prior to occupancy of any homes within that lot or block;
 - g) to implement all water balance/infiltration measures identified in accordance with the Feature Based Water Balance Report and LID report to be completed for the subject property;
 - h) to design a comprehensive monitoring protocol and provide the requisite funding and permissions for the construction and long-term monitoring and maintenance of the water balance and infiltration measures on this site, as per the approved Environmental Management Plan;

- i) that prior to a request for registration of any phase of this subdivision. Should registration 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.
- j) That the owner shall carry out, or cause to be carried out, the removal and restoration of any historical, man-made intrusions on lands to be conveyed to a public agency, including Block 1 and Blocks 9 to 18 (inclusive). This includes but is not limited to the removal of culverts, structures, cart paths, fences, debris, etc. and the restoration of these areas to a natural state, to the satisfaction of TRCA and the City.
- k) Upon confirmation of the removal and restoration of all encumbrances as noted above, Natural Heritage System Blocks Block 1 and Blocks 9 to 18 (inclusive) (approximately 8.2 ha) be gratuitously dedicated into public ownership.
- l) That securities be obtained through the subdivision agreement in an amount to be determined in consultation with and to the satisfaction of the City and the TRCA for the following works:
 - i. Planting, restoration and enhancement of the Natural Heritage System in accordance with the approved Open Space Plans, Restoration and Enhancement Plans, and Tree Compensation Plan;
 - ii. Planting of all stormwater management blocks, in accordance with the approved planting plans;
 - iii. Long term monitoring of groundwater and all preserved wetlands in accordance with the approved Feature Based Water Balance Report and the approved Environmental Management Plan;

The timing for the release of the securities will be identified within the subdivision agreement.

- m) That the owner acknowledges and agrees not to finalize any agreements of purchase and sale with respect to any lots or blocks abutting stormwater management blocks, natural heritage system blocks until such time as the stormwater management plans and Site Water Balance and Feature Based Water Balance reports have been completed and approved to the satisfaction of the TRCA;
- n) That a warning clause be included in all agreements of purchase and sale, and information be provided on all community information maps and promotional sales materials for lots or blocks adjacent to Natural Heritage

System Blocks which identifies the following:

“The rear and/or side lot lines are adjacent to environmentally protected lands, which are regulated by the Toronto and Region Conservation Authority. These lands are considered to be part of the publically owned environmental protection area, which is intended to remain naturalized, and may not be actively maintained. A future trail may be located within all or a part of this area, however private uses such as picnic, barbeque or garden areas; storage of materials and/or the dumping of refuse or ploughed snow are not permitted on these lands. In addition, access to the adjacent environmental lands through the subject property is not permitted. Private rear yard gates are prohibited.”

- o) That a warning clause be included in all agreements of purchase and sale, future condominium agreements, and information be provided on all community information maps and promotional sales materials for private lots or blocks on which infiltration related infrastructure such as stormwater management / LID measures, underground storage tanks, rear yard swales and catch basins are located which identifies the following:

“Stormwater management infrastructure is located on the subject property, which forms an integral part of the stormwater management infrastructure for the community. It is the owner’s responsibility to ensure the long term maintenance and cleaning of this system to ensure that proper drainage is maintained. Grading within the rear yard, such as swales which convey stormwater to this system must remain in their original form.”

- p) To carry out, or cause to be carried out the cleaning-out and maintenance of all stormwater management infrastructure (including best management practice measures and LIDs) prior to assumption of the subdivision by the City of Markham.
- q) To include appropriate clauses in all agreements of purchase and sale and/or future condominium agreements for lots or blocks on which stormwater management / LID measures are being constructed to identify the presence of such measures and to clearly identify the owners responsibilities for long-term maintenance, and any restrictions to uses on any portion of their property that these may require.
- r) That prior to a request for renewal of Draft Approval of any phase of this subdivision, that the owner consult with the TRCA with respect to whether the technical studies submitted in support of this development remain to meet current established standards in place of the date of the request, and that the owner update any studies and plans as may be required.

- s) 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.

19. Transportation Phasing: City of Markham and Region of York

- 19.1. The Owner acknowledges and agrees that this draft plan will be registered in phases, with the size of phases as between this draft plan and the adjacent draft plan 19T-16M11 grouped into 3 overall Stages.

The maximum size of Stages of development as between both draft plans are:

<u>Stage:</u>	<u>Max # of dwelling units between both draft plans in each Stage:</u>
A	1,099 maximum units
B	750 maximum units
C	430 (or balance of units)

Prior to the release for registration of every phase within this draft plan, the Owner shall provide a letter to the City and the Region from the Developers Group Trustee indicating: the number of units in the phase; the total cumulative units registered thus far between both this draft and the adjacent draft plan 19T-16M11; the identification of within which Phase and Stage the subject phase is located; and, that the Developers Group has no objection to release of this phase of the draft plan for registration.

- 19.2. Prior to the release for registration of the first phase of development in Stage A, regardless of whether the phase is located in this draft plan or the adjacent draft plan 19T-16M11, the Owner shall submit updates or addendums, as appropriate, to respond to all outstanding City and Region comments related to the Transportation Impact Study, the Functional Traffic Design Study, and the Transportation Demand Management Plan, using the most up-to-date traffic data available at the time of the drafting of the reports, to the satisfaction of the City's Director of Engineering and the Region of York. The Owner further covenants and agrees to revise the draft plan if required to incorporate the recommendations of these studies to the satisfaction of the City's Director of Engineering and the Region of York.
- 19.3. The Owner acknowledges and agrees to provide the City with a "TDM Letter of Credit" in each Subdivision Agreement for each phase of registration within this draft plan to ensure compliance with the recommendations of the Transportation Mobility Plan, to the satisfaction of the City's Director of Engineering.
- 19.4. Prior to the release for registration of the first phase of development in Stage A, regardless of whether the phase is located in this draft plan or the adjacent draft plan 19T-16M11, the Owner shall submit a Transportation Mobility Plan Study for the entirety of Stage A in both draft plans to the satisfaction of the

City's Director of Engineering and the Region of York. The terms of reference for this Study shall be approved by the City's Director of Engineering and the Region of York. The Owner agrees that the recommendations of this Study shall be implemented through the Subdivision Agreement for each phase of development within Stage A.

- 19.5. Prior to the release for registration of the first phase of development in Stage B, being specifically a phase which contains the 1,100th unit in total between both draft plans, regardless of whether the phase is located within this draft plan or the adjacent draft plan 19T-16M11, the Owner shall submit a Transportation Mobility Plan Study to address the entirety of Stage B in both draft plans to the satisfaction of the City's Director of Engineering and the Region of York. The terms of reference for this Study shall be approved by the City's Director of Engineering and the Region of York, and shall be reflective of the results of the Stage A Transportation Monitoring Report as detailed in Condition 19.8. below. The Owner agrees that the recommendations of this Study shall be implemented through the Subdivision Agreement for each phase of development within Stage B, and the Owner further acknowledges and agrees that modifications to the draft plan or to the proposed timing of the release for phase registration may be required based upon the outcome of this Study, to the satisfaction of the City's Director of Engineering and the Region of York.
- 19.6. Prior to the release for registration of the first phase of development in Stage C, being specifically a phase which contains the 1,850th unit in total between both draft plans, regardless of whether the phase is located within this draft plan or the adjacent draft plan 19T-16M11, the Owner shall submit a Transportation Mobility Plan Study to address the entirety of Stage C in both draft plans to the satisfaction of the City's Director of Engineering and the Region of York. The terms of reference for this Study shall be approved by the City's Director of Engineering and the Region of York, and shall be reflective of the results of the Stage B Transportation Monitoring Report for Stage B as required in Condition 19.9. below. The Owner agrees that the recommendations of this Study shall be implemented through the Subdivision Agreement for each phase of development within Stage C, and the Owner further acknowledges and agrees that modifications to the draft plan or the proposed timing of the release for phase registration may be required based upon the outcome of this Study, to the satisfaction of the City's Director of Engineering and the Region of York.
- 19.7. Prior to the release for registration of the first phase of development in Stage A, regardless of whether the phase is located within this draft plan or the adjacent draft plan 19T-16M11, the Owner shall submit a Comprehensive Transportation Monitoring Strategy for the entirety of all Stages in both draft plans to the satisfaction of the City's Director of Engineering and the Region of York. The terms of reference for this Strategy shall be approved by the City's

Director of Engineering and the Region of York. The Owner agrees that this Strategy shall be the basis for the required periodic Transportation Monitoring Reports as described in Conditions 19.8. and 19.9. below, and, that the requirements of these Transportation Monitoring Reports shall be implemented through the Transportation Mobility Plan Study and its required addendums, as noted in conditions 19.5. and 19.6. above.

- 19.8. Prior to the release for registration of the first phase of development in Stage B, being specifically a phase which contains the 1,100th unit in total between both draft plans, regardless of whether the phase is located within this draft plan or the adjacent draft plan 19T-16M11, the Owner shall submit a Stage A Transportation Monitoring Report reflecting the requirements identified in the Comprehensive Transportation Monitoring Strategy Report and based upon substantial completion of Stage A defined as at least 75% occupancy of the units within Stage A, to the satisfaction of the City's Director of Engineering and the Region of York. The terms of reference for this Report shall be approved by the City's Director of Engineering and the Region of York.
- 19.9. Prior to the release for registration of the first phase of development in Stage C, being specifically a phase which contains the 1,850th unit in total between both draft plans, regardless of whether the phase is located within this draft plan or the adjacent draft plan 19T-16M11, the Owner shall submit a Stages A and B Transportation Monitoring Report reflecting the requirements identified in the Comprehensive Transportation Monitoring Strategy Report and based upon substantial completion of Stages A and B, defined as at least 75% occupancy of the units within Stages A and B, to the satisfaction of the City's Director of Engineering and the Region of York. The terms of reference for this Report shall be approved by the City's Director of Engineering and the Region of York.
- 19.10. Prior to the release for registration of the first phase of development in Stage A, being a maximum phase size of 559 units, regardless of whether the phase is located within this draft plan or the adjacent draft plan 19T-16M11, the following improvements to the area surrounding the intersection of 16th Avenue and Kennedy Road shall have been designed and financially secured by the Owner, and construction shall have commenced, all to the satisfaction of the City's Director of Engineering and the Region of York:
 - a) On the south side of 16th Avenue west of Kennedy Road, extend, in a westerly direction, the existing eastbound exclusive right turn storage lane approaching the Kennedy Road intersection to now terminate approximately 135 metres west of the 16th Avenue and Yorkton Boulevard intersection.
 - b) On the south side of 16th Avenue east of Kennedy Road, construct a new eastbound receiving lane which may be utilized as a far-side transit stop in the future, and that effectively allows traffic to merge into the adjacent through lane.

- c) On the north side of 16th Avenue west of Kennedy Road, construct a new westbound receiving lane which may be utilized as a far-side transit stop in the future, and that effectively allows traffic to merge into the adjacent through lane.
 - d) On the north side of 16th Avenue west of Kennedy Road, extend, in an easterly direction, the existing westbound exclusive right turn storage lane approaching the Yorkton Boulevard intersection to now terminate at the 16th Avenue & Kennedy Road intersection.
 - e) On the north side of 16th Avenue east of Kennedy Road, extend, in an easterly direction, the existing westbound exclusive right turn storage lane approaching the Kennedy Road intersection to a distance which satisfactorily accommodates the queues that will be confirmed through the Transportation Mobility Plan Study recommendations.
 - f) On the east side of Kennedy Road south of 16th Avenue, extend, in a southerly direction, the existing northbound exclusive right turn storage lane approaching the 16th Avenue intersection to a distance which satisfactorily accommodates the queues that will be confirmed through the Transportation Mobility Plan Study recommendations.
 - g) On the east side of Kennedy Road north of 16th Avenue, construct a new northbound receiving lane which may be utilized as a far-side transit stop in the future, and that effectively allows traffic to merge into the adjacent through lane.
 - h) On the west side of Kennedy Road south of 16th Avenue, construct a new southbound receiving lane which may be utilized as a far-side transit stop in the future, and that effectively allows traffic to merge into the adjacent through lane.
 - i) On the west side of Kennedy Road north of 16th Avenue, extend, in a northerly direction, the existing southbound exclusive right turn storage lane approaching the 16th Avenue intersection to now terminate at the Kennedy Road and Beckett Avenue intersection.
- 19.11. Prior to the release for registration of the second phase of development in Stage A, being specifically a phase which contains the 560th unit in total to be registered between both draft plans, regardless of whether the phase is located within this draft plan or the adjacent draft plan 19T-16M11, all of the 16th Avenue and Kennedy Road intersection improvements required in Condition 19.10. above shall be complete and operational, to the satisfaction of the City's Director of Engineering and the Region of York.
- 19.12. Prior to the release for registration of the second phase of development in

Stage A, being specifically a phase which contains the 560th unit in total to be registered between both draft plans, regardless of whether the phase is located within this draft plan or the adjacent draft plan 19T-16M11, the following improvements to the area surrounding the intersection of 16th Avenue & Warden Avenue shall have been designed and financially secured by the Owner, and construction shall have commenced, all to the satisfaction of the City's Director of Engineering and the Region of York:

- a) On the south side of 16th Avenue west of Warden Avenue, extend, in a westerly direction, the existing eastbound exclusive right turn storage lane approaching the Warden Avenue intersection to now terminate at the 16th Avenue and 16th Lane intersection.
- b) On the south side of 16th Avenue east of Warden Avenue, construct a new eastbound receiving lane which may be utilized as a far-side transit stop in the future, and that effectively allows traffic to merge into the adjacent through lane.
- c) On the north side of 16th Avenue west of Warden Avenue, construct a new westbound receiving lane which may be utilized as a far-side transit stop in the future, and that effectively allows traffic to merge into the adjacent through lane.
- d) On the north side of 16th Avenue east of Warden Avenue, extend, in an easterly direction, the existing westbound exclusive left turn storage lane approaching the Warden Avenue intersection to a distance which satisfactorily accommodates the queues that will be confirmed through the Transportation Mobility Plan Study recommendations.
- e) On the north side of 16th Avenue east of Warden Avenue, extend, in an easterly direction, the existing westbound exclusive right turn storage lane approaching the Warden Avenue intersection to a distance which satisfactorily accommodates the queues that will be confirmed through the Transportation Mobility Plan Study recommendations.
- f) On the east side of Warden Avenue south of 16th Avenue, extend, in a southerly direction, the existing northbound exclusive right turn storage lane approaching the 16th Avenue intersection to a distance which satisfactorily accommodates the queues that will be confirmed through the Transportation Mobility Plan Study recommendations.
- g) On the east side of Warden Avenue north of 16th Avenue, construct a new northbound receiving lane which may be utilized as a far-side transit stop in the future, and that effectively allows traffic to merge into the adjacent through lane.

- h) On the west side of Warden Avenue south of 16th Avenue, construct a new southbound receiving lane which may be utilized as a far-side transit stop in the future, and that effectively allows traffic to merge into the adjacent through lane.
 - i) On the west side of Warden Avenue north of 16th Avenue, extend, in a northerly direction, the existing southbound exclusive right turn storage lane approaching the 16th Avenue intersection to a distance which satisfactorily accommodates the queues that will be confirmed through the Transportation Mobility Plan Study recommendations.
- 19.13. Prior to the release for registration of the first phase of development in Stage B, being specifically a phase which contains the 1,100th unit in total between both draft plans, regardless of whether the phase is located within this draft plan or the adjacent draft plan 19T-16M11, all of the 16th Avenue & Warden Avenue intersection improvements required in Condition 19.12. above shall be completed and operational, to the satisfaction of the City's Director of Engineering and the Region of York.
- 19.14. Prior to the release for registration of the first phase of development in Stage B, being specifically a phase which contains the 1,100th unit in total between both draft plans, regardless of whether the phase is within this draft plan or the adjacent draft plan 19T-16M11, the following conditions related to improvements to 16th Avenue shall be completed to the satisfaction of the City's Director of Engineering and the Region of York:
- a) York Region's 16th Avenue Class Environmental Assessment Study is approved;
 - b) The improvements of 16th Avenue from Warden Avenue to Kennedy Road is in York Region's 10-year Roads and Transit Capital Construction Program; and,
 - c) The detailed design of the improvements of 16th Avenue from Warden Avenue to Kennedy Road is completed and approved by York Region.
- 19.15. Prior to the release for registration of the second phase of development in Stage B, being specifically a phase which contains the 1,475th unit in total between both draft plans, regardless of whether the phase is within this draft plan or the adjacent draft plan 19T-16M11, the improvements to 16th Avenue as described in Condition 19.14. above shall have been completed.
- 19.16. Notwithstanding the above Conditions 19.14. and 19.15. regarding the 16th Avenue improvements, if alternative measures or improvements can be demonstrated in a transportation report to mitigate the transportation impacts of the development and/or background traffic through real-time, periodic monitoring, compared with the traffic conditions prior to any construction of development (i.e. prior to the development of the first phase of Stage A), to the

satisfaction of the City's Director of Engineering and the Region of York, the above transportation Conditions 19.14. and 19.15. regarding 16th Avenue improvements may be considered satisfied.

- 19.17. Prior to the release for registration of the specific phase of development in Stage B which contains the 1,300th unit in total between both draft plans regardless of whether it is located within this draft plan or the adjacent plan 19T-16M11, the Owner shall have designed, obtained the necessary approvals and financially secured the construction of Street A (the Bur Oak Avenue extension), from Kennedy Road to Normandale Road (East leg) extension through both this draft plan and the adjacent draft plan 19T-16M11 (being Street 'A' and Street 'B' in draft plan 19T-16M11) in its entirety, including the Bruce Creek Valley Open Space bridge crossing, to the satisfaction of the City's Director of Engineering and the Region of York.
- 19.18. Prior to the release for registration of the specific phase of development in Stage B which contains the 1,550th unit in total to be registered between both draft plans, regardless of whether the phase is located within this draft plan or the adjacent draft plan 19T-16M11, the Owner shall have constructed and opened to through traffic Street A (the Bur Oak Avenue extension) in its entirety from Kennedy Road to Normandale Road (East leg) extension through both this draft plan and the adjacent draft plan 19T-16M11, (being Street 'A' and Street 'B' in draft plan 19T-16M11) including the Bruce Creek Valley Open Space bridge crossing, at the Owner's sole cost subject to any development charge credits which may be available, to the satisfaction of the City's Director of Engineering and the Region of York.
- 19.19. Prior to the release for registration of the first phase of development in this draft plan, the Owner shall have designed, obtained approval and financially secured construction of the intersections with Kennedy Road for the new collector roads proposed in this draft plan, being Streets 'A' and 'C', to the satisfaction of the City's Director of Engineering and the Region of York. The intersections with Kennedy Road for the new collector roads shall be constructed at the Owner's sole cost and be completed in conjunction with the first phase of development in this draft plan.
- 19.20. Prior to the release for registration of the first phase of development in this draft plan, the Owner shall have designed, obtained approval and financially secured construction of the entire length of internal Street 'B', being the road which connects Yorkton Boulevard to the south to Prospector's Drive to the north, to the satisfaction of the City's Director of Engineering and the Region of York. The entirety of Street 'B' shall be constructed at the Owner's sole cost and be completed in conjunction with the first phase of development in this draft plan.
- 19.21. Prior to the release for registration of the first phase of development in Stage B, being specifically a phase which contains the 1,100th unit in total between

both draft plans regardless of whether it is located within this draft plan or the adjacent plan of subdivision 19T-16M11, the Owner shall have constructed the entire length of internal Street 'D', which extends north from the Bur Oak Avenue extension (Street 'A') and intersects with the Angus Glen Boulevard realignment to the north.

20. Region of York

- 20.1. The owner acknowledges and agrees to comply with all conditions and requirements of York Region. The owner further acknowledges and agrees that red line revisions to this Draft Plan of Subdivision may be required to implement the Region of York's conditions.
- 20.2. The Owner acknowledges and agrees that the following clauses shall be included in the Subdivision Agreement for each phase within this Draft Plan of Subdivision:
- a) The Owner shall agree 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.
 - b) The Owner shall agree that any direct connection(s) to and/or the crossing(s) of a York Region water or wastewater system requires Regional approval prior to construction. Engineering drawings showing details of the connection(s) and/or crossing(s) shall be submitted to the Community Planning and Development Services for approval.
 - c) The Owner shall agree in the Subdivision Agreement, in wording satisfactory to Development Engineering, to provide direct shared pedestrian/cycling facilities and connections from the proposed development to 16th Avenue, Kennedy Road, and Collector/Local Roads to support active transportation and public transit, where appropriate. A drawing shall be provided to illustrate the layout of active transportation facilities within the proposed development and connections to the Regional roads, to the satisfaction of the Region.
 - d) Where noise attenuation features will abut a York Region right-of-way, the Owner shall agree, in wording satisfactory to York Region's Development Engineering, as follows:
 - i. that no part of any noise attenuation feature shall be constructed on or within the York Region right-of-way;
 - ii. 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; and,
 - iii. that maintenance of the noise barriers and fences bordering on York Region right-of-way shall not be the responsibility of York Region.

- e) The Owner shall agree, in wording satisfactory to Development Engineering, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of Development Engineering.
- f) The Owner shall agree, in wording satisfactory to Development Engineering, 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.
- g) 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".
- h) The Owner shall agree to advise all potential purchasers of the existing and future introduction of transit services in this development. This includes current and potential 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 Owner/consultant is to contact YRT/Viva Contact Centre (tel. 1-866-668-3978) for route maps and the future plan maps.
- i) The Owner shall agree to reserve unobstructed locations for the construction of passenger standing areas/shelter pads in the following locations to accommodate future YRT transit services which are planned to operate on Street "A" and Street "B" / Yorkton Boulevard:

Street	At Street	Location	Standard
Street A	Street Q	Northeast corner	YRT-1.01
Street A	Street T	Southwest corner	YRT-1.01
Street A	Street N	Northeast corner (west side of Block 67)	YRT-1.01
Street A		northeast corner of Block 4	YRT-1.01
Street A	Street J	Northeast corner	YRT-1.01
Street A	Street J	Southwest corner	YRT-1.01
Street A		Between block 7 and 8	YRT-1.01
Street A		Between block 603 and 604	YRT-1.01
Street B	Street T	Northwest corner	YRT-1.01
Street B	Street Z	Between (between Street Z and Y)	YRT-1.01

Street B		Northwest corner of Block 17	YRT-1.01
Street B		Southeast corner of Block 5	YRT-1.01

Landscaping should not interfere with the bus stops, passenger standing areas, shelters or corner sightlines. Bus stops located in front of the employment areas shall be incorporated into the landscape design.

The bus stop locations determined during the design phase are subject to change. The Owner/consultant shall confirm with YRT/Viva the final bus stop locations/requirements. The Owner/consultant is to contact YRT/Viva Contact Centre (tel. 1-866-668-3978) to confirm final details.

- j) The Owner shall agree, in wording satisfactory to Development Engineering 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.
- k) The Owner shall agree, in wording satisfactory to Development Engineering, that no direct private access is permitted onto 16th Avenue, and all accesses shall be provided through local roads.
- l) The Owner shall agree, in wording satisfactory to Development Engineering, 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.
- m) The Owner shall agree to provide direct shared pedestrian/cycling facilities and connections from the proposed development to 16th Avenue, Kennedy Road and Collector/Local Roads to support active transportation and public transit, where appropriate. A drawing shall be provided to illustrate the layout of active transportation facilities within the proposed development and connections to the Regional roads, to the satisfaction of the Region.

20.3. Prior to the release for registration of any phase within this Draft Plan of Subdivision, the road allowances included within the subject phase shall be named to the satisfaction of the City of Markham and York Region.

20.4. Prior to the release for registration of any phase within this Draft Plan of Subdivision, York Region shall confirm that adequate water supply and sewage capacity are available and have been allocated by the City of Markham for the development proposed within the subject phase.

- 20.5. Prior to the release for registration of any phase within this Draft Plan of Subdivision, and concurrent with the submission of the subdivision servicing application (MECP, formerly MOECC) to the area municipality, the Owner shall provide a set of engineering drawings, for any works to be constructed on or adjacent to the York Region road, to Development Engineering, Attention: Manager, Development Engineering, that includes the following drawings:
- a) Plan and Profile for the York Region road and intersections;
 - b) Cross Section on York Region right-of-way at 20m interval where the site is abutting;
 - c) Grading and Servicing Plans;
 - d) Intersection/Road Improvements, including the recommendations of the Traffic Report;
 - e) Construction Access Design;
 - f) Utility and underground services Location Plans;
 - g) Signalization and Illumination Designs;
 - h) Line Painting;
 - i) Traffic Control/Management Plans;
 - j) Erosion and Siltation Control Plans;
 - k) Landscaping Plans, including tree preservation, relocation and removals;
 - l) Requirements of York Region Transit;
 - m) Sidewalk locations, concrete pedestrian access to existing and future transit services and transit stop locations as required by York Region Transit/Viva;
 - n) Functional Servicing Report;
 - o) Stormwater Management Report; and
 - p) Water supply and distribution report and model.
- 20.6. The Owner shall submit a detailed Development Charge Credit Application to York Region, if applicable, to claim any works proposed within the York Region Right-of-Way. Only those works located in their ultimate location based on the next planning upgrade for this Right-of-Way will be considered eligible for credit, and any work done prior to submission without prior approval will not be eligible for credit.
- 20.7. Prior to the release for registration of any phase within this Draft Plan of Subdivision, the Owner shall provide drawings for the proposed servicing of the site to be reviewed by the Engineering Department of the area municipality. Three (3) sets of engineering drawings (stamped and signed by a professional

engineer), and MECP forms together with any supporting information shall be submitted to City of Markham.

- 20.8. Prior to the release for registration of any phase within this Draft Plan of Subdivision, the location and design of the construction access for the subdivision work shall be completed to the satisfaction of Development Engineering and illustrated on the Engineering Drawings.
- 20.9. Prior to the release for registration of any phase within this Draft Plan of Subdivision, the Owner shall demonstrate, to the satisfaction of Development Engineering, that all existing driveway(s) along the Regional road frontage of this subdivision will be removed as part of the subdivision work, at no cost to York Region.
- 20.10. Prior to the release for registration of any phase within this Draft Plan of Subdivision, the Owner shall demonstrate, to the satisfaction of Development Engineering, that the streetline elevations shall maintain a minimum 2% cross slope within the boulevard from the streetline to the top of curb, unless otherwise specified by Development Engineering.
- 20.11. Prior to the release for registration of any phase within this Draft Plan of Subdivision, 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, with tree planting to be undertaken in accordance with York Region standards as articulated in Streetscaping Policy and using species from the York Region Street Tree Planting List. These documents may be obtained from the Forestry Section. If any landscaping or features other than tree planting (e.g. flower beds, shrubs) are proposed in the York Region right-of-way by the Owner or the area municipality for aesthetic purposes they must be approved by Development Engineering and shall be maintained by the area municipality with the exception of the usual grass maintenance.
 - e) For landscape features not maintained to York Region's satisfaction, the area municipality will be responsible for the cost of maintenance or removal undertaken by the Region.

- 20.12. Prior to the release for registration of any phase within this Draft Plan of Subdivision, the Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of Development Engineering recommending noise attenuation features.
- 20.13. The Owner shall agree that the following lands will be conveyed to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of York Region Solicitor:
- a) A widening, if required, across the full frontage of the site where it abuts Kennedy Road of sufficient width to provide a minimum of 21.5 metres from the centerline of construction of Kennedy Road. The Owner is advised that York Region has initiated a Municipal Class Environmental Assessment (EA) Study for improvements to Kennedy Road through this area. During the Class EA study process, the Region will contact the Owner to solicit input and ensure a coordinated project approach. The Owner will also be notified if additional lands are required beyond the 43m right-of-way based on the findings of the EA Study;
 - b) a 10 metre by 10 metre daylight triangle at the northwest and southwest corner of Street 'A' and Kennedy Road intersection;
 - c) a 10 metre by 10 metre daylight triangle at the northwest corner of Street 'C' and Kennedy Road intersection, and as much of a 10 metre by 10 metre daylight triangle at the southwest corner as can be provided by the Owner; and,
 - d) Reserve Blocks 27 and 28, being a 0.3 metre reserve blocks across the frontage of the development where it abuts Kennedy Road adjacent to the collector road intersections.
- 20.14. Prior to the release for registration of any phase within this Draft Plan of Subdivision, the Owner shall provide a solicitor's certificate of title in a form satisfactory to York Region Solicitor, at no cost to York Region with respect to the conveyance of the above noted lands to York Region.
- 20.15. Prior to the release for registration of any phase within this Draft Plan of Subdivision, the Owner shall submit a 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 Phase One 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 Phase One 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 Phase One 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 Phase One ESA will need to be either updated or a new

Phase One ESA submitted by the Owner. Any update or new Phase One 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 Phase One 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 Phase One 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.

The Region requires a certified written statement from the Owner that, as of the date title to the Conveyance Lands is transferred to the Region: (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 MECP (formerly 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.

The Owner shall be responsible for all costs associated with the preparation and delivery of the Phase One ESA, any subsequent environmental work, reports or other documentation, reliance and the Owner's certified written statement.

- 20.16. Prior to the release for registration of any phase within this Draft Plan of Subdivision, the Owner or the Owner's authorized representative shall submit a Statutory Declaration that no contaminant, pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, on, in or under lands to be conveyed to the Region (including soils, substrata, surface water and groundwater, as applicable): (i) at the time of conveyance, at a level or concentration that exceeds the Environmental Protection Act O. Reg. 153/04 (as amended) full depth generic site condition standards applicable to the intended use of such lands by the Region or any other remediation standards published or administered by governmental authorities applicable to the intended land use; and (ii) in such a manner, condition or state, or is emanating or migrating from such lands in a way, that would contravene applicable environmental laws.

- 20.17. Prior to the release for registration of any phase within this Draft Plan of Subdivision, the Owner shall demonstrate, to the satisfaction of Development Engineering, that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region's Right-of-Way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.
- 20.18. Prior to the release for registration of any phase within this Draft Plan of Subdivision, 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 in effect at the time that Regional Development Charges, or any part thereof, are payable.

21. York Region District School Board

- 21.1. That prior to final approval, the owner shall have made Agreement satisfactory to the York Region District School Board for the transfer of a public elementary school site. The public elementary school site, Block 7, shall contain not less than 2.423 hectares and be free and clear of all encumbrances including but not limited to natural features.
- 21.2. That the owner shall agree in the Subdivision Agreement in wording satisfactory to the York Region District School Board:
- a) to grade the school site and in doing so compact, fill with clean material, replace any topsoil disturbed in the grading process and at the same time sod/seed the same lands to specifications determined by the Board;
 - b) to remove any buildings on the school site;
 - c) to remove trees, as required to accommodate school layout;
 - d) to provide a letter of credit pertaining to stockpiling and removal of topsoil, by taking the volume of topsoil to be stored upon the school site and multiplying such volume by 200% of the current market prices for waste material disposal, as set forth in the latest version of Hanscomb's Yardsticks for Costing, Cost Data for the Canadian Construction Industry, to the satisfaction of the York Region District School Board;
 - e) to remove stockpiled topsoil within 30 days of written notice by the Board and in doing so compact, fill with clean material, replace any topsoil disturbed in the grading process and at the same time sod/seed the same lands to specifications determined by the Board;
 - f) to construct a black vinyl coated chain link fence, Type II 1 ½" mesh, 1.8 m high along all boundaries of the school blocks, including road frontage(s) at the discretion of the Board;

- g) to construct the fences prior to the issuance of building permits for Phase 1 of the subdivision;
 - h) to erect and maintain a sign on the public school site at such time as the relevant access roads are constructed, indicating that the date has not been set for the construction of the school;
 - i) to provide a geotechnical investigation and Phase 1 and Phase 2 environmental site assessment conducted by a qualified engineer. For an elementary school site a minimum of eight boreholes shall be required and for a secondary school site a minimum of sixteen boreholes shall be required;
 - j) to provide the foregoing at no cost to the Board;
 - k) to assume any upstream and downstream charges for hydro, natural gas, sanitary and storm drainage, and water supply.
- 21.3. That the owner shall submit to the York Region District School Board, at no cost to the Board, a letter from a qualified consultant concerning:
- a) the suitability of the school site for school construction purposes, relating to soil bearing factors, surface drainage, topography and environmental contaminants; and
 - b) the availability of natural gas, electrical, cable, water, storm sewer and sanitary sewer services.
- 21.4. That the owner shall agree in the Subdivision Agreement, in wording acceptable to the York Region District School Board that the services referred to in Condition 21.3 b) shall be installed to the mid-point of the frontage of the elementary school site and positioned as designated by the Board, at no cost to the Board.
- 21.5. That prior to final approval, the owner shall submit to the School Board an Environmental Impact Study for the school block, an initial set of engineering plans for review and approval, and subsequently, a copy of the final engineering plans as approved by the City of Markham which indicate the storm drainage system, utilities, and the overall grading plans for the complete subdivision area.
- 21.6. That prior to final approval, the local hydro authority shall have confirmed in writing to the Board that adequate electrical capacity will be supplied to the school site frontage by the developer at no cost to the Board.
- 21.7. That prior to final approval, the local hydro authority shall have confirmed in writing to the Board that they are satisfied that payment for any upstream and downstream charges will be made by the original developer.

21.8. That the subdivision agreement includes warning clauses advising the City of Markham, property owners and purchasers of lots within the draft plan that unless the provincial funding model provides sufficient funds to construct new schools, there can be no assurance as to the timing of new school construction nor a guarantee that public school accommodation will be provided within the subject plan notwithstanding the designation of the school site.

22. Canada Post

22.1. 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 Director of Engineering and Director of Planning and Urban Design 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.

22.2. 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 unit sale.

22.3. 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.

22.4. Standard Community Mailbox installations are to be done by Canada Post at locations approved by the Director of Engineering and Director of Planning and Urban Design 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 Director of Engineering and Director of Planning and Urban Design in consultation with Canada Post.

22.5. The Owner will provide the following for each Community Mailbox site and include these requirements on the appropriate servicing plans:

- a) An appropriately sized sidewalk section (concrete pad) as per municipal standards (to place the mailboxes on);
- b) Any required walkway across the boulevard as per municipal standards; and,

- c) Any required curb depressions for wheelchair access.

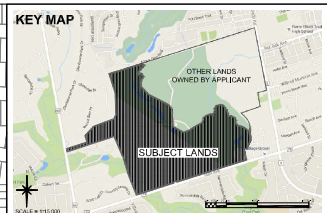
23. External Clearances

- 23.1. Prior to final approval of the draft plan of subdivision, clearance letters, containing a brief statement detailing how conditions have been met, will be required from authorized agencies or external entities, as follows:
 - a) The Toronto and Region Conservation Authority (TRCA) shall advise the City that Conditions 18.1 to 18.6 have been satisfied.
 - b) The Trustee of the Developers Group shall provide the City's Director of Planning and Urban Design with a letter containing the information required in Conditions 15.1 and 19.1.
 - c) The Regional Municipality of York shall advise the City that Conditions 19.1 to 19.21, and Conditions 20.1 to 20.18 have been satisfied.
 - d) The Owner shall submit a letter from the Ministry of Tourism Culture and Sport indicating that the Heritage Resource Assessment has been entered into the Ontario Public Register of Archaeology Reports in accordance with Condition 13.1 and 13.2.
 - e) The York Region District School Board shall advise the City that Conditions 21.1 to 21.8 have been satisfied.
 - f) Canada Post shall advise the City that Conditions 22.1 to 22.5 have been satisfied.

February 7, 2019

ENVIRONMENTAL CONSTRAINTS LEGEND:

- WATERWAY
- STORMWATER RUNWAY (MIN. STABLE TOP OF CURB + 100)
- LOW WATER STABLE TOP OF CURB (100)
- LOW WATER STABLE TOP OF CURB (+ 10m) (100)
- GRADED TOP OF DRIVE FORMER
- GRADED TOP OF DRIVE FORMER (+ 10m) BUFFER
- HEADWATER
- HEADWATER (MIN. HEADWATER ELEV. + 10m)
- HEADWATER (MIN. HEADWATER ELEV. + 10m)
- HEADWATER (+ 10m)
- HEADWATER (+ 10m)



DRAFT PLAN OF SUBDIVISION
 19T-16M11
 PART OF LOT 16, 17 AND 18 CONCESSION 5
 CITY OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK

OWNER'S CERTIFICATE
 I, THE UNDERSIGNED, BEING THE REGISTERED OWNER OF THE SUBJECT LANDS, HEREBY AUTHORISE GATZIOS PLANNING + DEVELOPMENT CONSULTANTS INC. TO PREPARE THE DRAFT PLAN OF SUBDIVISION AND TO SIGN THE SAME TO THE TOWN OF MARKHAM AS A PUBLIC APPLICATION.

DATE: **SEPTEMBER 19, 2016**
 SIGNATURE: *[Signature]*
 DATE: **SEPTEMBER 19, 2016**
 SIGNATURE: *[Signature]*

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT THE SUBDIVISION OF THE LAND TO BE SUBDIVIDED AND THE PLAN HEREON IS IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE REGULATION.

DATE: **SEPTEMBER 19, 2016**
 SIGNATURE: *[Signature]*

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT

- (a) AS SHOWN
- (b) AS SHOWN
- (c) REFER TO KEY PLAN
- (d) AS SHOWN
- (e) AS SHOWN
- (f) AS SHOWN
- (g) AS SHOWN
- (h) AS SHOWN
- (i) AS SHOWN
- (j) AS SHOWN
- (k) AS SHOWN
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- (q) AS SHOWN
- (r) AS SHOWN
- (s) AS SHOWN
- (t) AS SHOWN
- (u) AS SHOWN
- (v) AS SHOWN
- (w) AS SHOWN
- (x) AS SHOWN
- (y) AS SHOWN
- (z) AS SHOWN

METRIC
 DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND SHALL BE CONVERTED TO FEET BY DIVIDING BY 0.3048

NO. OF LOTS	AREA (SQ. METRES)	AREA (SQ. FEET)	PERCENTAGE
1	1,100.00	12,137.00	1.10%
2	1,100.00	12,137.00	1.10%
3	1,100.00	12,137.00	1.10%
4	1,100.00	12,137.00	1.10%
5	1,100.00	12,137.00	1.10%
6	1,100.00	12,137.00	1.10%
7	1,100.00	12,137.00	1.10%
8	1,100.00	12,137.00	1.10%
9	1,100.00	12,137.00	1.10%
10	1,100.00	12,137.00	1.10%
11	1,100.00	12,137.00	1.10%
12	1,100.00	12,137.00	1.10%
13	1,100.00	12,137.00	1.10%
14	1,100.00	12,137.00	1.10%
15	1,100.00	12,137.00	1.10%
16	1,100.00	12,137.00	1.10%
17	1,100.00	12,137.00	1.10%
18	1,100.00	12,137.00	1.10%
19	1,100.00	12,137.00	1.10%
20	1,100.00	12,137.00	1.10%
21	1,100.00	12,137.00	1.10%
22	1,100.00	12,137.00	1.10%
23	1,100.00	12,137.00	1.10%
24	1,100.00	12,137.00	1.10%
25	1,100.00	12,137.00	1.10%
26	1,100.00	12,137.00	1.10%
27	1,100.00	12,137.00	1.10%
28	1,100.00	12,137.00	1.10%
29	1,100.00	12,137.00	1.10%
30	1,100.00	12,137.00	1.10%
31	1,100.00	12,137.00	1.10%
32	1,100.00	12,137.00	1.10%
33	1,100.00	12,137.00	1.10%
34	1,100.00	12,137.00	1.10%
35	1,100.00	12,137.00	1.10%
36	1,100.00	12,137.00	1.10%
37	1,100.00	12,137.00	1.10%
38	1,100.00	12,137.00	1.10%
39	1,100.00	12,137.00	1.10%
40	1,100.00	12,137.00	1.10%
41	1,100.00	12,137.00	1.10%
42	1,100.00	12,137.00	1.10%
43	1,100.00	12,137.00	1.10%
44	1,100.00	12,137.00	1.10%
45	1,100.00	12,137.00	1.10%
46	1,100.00	12,137.00	1.10%
47	1,100.00	12,137.00	1.10%
48	1,100.00	12,137.00	1.10%
49	1,100.00	12,137.00	1.10%
50	1,100.00	12,137.00	1.10%
51	1,100.00	12,137.00	1.10%
52	1,100.00	12,137.00	1.10%
53	1,100.00	12,137.00	1.10%
54	1,100.00	12,137.00	1.10%
55	1,100.00	12,137.00	1.10%
56	1,100.00	12,137.00	1.10%
57	1,100.00	12,137.00	1.10%
58	1,100.00	12,137.00	1.10%
59	1,100.00	12,137.00	1.10%
60	1,100.00	12,137.00	1.10%
61	1,100.00	12,137.00	1.10%
62	1,100.00	12,137.00	1.10%
63	1,100.00	12,137.00	1.10%
64	1,100.00	12,137.00	1.10%
65	1,100.00	12,137.00	1.10%
66	1,100.00	12,137.00	1.10%
67	1,100.00	12,137.00	1.10%
68	1,100.00	12,137.00	1.10%
69	1,100.00	12,137.00	1.10%
70	1,100.00	12,137.00	1.10%
71	1,100.00	12,137.00	1.10%
72	1,100.00	12,137.00	1.10%
73	1,100.00	12,137.00	1.10%
74	1,100.00	12,137.00	1.10%
75	1,100.00	12,137.00	1.10%
76	1,100.00	12,137.00	1.10%
77	1,100.00	12,137.00	1.10%
78	1,100.00	12,137.00	1.10%
79	1,100.00	12,137.00	1.10%
80	1,100.00	12,137.00	1.10%
81	1,100.00	12,137.00	1.10%
82	1,100.00	12,137.00	1.10%
83	1,100.00	12,137.00	1.10%
84	1,100.00	12,137.00	1.10%
85	1,100.00	12,137.00	1.10%
86	1,100.00	12,137.00	1.10%
87	1,100.00	12,137.00	1.10%
88	1,100.00	12,137.00	1.10%
89	1,100.00	12,137.00	1.10%
90	1,100.00	12,137.00	1.10%
91	1,100.00	12,137.00	1.10%
92	1,100.00	12,137.00	1.10%
93	1,100.00	12,137.00	1.10%
94	1,100.00	12,137.00	1.10%
95	1,100.00	12,137.00	1.10%
96	1,100.00	12,137.00	1.10%
97	1,100.00	12,137.00	1.10%
98	1,100.00	12,137.00	1.10%
99	1,100.00	12,137.00	1.10%
100	1,100.00	12,137.00	1.10%

Revision #	Description	Date
1	Revised Post-Occupation Comments	September 18, 2017
2	O.L.S. Questions/Comments	September 18, 2017
3	Revised Post-Occupation Comments	April 6, 2018
4	Revised Post-Occupation Comments	August 22, 2018
5	Revised Post-Occupation Comments	December 06, 2018

4134 16th Avenue
West Draft Plan

Scale: 1:2000 Date: September 15, 2016
 Job #: 656AA-1511 Sheet: 1511-OPSW

Gatzios Planning + Development Consultants Inc.
 701 Mount Pleasant Road - 3rd Floor Toronto, ON M4S 2M4
 Tel: (416) 467-8844 www.gatziosplanning.com

mbtw wai
 255 Warden Ave. Suite 101 Toronto, Ontario M9M 1G8
 Tel: (416) 443-7797 Fax: (416) 443-1832
 www.mbtw.com

ATTACHMENT 6

**THE CONDITIONS OF THE CITY OF MARKHAM TO BE SATISFIED PRIOR TO
RELEASE FOR REGISTRATION OF DRAFT PLAN OF SUBDIVISION 19T-16M11
(York Downs WEST Draft Plan of Subdivision)**

1. General

- 1.1. Approval shall relate to Draft Plan of Subdivision 19T-16M11 prepared by Gatzios Planning + Development Consultants Inc. and MBTW | WAI, identified as Job Number 65MA-1511, Drawing Number 1511-DP3W, dated September 15, 2016 revised December 6, 2018.
- 1.2. This draft approval shall apply for a maximum period of six (6) years from date of approval by the LPAT, and shall accordingly lapse on XXX XX, 20XX unless extended by the City upon application by the Owner.
- 1.3. The Owner and the City acknowledge and agree that registration of this Draft Plan of Subdivision may occur in phases. Prior to the earlier of release for registration of each phase of this Draft Plan of Subdivision or the Owner initiating the detailed engineering design of each phase, the Owner shall provide a detailed Phasing and Staging Plan to the City's Director of Engineering and Director of Planning and Urban Design.
- 1.4. Prior to the release for registration of every phase within this Draft Plan of Subdivision, the Owner shall enter into a Subdivision Agreement with the City agreeing to satisfy all conditions of the City and Agencies, financial and otherwise.
- 1.5. Prior to the release for registration of any phase of this Draft Plan of Subdivision, amendments to Zoning By-law 177-96, as amended, shall have come into effect in accordance with the provisions of the Planning Act, as amended.
- 1.6. The Owner shall enter into a construction agreement and/or encroachment agreement or any other agreement deemed necessary to permit construction of services, roads, stormwater management facilities or any other services that are required to service the proposed development that are internal or external to this Draft Plan of Subdivision, to the satisfaction of the City's Director of Engineering and the City Solicitor.
- 1.7. The Owner acknowledges and agrees that this Draft Plan of Subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the City Departments, 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, MESP, Stormwater Management Report, Functional Servicing Report, Noise Impact Study, confirmation of alignment of roads with the locations shown in this Draft Plan of Subdivision, as well as any comments and conditions received from municipal departments and external agencies after draft approval has been granted.

- 1.8. Prior to the release for registration of any phase within this Draft Plan of Subdivision, the Owner shall prepare and submit to the satisfaction of the City's Director of Engineering and Director of Planning and Urban Design all required technical reports, studies, and drawings, including but not limited to, traffic studies, functional traffic designs, stormwater management reports, functional servicing reports, design briefs, watermain analysis reports, detailed design drawings, noise studies, etc., to support this Draft Plan of Subdivision. The Owner agrees to revise this Draft Plan of Subdivision as necessary to incorporate the design and recommendations of the accepted technical reports, studies, and drawings.
- 1.9. The Owner shall agree in the Subdivision Agreement to implement the designs and recommendations of the accepted technical reports/studies submitted in support of this Draft Plan of Subdivision including but not limited to, traffic studies, functional road designs, stormwater management reports, functional servicing reports, design briefs, watermain analysis reports, detailed design drawings, noise studies, etc., to the satisfaction of the City's Director of Engineering and Director of Planning and Urban Design, and at no cost to the City.
- 1.10. The Owner shall covenant and agree in the Subdivision Agreement to design and construct all required relocations of, and modifications to existing infrastructure, including but not limited to sewers, watermains, light standards, utilities, stormwater management facilities and roads to the satisfaction of, and at no cost to, the City.
- 1.11. The Owner shall covenant and agree in the Subdivision Agreement to pay to the City all required fees in accordance with the City's Fee By-Law 211-83, as amended by Council from time to time.
- 1.12. The Owner shall covenant and agree in the Subdivision Agreement or Pre-Servicing Agreement, whichever comes first, to submit financial security for each phase of the Draft Plan of Subdivision as required by the City prior to the construction of municipal infrastructure required to service that phase of development.

2. Roads

- 2.1. Prior to the release for registration of any phase within this Draft Plan of Subdivision, the road allowances within this Draft Plan of Subdivision shall be named to the satisfaction of the City and the Region of York.
- 2.2. The Owner shall covenant and agree in the Subdivision Agreement to provide temporary turning circles where required, at its cost, and remove them and restore the streets to their normal condition at its cost, when required to do so by the City, to the satisfaction of the Director of Engineering and Director of Planning and Urban Design. 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 and Director of Planning and Urban Design.
- 2.3. The Owner shall provide for a continuous sidewalk along the full length of Street 'S' and Street 'P', to the satisfaction of the City's Director of Engineering.

3. Intentionally Blank

4. Tree Preservation, Compensation and Enhancement

- 4.1. Prior to the removal of any trees or destruction or injury to any part of a tree within this Draft Plan of Subdivision, the Owner shall obtain written approval from the Director of Planning and Urban Design.
- 4.2. Prior to the issuance of a Top Soil Stripping Permit for each phase within this Draft Plan of Subdivision, the Owner shall provide a site grading plan identifying trees to be preserved based on the approved Tree Inventory Preservation Plan, to the satisfaction of the City's Director of Planning and Urban Design.
- 4.3. Prior to the release for registration of any phase within this Draft Plan of Subdivision, the Owner shall submit to the City for approval a Compensation and Enhancement Strategy for both this Draft Plan of Subdivision and the adjacent Draft Plan of Subdivision 19T-16M10 combined. The methodology for the Compensation and Enhancement Strategy shall be approved by the City's Director of Planning and Urban Design prior to submission. The Owner agrees that the Compensation and Enhancement Strategy may be implemented through an agreement between the landowner of this Draft Plan of Subdivision, the owner of the adjacent Draft Plan of Subdivision 19T-16M10, and the City.

- 4.4. The Owner acknowledges and agrees that the Compensation and Enhancement Strategy shall include the following, to be provided at the Owners cost, to the satisfaction of the City's Director of Planning and Urban Design:
- a) A Tree Inventory and Preservation Plan indicating trees to be removed and trees to be retained;
 - b) A compensation and enhancement summary assessment providing a net gain conclusion;
 - c) For lots adjacent to existing residential lands, existing trees shall be preserved where possible, and, rear yard tree planting will be included in yards adjacent to existing residential lands;
 - d) A row of trees planted with a continuous planting trench in the residential yards along Collector Roads, being Streets 'A', 'B', 'C' and 'D' which will function as a second row of street trees;
 - e) Tree planting within Park blocks and Stormwater Management blocks;
 - f) Tree planting within Open Space blocks (the Greenway System) at a specified minimum tree density;
 - g) A requirement that all trees planted be guaranteed for two years, and if a planted tree fails the replacement tree shall be guaranteed for an additional two years, and that specific monitoring be detailed in the Environmental Management Plan;
 - h) Any other ecological enhancements including but not limited to wildlife habitat structures, wetland creation, headwater drainage daylighting and invasive species management; and,
 - i) A restoration phasing plan that ties restoration to phased subdivision registration, with the Owner acknowledging and agreeing that it is the City's objective to have restoration undertaken as early as possible.
- 4.5. The Owner acknowledges and agrees to implement the recommendations of the Compensation and Enhancement Strategy on a phase by phase basis, including the submission of an updated Tree Inventory and Preservation Plan and Landscape Plans for each phase of development.
- 4.6. The Owner shall covenant and agree in the Subdivision Agreement to provide a 300mm depth of topsoil in the entire municipal boulevard including a continuous planting trench to appropriately plant boulevard trees and provide a soil report demonstrating compliance with the City's Streetscape Manual to the satisfaction of the City's Director of Planning and Urban Design.

5. Natural Heritage and Open Space

- 5.1. Prior to the release for registration of any phase within this Draft Plan of Subdivision, the Owner shall submit an Environmental Management Plan to the satisfaction of the City's Director of Planning and Urban Design which addresses the following:
 - a) recommendations to mitigate impacts to wildlife during construction;
 - b) a monitoring program to identify changes to wildlife, woodlands, wetlands, and surface water features and to recommend methods to address any unforeseen impacts;
 - c) plans for any required wildlife exclusion fencing; and,
 - d) a sediment and erosion control plan.
- 5.2. The Owner acknowledges and agrees that those portions of the Natural Environmental Report and the Environmental Impact Study which have not been endorsed by the City, the TRCA or other applicable agency shall be peer reviewed at the Owner's expense to the satisfaction of the City's Director of Engineering.
- 5.3. The Owner shall covenant and agree in the Subdivision Agreement to post approved copies of the Compensation and Enhancement Plan, the Landscape Plans for all Open Space blocks, and the Conceptual Park Development Master Plans in all sales offices for dwelling units within this Draft Plan of Subdivision.
- 5.4. The Owner acknowledges and agrees that Open Space Blocks 1-17 inclusive have been set aside for environmental protection purposes or other public open space purposes, and that they shall be conveyed by the Owner to the City of Markham upon registration of the associated phase of this Draft Plan of Subdivision.
- 5.5. Prior to the release for registration of any phase within this Draft Plan of Subdivision containing Open Space blocks, the Owner shall prepare and submit for approval Landscape Plans for the Open Space blocks in accordance with the City's Streetscape Manual, the City's Engineering standards, TRCA requirements and MNRF requirements, as appropriate. The Landscape Plans will address and illustrate the proposed landscape treatments to ensure restoration planting is achieved as per the Compensation and Enhancement Strategy, including but not limited to seed mixes, ground covers, tree plantings, the trail system, water course crossings, and appropriate top soil depths, all to the satisfaction of the City's Director of Planning and Urban Design and the City's Director of Engineering. If external agency requirements result in unforeseen restrictions on tree planting in the Greenway System, the City will negotiate a credit for tree planting on an alternative site.
- 5.6. The Owner acknowledges and agrees to implement a trail system in the Open Space blocks as per the requirements of the Community Design Plan to the

satisfaction of the City's Director of Planning and Urban Design and the City's Director of Engineering. The Trail System may be implemented in phases corresponding to the time of the conveyance of the Open Space blocks containing sections of Greenway system associated with restoration works, and/or the time of construction of restoration works in the Open Space blocks, to the City's Director of Planning and Urban Design's satisfaction. The Owner agrees that the Trail system shall be implemented and constructed through an agreement between the owners of this draft plan, the owners of the adjacent Draft Plan of Subdivision 19T-16M10, and the City.

- 5.7. The Owner shall covenant and agree to the following in the Subdivision Agreement for each phase of this Draft Plan of Subdivision:

"The Owner covenants and agrees to comply with the requirements of the Endangered Species Act, 2007, S.O. 2007, c. 6. (the "ESA"), and the Species at Risk Act, S.C. 2002, c. 29. (the "SARA"), with respect to any species identified in accordance with the ESA and the SARA. The Owner acknowledges and agrees that, notwithstanding this Agreement and any approvals made or given by the City in respect of the Subdivision, the onus is on the Owner to comply with the provisions of the ESA and the SARA. The Owner covenants and agrees to indemnify and save harmless the City, its directors, officers, Mayor, Councillors, employees and agents from any and all actions, causes of action, suits, claims, demands, losses, penalties, fines, expenses and damages whatsoever that may arise either directly or indirectly from the approval and registration of the Subdivision and the Assumption of Subdivision, the construction and use of the Works or anything done or neglected to be done in connection with the ESA and the SARA."

6. Community Design

- 6.1. The Owner acknowledges and agrees to implement and incorporate all requirements of the Community Design Plan into all landscape plans, architectural control guidelines, engineering plans, site plans, and any other required design documents.
- 6.2. Prior to the release for registration of the first phase within this Draft Plan of Subdivision, the Owner shall prepare and submit for approval Architectural Control Guidelines which include design requirements for lane-based townhouses and Green Buildings, and which address appropriate elements of the City of Markham's Draft Sustainable Development Checklist and the Community Design Plan.
- 6.3. The Owner acknowledges and agrees to retain a design consultant acceptable to the City's Director of Planning and Urban Design to implement the Architectural Control Guidelines.

- 6.4. The Owner acknowledges and agrees to ensure that the design architect for any buildings within this Draft Plan of Subdivision shall not also assume the role of control architect for this Draft Plan of Subdivision.
- 6.5. The Owner acknowledges and agrees that all plans submitted for building permits within this Draft Plan of Subdivision, including for model home permit purposes, 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.
- 6.6. The Owner acknowledges and agrees to submit townhouse siting applications for all lane-based townhouses in accordance with the City's Site Plan Control By-Law 262-94, as amended, to the satisfaction of the City's Director of Planning and Urban Design.

7. Parkland

- 7.1. The Owner and the City acknowledge and agree that parkland dedication within this Draft Plan of Subdivision is required at a rate as specified in Section 51.1 of the Planning Act, as amended, and, that the dedication requirements are calculated for both this Draft Plan of Subdivision and the adjacent Draft Plan of Subdivision 19T-16M10 collectively, in total. The Owner and the City acknowledge and agree that parkland provided in this Draft Plan of Subdivision, in combination with parkland provided in the adjacent draft plan of subdivision 19T-16M10 satisfy parkland dedication requirements calculated in total between both Draft Plans of Subdivision as of the date of Draft Plan of Subdivision approval.
- 7.2. The Owner acknowledges and agrees that the parkland dedication within this Draft Plan of Subdivision shall be a minimum of 3.984 ha, comprised of Park Blocks 20 to 24 inclusive, and that this parkland dedication satisfies the parkland dedication requirements for a total of up to but not exceeding the approved Draft Plan of Subdivision total unit count of 1,026 units. The Owner acknowledges and agrees that any increase in the number of units in this Draft Plan of Subdivision beyond the approved 1,026 units may trigger additional parkland dedication requirements, subject to the satisfaction of the City's Director of Planning and Urban Design.
- 7.3. The Owner acknowledges and agrees to dedicate Park Blocks 20 to 24 inclusive to the City, at no cost, upon registration of the associated phase of this Draft Plan of Subdivision.
- 7.4. Prior to the release for registration of each phase within this Draft Plan of Subdivision, the Owner shall provide the City's Director of Planning and Urban

Design with a letter from the Landowner Group Trustee indicating the total parkland dedication to date for both this Draft Plan of Subdivision and the adjacent Draft Plan of Subdivision 19T-16M10, as of the date of the subject phase's Subdivision Agreement execution.

8. Subdivision Landscaping Works

- 8.1. Prior to the release for registration of every phase within this Draft Plan of Subdivision, the Owner shall submit Landscape Plans prepared by a qualified person based upon: the City of Markham Urban Design Guidelines; the Architectural Control Guidelines and the Community Design Plan, all to the satisfaction of the City's Director of Planning and Urban Design, to provide for all of the following within the subject phase:
- a) For all public streets, streetscape plans and street tree planting in accordance with the City of Markham Streetscape Manual dated June 2009, as amended from time to time;
 - b) For all traffic islands and roundabouts, provide landscaping;
 - c) For all rear yards adjacent to surrounding existing residential lots, provide rear yard tree planting in soil trenches if possible;
 - d) For all yards adjacent to Collector Roads, being Streets 'A', 'B', 'C' and 'D', provide front yard tree planting in soil trenches if possible;
 - e) For all corner lots, provide privacy wood screen corner lot fencing, if required;
 - f) For all lots backing or flanking onto an Open Space block (the Greenway System), a Park block or a School block, provide a 1.5m high black vinyl chain-link fence on the property line installed prior to occupancy, as determined appropriate by the Director of Engineering;
 - g) For all lane-based townhouses, corner lots, and gateway lots as identified in the Architectural Control Guidelines, provide a front yard landscaping plan which does not include sod and which is low maintenance in order to reduce the need for front yard lawn mowing;
 - h) For all Stormwater Management blocks, provide landscaping;
 - i) Any other landscaping and green infrastructure as determined by the Community Design Plan, Compensation and Enhancement Strategy and the Master Environmental Servicing Plan;
 - j) A trail network;
 - k) Noise attenuation fencing in accordance with the approved noise study; and,
 - l) Any other landscaping as determined by the Community Design Plan, Architectural Control Guidelines and Master Environmental Servicing Plan.

- 8.2. The Owner shall construct all landscaping referred to in condition 8.1 in accordance with the approved plans, at no cost to the City, except for item j) the trail network, which may be eligible for Development Charge credits.
- 8.3. Prior to execution of the Subdivision Agreement for each phase within this Draft Plan of Subdivision, 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, tree compensation, fencing, streetscape, buffer and other landscaping requirements applicable to the subject phase.
- 8.4. The Owner shall not permit its home builders to charge home purchasers for the items listed in condition 8.1.
- 8.5. The Owner shall include in all agreements of purchase and sale the following clause:

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

- 1) STREET TREES (TREES PLANTED IN THE CITY BOULEVARD OR IN ADJACENT PUBLIC LANDS OR PRIVATE LOTS,
- 2) CORNER LOT FENCING,
- 3) REAR LOT LINE FENCING AT LANES (IF SPECIFICALLY REQUIRED BY THE CITY'S DIRECTOR OF PLANNING AND URBAN DESIGN),
- 4) TREE PLANTING IN REAR YARDS ADJOINING THE LANES (IF SPECIFICALLY REQUIRED BY THE CITY'S DIRECTOR OF PLANNING AND URBAN DESIGN),
- 5) NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY,
- 6) FENCING OF SCHOOL, PARK, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS,
- 7) BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES,
- 8) SUBDIVISION ENTRY FEATURES AND DECORATIVE FENCING AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE CITY'S DIRECTOR OF PLANNING AND URBAN DESIGN,
- 9) FRONT YARD LANDSCAPING FOR CERTAIN LANE BASED TOWNHOUSE UNITS.

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

9. Stormwater Management

- 9.1. The Owner acknowledges and agrees 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.

10. Municipal Services

- 10.1. The Owner shall covenant and agree in the Subdivision Agreement that it shall construct, or pay for the construction of, roads, bicycle lanes, curbs, gutters, sidewalks (in accordance with the applicable Council policy and City's Design Criteria and Standards), underground and above ground services, street lights, street signs, utilities, stormwater management facilities, etc., to the satisfaction of the City (Commissioner of Development Services).
- 10.2. The Owner acknowledges and agrees to provide easement of sufficient width for the construction and maintenance of all required sanitary and storm sewers, watermain, utilities, and all other underground and aboveground infrastructure within Blocks 12, 13, 16, 17, 20 and 21. The layout of all the underground and above ground infrastructure shall be in accordance to City standards and design criteria and to the satisfaction of the Director of Engineering. Further, prior to the release for registration of a phase of this Draft Plan of Subdivision containing any of these Blocks, the Owner acknowledges that should it be determined by the Director of Engineering that these Blocks are of insufficient size for the proper design, construction, and future maintenance of all the underground and aboveground infrastructure, the Owner covenants and agrees to adjust the size, at no cost to the City, in order to provide the additional land required.
- 10.3. Prior to the release for registration of every phase within this Draft Plan of Subdivision, the Owner shall prepare, to the satisfaction of the City's Commissioner of Development Services a Watermain Analysis Report. The Owner shall ensure that the water pressure within the site is in compliance with the City's design standard and the Master Environmental Servicing Plan (MESP). In accordance to the MESP, no municipally-owned pressure reducing valves are permitted for servicing this site. The Owner also acknowledges and agrees to address all watermain issues as determined in the watermain analysis, including but not limited to water pressure and water quality, to the satisfaction of the City's Director of Engineering. If the water pressure zone

interface is required to be changed, the Owner shall covenant and agree in the Subdivision Agreement to pay for all the costs related to the work required for this pressure zone interface change.

- 10.4. Prior to the release for registration of every phase within this Draft Plan of Subdivision, the Owner shall demonstrate to the satisfaction of the City of Markham that the phase will be provided with two independent water supply points to provide for adequate redundancy and looping for domestic and fire protection purposes.
- 10.5. The Owner shall covenant and agree in the Subdivision Agreement for each phase of the draft Plan of Subdivision to not apply for any building permits until the City is satisfied that adequate road access, municipal water supply, sanitary sewers, and storm drainage facilities are available to service the proposed development.
- 10.6. Prior to the release for registration of any phase in this Draft Plan of Subdivision, the Owner shall revise and/or update the functional servicing and stormwater management reports in the event that the Director of Engineering determines that field conditions are not suitable for implementation of the servicing and stormwater strategy recommended in the previously accepted functional servicing and stormwater management reports.
- 10.7. The Owner shall covenant and agree in the Subdivision Agreement to contact the City's Director of Engineering prior to commencing the design for streetlighting to confirm the type(s) of poles and luminaires to be provided for different streets and/or lanes.
- 10.8. The Owner acknowledges and agrees that a trunk sanitary sewer will be constructed as shown in Figure 4.3 – Proposed Sanitary Sewer Network on the MESP Servicing and Grading Report, dated January 2019, or a modified design to the satisfaction of the City's Director of Engineering and the Region of York, through this Draft Plan of Subdivision to convey sanitary flows from lands north of Major Mackenzie Drive to the existing York Durham Sanitary Sewer on 16th Avenue (the "Trunk Sanitary Sewer"). The Owner shall covenant and agree in the Subdivision Agreement:
 - a) If City Council has agreed to grant the Owner development charge credits or otherwise reimburse the Owner, or an agreement has been executed between the Owners and the landowners benefitting from the Trunk Sanitary Sewer to reimburse the Owner, the costs to construct the Trunk Sanitary Sewer, the Owner shall:
 - i. incorporate the design of the Trunk Sanitary Sewer in the engineering design of phase one of this draft plan of subdivision, to the satisfaction of the Director of Engineering; and

- ii. secure and construct the Trunk Sanitary Sewer in stages, together with the development of each particular plan of subdivision phase.
- b) If, prior to the later of January 31, 2020 or the Owner initiating the engineering design of phase one of this Draft Plan of Subdivision:
- i. an agreement has not been executed between the Owner and the landowners benefitting from the Trunk Sanitary Sewer to reimburse the Owner the costs to construct the Trunk Sanitary Sewer; and
 - ii. City Council has explicitly decided to not grant the Owner development charges credits or otherwise reimburse the Owner for the costs to construct the Trunk Sanitary Sewer;

the Owner shall have no obligation to include the Trunk Sanitary Sewer in the design of phase one. In no circumstance shall the Owner be required to secure or construct the Trunk Sanitary Sewer in the absence of an agreement with benefitting landowners or Council approval for reimbursement.

- c) If after January 31, 2020 it is demonstrated that there is insufficient capacity, as determined by the City's Director of Engineering in his or her sole discretion, within the sanitary sewer system existing as of January 31, 2019, to convey sanitary flows from the lands north of Major Mackenzie Drive and therefore:
- i. the Trunk Sanitary Sewer is required to be constructed to convey sanitary flows from the lands north of Major Mackenzie Drive to the existing York Durham Sanitary Sewer on 16th Avenue in advance of the Owner developing its lands; and
 - ii. the Owner has failed to make reasonable progress in advancing the design and construction of the Trunk Sanitary Sewer,

the Owner agrees to provide access (at no cost to the City) to the City and/or its agent to permit the construction of the Trunk Sanitary Sewer.

The Owner further agrees to grant the City the necessary temporary easement(s) within the lands identified as municipal roads within the Draft Plan of Subdivision for access and maintenance of the Trunk Sanitary Sewer, to the satisfaction of the Director of Engineering and City Solicitor, and at no cost to the City. For clarity, under this condition (c), the Owner shall only be responsible for the design and cost of construction of the Trunk Sanitary Sewer to a maximum of what would have been attributable to the cost of a local service which the Owner would have been required to construct to provide sanitary sewer services in the Draft Plan of Subdivision absent the Trunk Sanitary Sewer. The Owner's cost shall be based on the amount of flow received into the Trunk Sanitary

Sewer from the Draft Plan of Subdivision determined through an environmental assessment or development charge background study. This cost shall be secured through the Subdivision Agreement.

11. Environmental Clearance

- 11.1. The Owner shall covenant and agree in the Subdivision Agreement to retain a "Qualified Person" to prepare all necessary Environmental Site Assessments (ESA) and 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. The lands to be conveyed to the City shall be defined as any land or easement to be conveyed to the City, in accordance with the City's Environmental Policy and Procedures for Conveyance of Land to the City Pursuant to the Planning Act.
- 11.2. Prior to the earlier of any construction (including site alteration), the execution of a pre-servicing agreement, or the execution of a Subdivision Agreement for every phase in this Draft Plan of Subdivision, the Owner shall submit Environmental Site Assessment (ESA) report(s) prepared by a Qualified Person, in accordance with the Environmental Protection Act and its regulations and all applicable standards, for all lands to be conveyed to the City for peer review and concurrence.
- 11.3. Prior to the earlier of any construction (including site alteration), the execution of a pre-servicing agreement or the execution of a Subdivision Agreement for every phase in this Draft Plan of Subdivision, the Owner agrees to submit environmental clearance(s) and Reliance Letter(s) from a Qualified Person to the Director of Engineering for all lands or interests in lands to be conveyed to the City to the satisfaction of the Director of Engineering. The Environmental Clearance and Reliance Letter will be completed in accordance with the City's standard and will be signed by the Qualified Person and a person authorized to bind the Owner's company. The City will not accept any modifications to the standard Environmental Clearance and Reliance Letter, except as and where indicated in the template.
- 11.4. The Owner acknowledges and agrees that if, during construction of any phase within this Draft Plan of Subdivision, contaminated soils or materials or groundwater are discovered, the Owner shall inform the Director of Engineering and Director of Planning and Urban Design 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 Director of Planning and Urban Design and the Ministry of the Environment, Conservation and Parks.

- 11.5. The Owner shall covenant and agree in the Subdivision Agreement to assume full responsibility for the environmental condition of the lands comprising the Draft Plan of Subdivision. The Owner shall further agree in the Subdivision Agreement 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 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 this Draft Plan of Subdivision, including any work undertaken by or on behalf of the City in respect of the lands comprising this Draft Plan of Subdivision and the execution of the Subdivision Agreement.

12. Development Charges

- 12.1. The Owner shall covenant and agree in the Subdivision Agreement 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 this Draft Plan of Subdivision at the time the lands are transferred to the first purchasers.
- 12.2. The Owner and the City acknowledge and agree that the bridge crossing the Bruce Creek providing a vehicular connection from this Draft Plan of Subdivision to the adjacent draft Plan of Subdivision 19T-16M10 is eligible for Development Charge Credits, and the City agrees to reimburse the Owner for the actual cost of the works it has incurred through City Wide Development Charge Credits (CWDC) and/or reimbursement, in accordance with the terms of the CWDC By-laws, the City's DC Credit and Reimbursement Policy, and approval by the City of the amount of the requested CWDC Credits.

13. Heritage

- 13.1. Prior to the release for registration of any phase within this draft Plan of Subdivision, the Owners shall carry out a Cultural Heritage Resource Assessment for the lands within this Draft Plan of Subdivision to ensure the assessment and identification of appropriate treatment of built heritage and archaeological resources; and to mitigate any identified adverse impacts to significant heritage resources, to the satisfaction of the City (Commissioner of

Development Services) and the Ministry of Tourism Culture and Sport. The Owner shall submit a letter issued by the Ministry of Tourism Culture and Sport that the Heritage Resource Assessment has been entered into the Ontario Public Register of Archaeology Reports prior to registration of the draft plan and prior to any demolition, grading, filling or any form of soil disturbances on lands within the draft plan.

- 13.2. The Owner shall covenant and agree in the Subdivision Agreement to implement any measures recommended by the Cultural Heritage Resource Assessment, to the satisfaction of the City and the Ministry of Tourism, Culture and Sport.

14. Additional City Requirements

- 14.1. The Owner shall covenant and agree in the Subdivision Agreement that it shall include the following clauses in all offers of purchase and sale for units with a single-car garage:

“PURCHASERS/TENANTS ARE ADVISED THAT THE CITY’S PARKING BY-LAW REQUIRES A MINIMUM OF TWO PARKING SPACES, ONE IN THE DRIVEWAY AND ONE IN THE GARAGE. OUTSIDE A PRIVATE GARAGE, PARKING IS ONLY PERMITTED ON A DRIVEWAY.

PURCHASERS/TENANTS ARE ADVISED THAT THE CITY’S ZONING BY-LAW RESTRICTS DRIVEWAY WIDTHS, WHICH MAY NOT ALLOW TWO CARS TO PARK SIDE BY SIDE.

PURCHASERS/TENANTS ARE ADVISED THAT OVERNIGHT STREET PARKING WILL NOT BE PERMITTED UNLESS AN OVERNIGHT STREET PARKING SYSTEM IS IMPLEMENTED BY THE CITY.”

- 14.2. The Owner shall provide and post display plans in all sales offices which clearly indicate the location of the following facilities in relation to the lot being purchased, prior to any Agreements of Purchase and Sale being executed by the Owner, a builder, or their real estate agents:

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

All display plans shall be submitted the City for review and approval by City staff, prior to the opening of the sales office.

- 14.3. The Owner acknowledges and agrees that municipal addresses shall be designated from the main public road accesses and not from laneway accesses, except for those residential units which do not front onto a public road, in which case municipal addresses shall be designated from the laneway accesses and the municipal address numbering shall be posted on both front and rear faces of each residential unit.
- 14.4. The Owner acknowledges and agrees that two separate and remote water supply connections will be required to ensure adequacy and reliability of the water supply at all times for firefighting purposes.
- 14.5. The Owner shall covenant and agree in the Subdivision Agreement that in order to ensure reliability of access for Fire Department vehicles under all conditions, two means of access, and independent of one another are to be provided into the development. All dwelling units on Streets 'S', 'O' and 'P' shall be sprinklered to the satisfaction of the Fire Department.
- 14.6. Prior to the release for registration of each phase within this Draft Plan of Subdivision, the Owner shall demonstrate to the satisfaction of the City's Fire Chief or designate that the phase will be provided with two separate and independent accesses for the purposes of emergency services access and egress.
- 14.7. 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, or designate. 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.
- 14.8. The Owner acknowledges and agrees to purchase from the City two recycling containers, one green bin and one kitchen collector per residence so that each purchaser may participate in the City's waste diversion program. Furthermore, the Owner shall ensure that the recycling containers, green bins, kitchen collectors and educational materials are deposited in each home on or before the date of closing. The Owner acknowledges and agrees to pay to the City the cost for recycling containers, green bins and kitchen collectors and to provide said recycling containers, green bins and kitchen collectors to purchasers at the same cost as paid to the City. The City shall provide all educational materials necessary to enable the purchaser to participate in the City's waste diversion program, at no cost to the Owner for the Owner to provide to the purchasers.
- 14.9. The Owner acknowledges and agrees to contact the City at least four weeks prior to unit occupancy to arrange an appointment time in which the recycling

containers, green bins, kitchen collectors and educational materials are to be collected by the Owner.

- 14.10. The Owner acknowledges and agrees to provide adequate access for municipal waste and recycling collection vehicles in accordance with the City of Markham Engineering design standards, including providing: minimum pavement widths and turning radii, and road configurations that do not require municipal waste and recycling collection vehicles to travel in reverse.
- 14.11. The Owner acknowledges and agrees that all waste and recyclable materials will be collected municipally.
- 14.12. The Owner acknowledges and agrees that during the construction phase of the development, unobstructed roadway access to a width no less than 5.5 metres will be provided for the safe passage of municipal waste and recycling collection vehicles on the designated collection day. Furthermore, if required, the Owner shall provide vehicle turning space that meets the City's engineering design standards. The Owner agrees that at times when the above defined access cannot be provided, the Owner shall be responsible for moving all residential waste, recyclables and organics from the occupied units to an agreed upon centralized location at the Owner's expense, for collection by the City.
- 14.13. The Owner shall covenant and agree in the Subdivision Agreement to implement sustainable design features within the dwellings, including, but not limited to:
 - Energy Efficient Rated Windows
 - Mid Velocity HVAC systems
 - Energy Efficient Boilers
 - Programmable Thermostats
 - Direct Vent Fireplaces with Spark Ignition (where applicable as per plans)
 - Low Flow Toilets & Fixtures
 - Drain Water Heat Recovery (DWHR) on Showers
 - Energy Efficient Lighting & Fixtures
 - Electrical Car Ready Conduit from Garage to Hydro panel
 - Solar Ready Conduits from Hydro Panel to Attic
- 14.14. That the Owner acknowledges and agrees to enter into a Section 37 Agreement to secure the provision of Public Art by the City, as required by implementing zoning by-law 2018-xxx.
- 14.15. The Owner acknowledges and agrees to complete the Class Environmental Assessment for the proposed collector road crossing of the Bruce Creek. Prior to registration of the plan of subdivision for the phase containing this collector road crossing of the Bruce Creek, final detailed design of the Preferred Option is to be incorporated into an Environmental Study Report.

- 14.16. The Owner shall covenant and agree in the Subdivision Agreement to include in the building permit application all mitigation recommendations from the geotechnical consultant to waterproof basements which are below the ground water to the satisfaction of the Chief Building Official on a lot specific basis. The Owner shall further covenant and agree that the acceptance of these measures will be subject to approval from the Chief Building Official.
- 14.17. Prior to the release for registration of the first phase of this Draft Plan of Subdivision, the Owner shall have designed, obtained approval and financially secured a multi-use path on the north side of the York Region 16th Avenue right-of-way across the full frontage of this draft plan and extended westerly to Warden Avenue, to the satisfaction of the City's Director of Engineering and the Region of York. This multi-use path shall be constructed at the Owner's sole cost and be completed in conjunction with the first phase of development in this Draft Plan of Subdivision.
- 14.18. Prior to the release for registration of the phase of development in this Draft Plan of Subdivision which includes Street "O" and Park Block 24, the Owner shall have designed, obtained approval and financially secured a multi-use path through Open Space Block 4 from the western edge of Park Block 24 to connect to the existing multi-use path on Warden Avenue, to the satisfaction of the City's Director of Engineering and the Region of York. This multi-use path shall be constructed at the Owners sole cost in conjunction with construction of this phase of development which includes Street "O" and Park Block 24.
- 14.19. The Owner acknowledges and agrees that the transfers of Residential Reserve Blocks 32 and 80 to the adjacent external landowners shall include a Section 118 restriction on title to prevent further conveyance without the consent of the City.
- 14.20. The Owner shall agree to provide a fire protection sprinkler system and obtain building permits within the following lots and blocks on the draft Plan of Subdivisions:
- Block Nos. 44, 45, 46 inclusive, on lane 'J'
Block Nos. 76, 77, 78, 79, inclusive, on lanes 'X' & 'Y'
All lots fronting streets 'S', 'O' & 'P'
- 14.21. The Owner shall agree to provide a 6 m wide fire access route to the satisfaction of the Fire Department on the park side of the units, and within the following lots and blocks on the draft Plan of Subdivisions:
- Block Nos. 44, 45, 46 inclusive on lane 'J'
Block Nos. 76, 77, 78, 79, inclusive, on lanes 'X' & 'Y'
Block Nos. 62 on lane 'F'
between Blocks 77 & 78
between Blocks 45 & 46

15. Developers Group Agreement Clearance

- 15.1. Prior to the release for registration of any phase within this draft Plan of Subdivision, the Owner shall have entered into one or more Developers Group Agreement(s) with the owners of the adjacent Draft Plan of Subdivision 19T-16M10 as appropriate, to ensure the equitable distribution of the costs of, and the provision of community and infrastructure facilities such as schools, parks, open space, enhancement and restoration of natural features, internal and external roads and road improvements, internal and external services, and stormwater management facilities, all to the satisfaction of the Director of Engineering, Director of Planning and Urban Design and City Solicitor. A certificate confirming the completion of such agreement(s) shall be provided to the City by the Developers Group Trustee to the satisfaction of the City Solicitor. The Owner shall covenant and agree in the Subdivision Agreement that the subject Plan of Subdivision shall not be released for registration by the City until the Owner delivers a release to the City from the Trustee of the Developers Group to the effect that all conditions obligations of the Group Agreement have been met to the satisfaction of the Trustee.

16. Lands to be Conveyed to the City / Easements

- 16.1. 16.1 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. The owner shall also provide for any easement and works external to the draft plan necessary to connect watermains, storm and sanitary sewers to outfall trunks and stormwater management facilities to the satisfaction of the Director of Engineering and the City Solicitor.
- 16.2. The Owner shall convey Stormwater Management Blocks 18 and 19 to the City for stormwater management purposes, free of all costs and encumbrances, to the satisfaction of the Director of Engineering, the City Solicitor and the TRCA, upon registration of the associated phase of the Draft Plan of Subdivision.

17. Utilities

- 17.1. 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 Director of Planning and Urban Design and authorized agencies.

- 17.2. 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.
- 17.3. 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 individual dwelling units within the subdivision as and when each dwelling unit is constructed.

18. Toronto and Region Conservation Authority (TRCA)

- 18.1. That *prior to* any development, pre-servicing or site alteration, or registration of this plan or any phase thereof, the applicant shall submit a detailed response chart identifying how all outstanding issues as itemized in Appendix 'A' in the August 24, 2018 correspondence letter has been addressed to the satisfaction of the TRCA. This includes but is not limited to attaining final approval from the TRCA for the following:
 - a) The final consolidated Master Environmental Servicing Plan (MESP) addressing all outstanding issues and commitments to updating and revising the documents contained within the MESP, including but not limited to:
 - i. Servicing and Grading Report (SGR) which includes Stormwater Management (SWM) and Low Impact Development (LID)
 - ii. Fluvial Geomorphology Report
 - iii. Natural Environment Report / Environmental Impact Study (NER)
 - iv. Feature Based Water Balance Report (FBWB)
 - v. Hydrogeological Assessment
 - vi. Geotechnical Reports
 - b) The final Environmental Management Plan (EMP), including a dynamic Adaptive Management Plan (AMP) be approved to the satisfaction of the TRCA.

- c) A development phasing plan (if applicable) be provided to the TRCA, illustrating the various phases of development and associated timing of construction to implement the draft;
- d) A detailed engineering report including but not limited to the Functional Servicing and Stormwater Management that describes the storm drainage system (quantity and quality) for the proposed development of the subject lands, and how it will comply with all related Master Environmental Servicing Plan 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 or major flows. Confirmation must be provided with respect to how target flows as identified in the related hydrologic studies within the approved MESP will be achieved during and post-development;
 - ii. appropriate Stormwater Management Practices (SWMP's) to be used to treat stormwater, to mitigate the impacts of development on the quality of ground and surface water resources (including thermal impacts) 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, and the existing ecological function of all headwater drainage features is to be maintained, and consistent with TRCA Guidelines.
 - iii. location and description of all stormwater outlets, outfalls, outflow channels and/or flow dispersal measures associated with stormwater discharge, be designed to incorporate TRCA's guidelines and be collectively reviewed and designed to ensure a collaborative approach and confirmed in the field. Collaboration may include regard for additional enhancements to water quality, quantity control, mitigation of thermal impacts to the receiving habitat, reduce potential erosion and maximize potential infiltration, and integrate naturalized outlet channels or constructed wetlands where applicable, to the satisfaction of the TRCA;

For areas which require a permit pursuant to Ontario Regulation 166/06, the Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (ie. outfalls), all supporting technical studies and analysis, be provided.

Should red-line revisions be necessary to meet the requirements of the TRCA, these alterations to expand blocks, or modify the size or

configuration may occur on lands within this subdivision which are currently proposed for development;

- iv. the integration of 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;
- v. mapping of all proposed stormwater management measures (including Low Impact Development measures of LIDs), with consideration for existing vegetation to be disturbed, grade differentials and extent and depth of grading required for construction.
- vi. 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 and how the receiving stormwater management ponds (which may or may not be located on this property) are being managed during the construction phase while some or all of the LIDs are not in operation. Should the LIDs be constructed in the first phase of development, the report should also identify how the LIDs will be maintained during and after construction to ensure they function in accordance with the intended design parameters;
- vii. the size and location of all LID measures associated with this development be confirmed to the satisfaction of the TRCA. If required to meet TRCA requirements, red-lined revisions be made to the plan to provide for necessary blocks within the Plan. This may require modifications to the size or configuration of the LID into surrounding lands within this subdivision which are currently proposed for development.
- viii. identification and quantification of the specific measures that are being employed, and the analysis that has been completed to ensure that there will be no predicted erosion related impacts on downstream areas (during and post construction), which are to be integrated into the stormwater management plan to the satisfaction of the TRCA. The report must specifically identify in detail, the potential for downstream erosion associated with flows generated from this development (erosion threshold analysis) and provide a suite of mitigation measure if required;
- ix. demonstrate how the pre-development drainage patterns are being preserved, post-development (to the greatest extent possible), in accordance with the approved MESP. The report shall include an

impact mitigation report which demonstrates how construction and development shall minimize the potential impacts of the flow diversion on the natural systems;

- x. in order to preserve the limits of the natural heritage feature adjacent to the stormwater management pond blocks, the Owner is hereby notified that any lots or blocks abutting stormwater management Block 18 and Block 19 may be subject to adjustment or deletion should additional tablelands be required to accommodate revisions to the stormwater management ponds to meet the requirements of the TRCA.
- e) proposed methods for controlling or minimizing erosion and siltation on-site and/or in downstream areas and/or discharge to wetland areas during and after construction, in accordance with current Erosion and Sediment Control (ESC) guidelines utilized by the TRCA. ESC plans and an ESC report must address phasing and staging, demonstrate how impacts to the NHS will be minimized, and contingency measures within the EMP/AMP;
- f) prior to each phase of development, an overall Environmental Management Plan (EMP) will be prepared. The EMP will contain an Adaptive Management Plan which may be amended to address specific phases of development. The EMP shall include a comprehensive monitoring program associated with wetlands where the pre-development catchment area is being altered through this development, and watercourses to which stormwater from this property is being discharged. This report must compile all available pre-development/baseline monitoring information, provide for on-going pre-development monitoring where possible, and provide a plan with measures to be implemented for maintaining the pre-development water balance (in accordance with the requisite water balance reports) during construction and post-construction to the greatest extent possible. In the absence of sufficient pre-development monitoring, this report must also identify contingency measures and specific actions that may be taken within the development area to supplement and/or modify the quantity and quality of flows being directed to each impacted feature on an on-going basis, should the monitoring program identify that the pre-development conditions and/or pre-development wetland characteristics are being adversely impacted, to the satisfaction of the TRCA. The Adaptive Management Plan must also include a specific section including an assessment of potential options for addressing unanticipated results of the monitoring – such as erosion downstream of the stormwater management outlet, or sediment discharge to natural features;
- g) provide a ground water constraint assessment that will examine existing

and proposed ground water levels in relation to the proposed development, underground construction and servicing and stormwater management infrastructure.

- h) anti-seepage collars be installed for all stormwater, sanitary and watermain services in areas in which these services are to be installed below the water table.
- i) permanent dewatering of groundwater associated with any component of this development shall not be permitted. The need for liners associated with the stormwater management system shall be assessed, and suitable liners shall be provided where necessary. All underground construction and infrastructure must be designed to not require permanent dewatering, and any potential impacts to the groundwater system that may result from the development must be assessed and mitigated;
- j) the potential need for sub-drains within the SWM ponds will be considered based on detailed geotechnical design requirements. Should they be required, subdrains will be directed towards tributaries and wetland features in accordance with the approved EMP, and in accordance with the approved Feature Based Water Balance;
- k) provide confirmation that foundations or basements are not located within the water table, and will not require active permanent dewatering. Passive permanent dewatering such as foundation drains may be permitted subject to collected groundwater directed into a 3rd pipe or equivalent to promote infiltration or appropriately convey the groundwater to the Natural Heritage Features.
- l) information detailing all anticipated temporary dewatering that may be required during the construction phase, including anticipated volumes, duration, discharge locations, recovery rates and time to recover groundwater to 90% recovery on an upward trend, and filtration media - as required, to the satisfaction of the TRCA;
- m) mitigation to confine the zone of influence (to the greatest extent possible) for temporary dewatering and/or depressurization for the purposes of installing infrastructure and or services, to the satisfaction of the TRCA and the City;
- n) the applicant attain all Ontario Regulation 166/06 permits from the TRCA for all works proposed on the subject property for which permits would be required, and those related to any associated infrastructure or stormwater management works required to support this development. No grading, pre-servicing or temporary stormwater management works are to be initiated until such time as a permit from the TRCA and all requisite TRCA

approvals are attained;

- o) final grading plans illustrating that grading, site alterations, construction staging, or materials associated with these activities, will not encroach or be placed on lands to be conveyed to a public agency as part of this plan of subdivision, or on environmental lands adjacent to this plan of subdivision. The plans must indicate how grade differentials will be transitioned to the existing grade without the use of retaining walls within or adjacent to natural feature blocks, associated environmental buffers, or adjacent landowners unless otherwise agreed upon by the City and the TRCA;
- p) no grading shall be permitted within any Natural Heritage Feature or associated buffer. Grading encroachment within these established areas (as may be determined on a site by site basis) shall not be permitted unless otherwise agreed upon by the City and the TRCA. All areas to be protected must be effectively isolated through fencing or other appropriate measures prior to initiating any site alteration.
- q) all slopes be designed to be at a stable incline, with due consideration for TRCA's Healthy Soil Guidelines within all buffer areas and restored with a robust planting plan, consistent with TRCA's planting guidelines, and to the satisfaction of the TRCA.
- r) the decommissioning of all existing irrigation ponds / golf water hazards and/or the creation of offline wetlands be further reviewed approved by TRCA and the owner obtain the applicable permits pursuant to Ontario Regulation 166/06 (as amended).
- s) prior to decommissioning existing tableland Pond I, TRCA staff will be consulted and be provided information with respect to dewatering/drawdown, discharge location, and wildlife relocation associated with its removal.
- t) provision of evidence from the Ministry of Natural Resources which identifies any permits and/or other authorizations required under the Ontario Endangered Species Act, 2007 (ESA) and its prescribed regulations has been obtained.
- u) the Compensation and Enhancement Strategy be completed, including a comprehensive planting and restoration plan to the satisfaction of the TRCA for all stormwater management blocks, created wetland areas, environmental buffers, and all environmental lands to be conveyed to a public agency associated with this draft plan;
- v) the Compensation Strategy be finalized to individually document all

restoration works, specifically with respect to the fill for SWM Pond 3 on the East Draft Plan which is to be cut on the West Draft Plan lands, to the satisfaction of TRCA;

- w) all tree plantings associated with the previous golf course renovations (175 trees and shrubs) to be relocated from the West Draft Plan onto the East Draft Plan between Feature 1 and Bruce Creek on draft plan 19T-16M10. The owner shall confirm that these plantings are not considered as part of the overall Tree Compensation Strategy.
- x) Generally, tree plantings associated with the Tree Compensation Strategy should not be located within the 100 year floodline. However, all planting plans are to depict the 100 year floodline associated with the stream corridors. Should plantings be proposed to be located in the 100 year floodline (in consultation with the TRCA), floodplain mapping may be required to be updated and recalculated and by changing the Mannings 'N' to the satisfaction of the TRCA.
- y) provide a detailed trail plan that conforms to the TRCA and City of Markham Trail and planting guidelines and standards be provided for review and approval.
- z) all utility crossings under watercourses will be required to meet TRCA standards of a minimum of 2.0 metres between the obvert of the utility and the valley (watercourse thalweg and bank wall), and that appropriate ESCs showing construction practices and staging are provided to TRCA's satisfaction;
- aa) any proposed transportation or servicing crossings of the NHS, associated buffers or adjacent areas for interim and/or permanent servicing, be collectively reviewed and designed to ensure a collaborative approach. Further detailed information is to be provided with respect to the location and span of the crossing, and shall be consistent with TRCA's Stream Crossing guidelines, and permits pursuant to Ontario Regulation 166/06 be obtained, to the satisfaction of the TRCA;
- bb) all stormwater outlets and outflow channels be naturalized, be designed to incorporate TRCA's design guidelines, and be designed to provide additional enhancements to water quality, quantity control, thermal impact mitigation, and habitat. Off-line wetlands, riparian plantings, flow dispersal measures, micro-topography creation and similar measures shall be employed where feasible to achieve these objectives;
- cc) all calculations and modeling parameters prepared for the stormwater management, erosion assessment, water balance, and floodplain assessment as part of the MESP will be confirmed, updated and/or refined

as part of the subsequent detailed design stages based on updated information on land-use, building envelopes, site imperviousness, and any area where more detailed information will be provided.

dd) A comprehensive site water balance be provided as an update to the MESP showing best efforts to achieve post to pre development water balance are being provided to meet the approved targets established in the final consolidated MESP.

- 18.2. The design and coordination of the servicing plans be provided for review and approval to the satisfaction of the TRCA. Servicing must demonstrate that the alignment and location of the services are feasible with due consideration to avoid natural features, and demonstrate the proposed works will have no negative impacts upon the ecological or hydrogeological concerns within the subject lands.
- 18.3. The implementing zoning by-law recognize all stormwater management and environmental buffer blocks in a suitable zoning category which has the effect of prohibiting development and structural encroachment, and ensuring the long term preservation of the lands in perpetuity, to the satisfaction of the TRCA;
- 18.4. Prior to the registration of this plan or any phase thereof, the Owner shall prepare a plan that addresses the removal and restoration of any historical or man-made intrusions in the Natural Heritage Features and their associated buffers to the satisfaction of TRCA. This includes (but is not limited to) the removal of cart paths, culverts, structures, fences, debris, etc. and the restoration of these areas to a natural state.
- 18.5. To provide for all warning clauses and information identified in TRCA's conditions into all purchase and sale agreements and subdivision agreement;
- 18.6. That the owner agrees in the subdivision agreement, in wording acceptable to the TRCA;
 - a) to carry out, or cause to be carried out, to the satisfaction of the TRCA, the recommendations of the technical reports and plans referenced in TRCA's conditions, including but not limited to;
 - i. Master Environmental Servicing Plan, including:
 - a. Servicing and Grading Report (SGR) including the Stormwater Management (SWM) and Low Impact Development (LID)
 - b. Fluvial Geomorphology Report
 - c. Natural Environment Report/Environmental Impact Study (NER)
 - d. Feature Based Water Balance Report (FBWB)

- e. Hydrogeological Assessment
 - f. Geotechnical Reports
 - ii. Environmental Management Plan / Adaptive Management Report and Plan
 - iii. Stormwater Management Report and Plan
 - iv. Functional Servicing Report
 - v. Erosion and Sediment Control Report and Plan
 - vi. Compensation and Enhancement Strategy
 - vii. Restoration and Enhancement Plans for all Environmental Buffers
- 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 or MNRF Silt Smarts as may be applicable;
 - 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 from the TRCA, in addition, provide documentation that all necessary permits and approvals from the Ministry of the Environment for PTTW and the Ministry of Natural Resources and Forestry have been obtained as applicable;
 - f) to erect a permanent fence on the property line on all private lots and blocks abutting lands natural heritage system lands to be conveyed to the public authority, to the satisfaction of the TRCA. The 1.5m chain link fence shall be erected on the property line and installed prior to occupancy of any homes within that lot or block;
 - g) to implement all water balance/infiltration measures identified in accordance with the Feature Based Water Balance Report and LID report to be completed for the subject property;
 - h) to design a comprehensive monitoring protocol and provide the requisite funding and permissions for the construction and long-term monitoring and maintenance of the water balance and infiltration measures on this site, as per the approved Environmental Management Plan.
 - i) that prior to a request for registration of any phase of this subdivision.

Should registration 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.

- j) That the owner shall carry out, or cause to be carried out, the removal and restoration of any existing, man-made intrusions on lands to be conveyed to a public agency, including Blocks 1 through to 17 inclusive. This includes but is not limited to the removal of culverts, structures, cart paths, fences, debris, encroachments by adjacent landowners, etc. and the restoration of these areas to a natural state, to the satisfaction of TRCA and/or the City.
- k) Upon confirmation of the removal and restoration of all encumbrances as noted above, Open Space Blocks 1 through to 17 (inclusive) (approximately 40.1 ha) be gratuitously dedicated into public ownership.
- l) That securities be obtained through the subdivision agreement in an amount to be determined in consultation with and to the satisfaction of the City and the TRCA for the following works:
 - i. Planting, restoration and enhancement of the Natural Heritage System in accordance with the approved Open Space Plans, Restoration and Enhancement Plans, and Tree Compensation Plan;
 - ii. Planting of all stormwater management blocks, in accordance with the approved planting plans;
 - iii. Long term monitoring of groundwater and all preserved wetlands in accordance with the approved Feature Based Water Balance Report and the approved Environmental Management Plan;

The timing for the release of the securities will be identified within the subdivision agreement.

- m) That the owner acknowledges and agrees not to finalize any agreements of purchase and sale with respect to any lots or blocks abutting stormwater management blocks, natural heritage system blocks until such time as the stormwater management plans and Site Water Balance and Feature Based Water Balance reports have been completed and approved to the satisfaction of the TRCA;
- n) That a warning clause be included in all agreements of purchase and sale, and information be provided on all community information maps and promotional sales materials for lots or blocks adjacent to Natural Heritage System Blocks which identifies the following:

"The rear lot lines are adjacent to environmental protected lands, which are regulated by the Toronto and Region Conservation Authority. These lands are considered to be part of the publicly owned environmental protection area, which is intended to remain naturalized, and may not be actively maintained. A future trail may be located within all or a part of this area, however private uses such as picnic, barbeque or garden areas; storage of materials and/or the dumping of refuse or ploughed snow are not permitted on these lands. In addition, access to the adjacent environmental lands through the subject property is not permitted. Private rear yard gates are prohibited."

- o) That a warning clause be included in all agreements of purchase and sale, future condominium agreements, and information be provided on all community information maps and promotional sales materials for private lots or blocks on which infiltration related infrastructure such as stormwater management / LID measures, underground storage tanks, rear yard swales and catch basins are located which identifies the following:

"Stormwater management infrastructure is located on the subject property, which forms an integral part of the stormwater management infrastructure for the community. It is the owner's responsibility to ensure the long term maintenance and cleaning of this system to ensure that proper drainage is maintained. Grading within the rear yard, such as swales which convey stormwater to this system must remain in their original form."

- p) To carry out, or cause to be carried out the cleaning-out and maintenance of all stormwater management infrastructure (including best management practice measures and LIDs) prior to assumption of the subdivision by the City of Markham.
- q) To include appropriate clauses in all agreements of purchase and sale and/or future condominium agreements for lots or blocks on which stormwater management / LID measures are being constructed to identify the presence of such measures and to clearly identify the owner's responsibilities for long-term maintenance, and any restrictions to uses on any portion of their property that these may require.
- r) That prior to a request for renewal of Draft Approval of any phase of this subdivision, that the owner consult with the TRCA with respect to whether the technical studies submitted in support of this development remain to meet current established standards in place of the date of the request, and that the owner update any studies and plans as may be required.
- s) 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.

19. Transportation Phasing: City of Markham and Region of York

- 19.1. The Owner acknowledges and agrees that this draft plan will be registered in phases, with the size of phases as between this draft plan and the adjacent draft plan 19T-16M10 grouped into 3 overall Stages.

The maximum size of Stages of development as between both draft plans are:

<u>Stage:</u>	<u>Max # of dwelling units between both draft plans in each Stage:</u>
A	1,099 maximum units
B	750 maximum units
C	430 (or balance of units)

Prior to the release for registration of every phase within this draft plan, the Owner shall provide a letter to the City and the Region from the Developers Group Trustee indicating: the number of units in the phase; the total cumulative units registered thus far between both this draft and the adjacent draft plan 19T-16M10; the identification of within which Phase and Stage the subject phase is located; and, that the Developers Group has no objection to release of this phase of the draft plan for registration.

- 19.2. Prior to the release for registration of the first phase of development in Stage A, regardless of whether the phase is located in this draft plan or the adjacent draft plan 19T-16M10, the Owner shall submit updates or addendums, as appropriate, to respond to all outstanding City and Region comments related to the Transportation Impact Study, the Functional Traffic Design Study, and the Transportation Demand Management Plan, using the most up-to-date traffic data available at the time of the drafting of the reports, to the satisfaction of the City's Director of Engineering and the Region of York. The Owner further covenants and agrees to revise the draft plan if required to incorporate the recommendations of these studies to the satisfaction of the City's Director of Engineering and the Region of York.
- 19.3. The Owner acknowledges and agrees to provide the City with a "TDM Letter of Credit" in each Subdivision Agreement for each phase of registration within this draft plan to ensure compliance with the recommendations of the Transportation Mobility Plan, to the satisfaction of the City's Director of Engineering.
- 19.4. Prior to the release for registration of the first phase of development in Stage A, regardless of whether the phase is located in this draft plan or the adjacent draft plan 19T-16M10, the Owner shall submit a Transportation Mobility Plan Study for the entirety of Stage A in both draft plans to the satisfaction of the City's Director of Engineering and the Region of York. The terms of reference for this Study shall be approved by the City's Director of Engineering and the

Region of York. The Owner agrees that the recommendations of this Study shall be implemented through the Subdivision Agreement for each phase of development within Stage A.

- 19.5. Prior to the release for registration of the first phase of development in Stage B, being specifically a phase which contains the 1,100th unit in total between both draft plans, regardless of whether the phase is located within this draft plan or the adjacent draft plan 19T-16M10, the Owner shall submit a Transportation Mobility Plan Study to address the entirety of Stage B in both draft plans to the satisfaction of the City's Director of Engineering and the Region of York. The terms of reference for this Study shall be approved by the City's Director of Engineering and the Region of York, and shall be reflective of the results of the Stage A Transportation Monitoring Report as detailed in Condition 19.8. below. The Owner agrees that the recommendations of this Study shall be implemented through the Subdivision Agreement for each phase of development within Stage B, and the Owner further acknowledges and agrees that modifications to the draft plan or to the proposed timing of the release for phase registration may be required based upon the outcome of this Study, to the satisfaction of the City's Director of Engineering and the Region of York.
- 19.6. Prior to the release for registration of the first phase of development in Stage C, being specifically a phase which contains the 1,850th unit in total between both draft plans, regardless of whether the phase is located within this draft plan or the adjacent draft plan 19T-16M10, the Owner shall submit a Transportation Mobility Plan Study to address the entirety of Stage C in both draft plans to the satisfaction of the City's Director of Engineering and the Region of York. The terms of reference for this Study shall be approved by the City's Director of Engineering and the Region of York, and shall be reflective of the results of the Stage B Transportation Monitoring Report for Stage B as required in Condition 19.9. below. The Owner agrees that the recommendations of this Study shall be implemented through the Subdivision Agreement for each phase of development within Stage C, and the Owner further acknowledges and agrees that modifications to the draft plan or the proposed timing of the release for phase registration may be required based upon the outcome of this Study, to the satisfaction of the City's Director of Engineering and the Region of York.
- 19.7. Prior to the release for registration of the first phase of development in Stage A, regardless of whether the phase is located within this draft plan or the adjacent draft plan 19T-16M10, the Owner shall submit a Comprehensive Transportation Monitoring Strategy for the entirety of all Stages in both draft plans to the satisfaction of the City's Director of Engineering and the Region of York. The terms of reference for this Strategy shall be approved by the City's Director of Engineering and the Region of York. The Owner agrees that this Strategy shall be the basis for the required periodic Transportation Monitoring

Reports as described in Conditions 19.8. and 19.9. below, and, that the requirements of these Transportation Monitoring Reports shall be implemented through the Transportation Mobility Plan Study and its required addendums, as noted in conditions 19.5. and 19.6. above.

- 19.8. Prior to the release for registration of the first phase of development in Stage B, being specifically a phase which contains the 1,100th unit in total between both draft plans, regardless of whether the phase is located within this draft plan or the adjacent draft plan 19T-16M10, the Owner shall submit a Stage A Transportation Monitoring Report reflecting the requirements identified in the Comprehensive Transportation Monitoring Strategy Report and based upon substantial completion of Stage A defined as at least 75% occupancy of the units within Stage A, to the satisfaction of the City's Director of Engineering and the Region of York. The terms of reference for this Report shall be approved by the City's Director of Engineering and the Region of York.
- 19.9. Prior to the release for registration of the first phase of development in Stage C, being specifically a phase which contains the 1,850th unit in total between both draft plans, regardless of whether the phase is located within this draft plan or the adjacent draft plan 19T-16M10, the Owner shall submit a Stages A and B Transportation Monitoring Report reflecting the requirements identified in the Comprehensive Transportation Monitoring Strategy Report and based upon substantial completion of Stages A and B, defined as at least 75% occupancy of the units within Stages A and B, to the satisfaction of the City's Director of Engineering and the Region of York. The terms of reference for this Report shall be approved by the City's Director of Engineering and the Region of York.
- 19.10. Prior to the release for registration of the first phase of development in Stage A, being a maximum phase size of 559 units, regardless of whether the phase is located within this draft plan or the adjacent draft plan 19T-16M10, the following improvements to the area surrounding the intersection of 16th Avenue and Kennedy Road shall have been designed and financially secured by the Owner, and construction shall have commenced, all to the satisfaction of the City's Director of Engineering and the Region of York:
 - a) On the south side of 16th Avenue west of Kennedy Road, extend, in a westerly direction, the existing eastbound exclusive right turn storage lane approaching the Kennedy Road intersection to now terminate approximately 135 metres west of the 16th Avenue and Yorkton Boulevard intersection.
 - b) On the south side of 16th Avenue east of Kennedy Road, construct a new eastbound receiving lane which may be utilized as a far-side transit stop in the future, and that effectively allows traffic to merge into the adjacent through lane.
 - c) On the north side of 16th Avenue west of Kennedy Road, construct a new westbound receiving lane which may be utilized as a far-side transit stop

in the future, and that effectively allows traffic to merge into the adjacent through lane.

- d) On the north side of 16th Avenue west of Kennedy Road, extend, in an easterly direction, the existing westbound exclusive right turn storage lane approaching the Yorkton Boulevard intersection to now terminate at the 16th Avenue & Kennedy Road intersection.
 - e) On the north side of 16th Avenue east of Kennedy Road, extend, in an easterly direction, the existing westbound exclusive right turn storage lane approaching the Kennedy Road intersection to a distance which satisfactorily accommodates the queues that will be confirmed through the Transportation Mobility Plan Study recommendations.
 - f) On the east side of Kennedy Road south of 16th Avenue, extend, in a southerly direction, the existing northbound exclusive right turn storage lane approaching the 16th Avenue intersection to a distance which satisfactorily accommodates the queues that will be confirmed through the Transportation Mobility Plan Study recommendations.
 - g) On the east side of Kennedy Road north of 16th Avenue, construct a new northbound receiving lane which may be utilized as a far-side transit stop in the future, and that effectively allows traffic to merge into the adjacent through lane.
 - h) On the west side of Kennedy Road south of 16th Avenue, construct a new southbound receiving lane which may be utilized as a far-side transit stop in the future, and that effectively allows traffic to merge into the adjacent through lane.
 - i) On the west side of Kennedy Road north of 16th Avenue, extend, in a northerly direction, the existing southbound exclusive right turn storage lane approaching the 16th Avenue intersection to now terminate at the Kennedy Road and Beckett Avenue intersection.
- 19.11. Prior to the release for registration of the second phase of development in Stage A, being specifically a phase which contains the 560th unit in total to be registered between both draft plans, regardless of whether the phase is located within this draft plan or the adjacent draft plan 19T-16M10, all of the 16th Avenue and Kennedy Road intersection improvements required in Condition 19.10. above shall be complete and operational, to the satisfaction of the City's Director of Engineering and the Region of York.
- 19.12. Prior to the release for registration of the second phase of development in Stage A, being specifically a phase which contains the 560th unit in total to be registered between both draft plans, regardless of whether the phase is located within this draft plan or the adjacent draft plan 19T-16M10, the following improvements to the area surrounding the intersection of 16th Avenue

& Warden Avenue shall have been designed and financially secured by the Owner, and construction shall have commenced, all to the satisfaction of the City's Director of Engineering and the Region of York:

- a) On the south side of 16th Avenue west of Warden Avenue, extend, in a westerly direction, the existing eastbound exclusive right turn storage lane approaching the Warden Avenue intersection to now terminate at the 16th Avenue and 16th Lane intersection.
- b) On the south side of 16th Avenue east of Warden Avenue, construct a new eastbound receiving lane which may be utilized as a far-side transit stop in the future, and that effectively allows traffic to merge into the adjacent through lane.
- c) On the north side of 16th Avenue west of Warden Avenue, construct a new westbound receiving lane which may be utilized as a far-side transit stop in the future, and that effectively allows traffic to merge into the adjacent through lane.
- d) On the north side of 16th Avenue east of Warden Avenue, extend, in an easterly direction, the existing westbound exclusive left turn storage lane approaching the Warden Avenue intersection to a distance which satisfactorily accommodates the queues that will be confirmed through the Transportation Mobility Plan Study recommendations.
- e) On the north side of 16th Avenue east of Warden Avenue, extend, in an easterly direction, the existing westbound exclusive right turn storage lane approaching the Warden Avenue intersection to a distance which satisfactorily accommodates the queues that will be confirmed through the Transportation Mobility Plan Study recommendations.
- f) On the east side of Warden Avenue south of 16th Avenue, extend, in a southerly direction, the existing northbound exclusive right turn storage lane approaching the 16th Avenue intersection to a distance which satisfactorily accommodates the queues that will be confirmed through the Transportation Mobility Plan Study recommendations.
- g) On the east side of Warden Avenue north of 16th Avenue, construct a new northbound receiving lane which may be utilized as a far-side transit stop in the future, and that effectively allows traffic to merge into the adjacent through lane.
- h) On the west side of Warden Avenue south of 16th Avenue, construct a new southbound receiving lane which may be utilized as a far-side transit stop in the future, and that effectively allows traffic to merge into the adjacent through lane.

- i) On the west side of Warden Avenue north of 16th Avenue, extend, in a northerly direction, the existing southbound exclusive right turn storage lane approaching the 16th Avenue intersection to a distance which satisfactorily accommodates the queues that will be confirmed through the Transportation Mobility Plan Study recommendations.
- 19.13. Prior to the release for registration of the first phase of development in Stage B, being specifically a phase which contains the 1,100th unit in total between both draft plans, regardless of whether the phase is located within this draft plan or the adjacent draft plan 19T-16M10, all of the 16th Avenue & Warden Avenue intersection improvements required in Condition 19.12. above shall be completed and operational, to the satisfaction of the City's Director of Engineering and the Region of York.
- 19.14. Prior to the release for registration of the first phase of development in Stage B, being specifically a phase which contains the 1,100th unit in total between both draft plans, regardless of whether the phase is within this draft plan or the adjacent draft plan 19T-16M10, the following conditions related to improvements to 16th Avenue shall be completed to the satisfaction of the City's Director of Engineering and the Region of York:
- a) York Region's 16th Avenue Class Environmental Assessment Study is approved;
 - b) The improvements of 16th Avenue from Warden Avenue to Kennedy Road is in York Region's 10-year Roads and Transit Capital Construction Program; and,
 - c) The detailed design of the improvements of 16th Avenue from Warden Avenue to Kennedy Road is completed and approved by York Region.
- 19.15. Prior to the release for registration of the second phase of development in Stage B, being specifically a phase which contains the 1,475th unit in total between both draft plans, regardless of whether the phase is within this draft plan or the adjacent draft plan 19T-16M10, the improvements to 16th Avenue as described in Condition 19.14. above shall have been completed.
- 19.16. Notwithstanding the above Conditions 19.14. and 19.15. regarding the 16th Avenue improvements, if alternative measures or improvements can be demonstrated in a transportation report to mitigate the transportation impacts of the development and/or background traffic through real-time, periodic monitoring, compared with the traffic conditions prior to any construction of development (i.e. prior to the development of the first phase of Stage A), to the satisfaction of the City's Director of Engineering and the Region of York, the above transportation Conditions 19.14. and 19.15. regarding 16th Avenue improvements may be considered satisfied.

- 19.17. Prior to the release for registration of the specific phase of development in Stage B which contains the 1,300th unit in total between both draft plans regardless of whether it is located within this draft plan or the adjacent plan 19T-16M10, the Owner shall have designed, obtained the necessary approvals and financially secured the construction of Street A and Street B (the Bur Oak Avenue extension), from Kennedy Road to Normandale Road (East leg) extension through both this draft plan and the adjacent draft plan 19T-16M10 in its entirety, including the Bruce Creek Valley Open Space bridge crossing, to the satisfaction of the City's Director of Engineering and the Region of York.
- 19.18. Prior to the release for registration of the specific phase of development in Stage B which contains the 1,550th unit in total to be registered between both draft plans, regardless of whether the phase is located within this draft plan or the adjacent draft plan 19T-16M10, the Owner shall have constructed and opened to through traffic Street A and Street B (the Bur Oak Avenue extension) in its entirety from Kennedy Road to Normandale Road (East leg) extension through both this draft plan and the adjacent draft plan 19T-16M10, including the Bruce Creek Valley Open Space bridge crossing, at the Owner's sole cost subject to any development charge credits which may be available, to the satisfaction of the City's Director of Engineering and the Region of York.
- 19.19. Prior to the release for registration of the first phase of development in this draft plan, the Owner shall have designed, obtained approval and financially secured the reconstruction of the existing signalized intersection of 16th Avenue and Normandale Road (West leg) to include exclusive left and right turn lanes on the north leg (Street D) and daylight triangles to the satisfaction of the City's Director of Engineering and the Region of York. This intersection improvement shall be constructed at the Owner's sole cost and completed in conjunction with the first phase of development in this draft plan.
- 19.20. Prior to the release for registration of the second phase of development in this draft plan, the Owner shall have designed, obtained approval and financially secured the reconstruction of the existing unsignalized intersection of 16th Avenue and Normandale Road (East leg) to accommodate traffic control signals and exclusive left and right turn lanes on the future northerly extension of Normandale Road (East leg) north of 16th Avenue to the satisfaction of the City's Director of Engineering and the Region of York. This intersection improvement shall be constructed at the Owner's sole cost and completed in conjunction with the first phase of development in this draft plan. It is acknowledged that traffic signals at this intersection will be installed when warranted based on the Region of York's Traffic and Pedestrian Signal Policy.

20. Region of York

- 20.1. The owner acknowledges and agrees to comply with all conditions and requirements of York Region. The owner further acknowledges and agrees that red line revisions to this Draft Plan of Subdivision may be required to implement the Region of York's conditions.
- 20.2. The Owner acknowledges and agrees that the following clauses shall be included in the Subdivision Agreement for each phase within this Draft Plan of Subdivision:
- a) The Owner shall agree 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.
 - b) The Owner shall agree that any direct connection(s) to and/or the crossing(s) of a York Region water or wastewater system requires Regional approval prior to construction. Engineering drawings showing details of the connection(s) and/or crossing(s) shall be submitted to the Community Planning and Development Services for approval.
 - c) The Owner shall agree in the Subdivision Agreement, in wording satisfactory to Development Engineering, to provide direct shared pedestrian/cycling facilities and connections from the proposed development to 16th Avenue, Kennedy Road, and Collector/Local Roads to support active transportation and public transit, where appropriate. A drawing shall be provided to illustrate the layout of active transportation facilities within the proposed development and connections to the Regional roads, to the satisfaction of the Region.
 - d) Where noise attenuation features will abut a York Region right-of-way, the Owner shall agree, in wording satisfactory to York Region's Development Engineering, as follows:
 - i. that no part of any noise attenuation feature shall be constructed on or within the York Region right-of-way;
 - ii. 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; and,
 - iii. that maintenance of the noise barriers and fences bordering on York Region right-of-way shall not be the responsibility of York Region.
 - e) The Owner shall agree, in wording satisfactory to Development Engineering, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of Development Engineering.
 - f) The Owner shall agree, in wording satisfactory to Development Engineering, 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.

- g) 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".

- h) The Owner shall agree to advise all potential purchasers of the existing and future introduction of transit services in this development. This includes current and potential 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 Owner/consultant is to contact YRT/Viva Contact Centre (tel. 1-866-668-3978) for route maps and the future plan maps.
- i) The Owner shall agree to reserve unobstructed locations for the construction of passenger standing areas/shelter pads in the following locations to accommodate future YRT transit services which are planned to operate on Street "B" and Street "A":

Street	At Street	Location	Standard
Street B		Northeast corner of Block 20	YRT-1.01
Street B		Northwest corner of Block 18	YRT-1.01
Street B	Street L	Southeast corner (north end of block 41)	YRT-1.01
Street B	Street N	Northwest corner (south end of block 74)	YRT-1.01
Street A	Street Q	Northeast corner	YRT-1.01
Street A	Street J	Southwest corner	YRT-1.01

Landscaping should not interfere with the bus stops, passenger standing areas, shelters or corner sightlines. Bus stops located in front of the employment areas shall be incorporated into the landscape design.

The bus stop locations determined during the design phase are subject to change. The Owner/consultant shall confirm with YRT/Viva the final bus stop locations/requirements. The Owner/consultant is to contact YRT/Viva Contact Centre (tel. 1-866-668-3978) to confirm final details.

- j) The Owner shall agree, in wording satisfactory to Development Engineering 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.

- k) The Owner shall agree, in wording satisfactory to Development Engineering, that no direct private access is permitted onto 16th Avenue, and all accesses shall be provided through local roads.
 - l) The Owner shall agree, in wording satisfactory to Development Engineering, 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.
 - m) The Owner shall agree to provide direct shared pedestrian/cycling facilities and connections from the proposed development to 16th Avenue, Kennedy Road and Collector/Local Roads to support active transportation and public transit, where appropriate. A drawing shall be provided to illustrate the layout of active transportation facilities within the proposed development and connections to the Regional roads, to the satisfaction of the Region.
- 20.3. Prior to the release for registration of any phase within this Draft Plan of Subdivision, the road allowances included within the subject phase shall be named to the satisfaction of the City of Markham and York Region.
- 20.4. Prior to the release for registration of any phase within this Draft Plan of Subdivision, York Region shall confirm that adequate water supply and sewage capacity are available and have been allocated by the City of Markham for the development proposed within the subject phase.
- 20.5. Prior to the release for registration of any phase within this Draft Plan of Subdivision, and concurrent with the submission of the subdivision servicing application (MECP, formerly MOECC) to the area municipality, the Owner shall provide a set of engineering drawings, for any works to be constructed on or adjacent to the York Region road, to Development Engineering, Attention: Manager, Development Engineering, that includes the following drawings:
- a) Plan and Profile for the York Region road and intersections;
 - b) Cross Section on York Region right-of-way at 20m interval where the site is abutting;
 - c) Grading and Servicing Plans;
 - d) Intersection/Road Improvements, including the recommendations of the Traffic Report;

- e) Construction Access Design;
 - f) Utility and underground services Location Plans;
 - g) Signalization and Illumination Designs;
 - h) Line Painting;
 - i) Traffic Control/Management Plans;
 - j) Erosion and Siltation Control Plans;
 - k) Landscaping Plans, including tree preservation, relocation and removals;
 - l) Requirements of York Region Transit;
 - m) Sidewalk locations, concrete pedestrian access to existing and future transit services and transit stop locations as required by York Region Transit/Viva;
 - n) Functional Servicing Report;
 - o) Stormwater Management Report; and
 - p) Water supply and distribution report and model.
- 20.6. The Owner shall submit a detailed Development Charge Credit Application to York Region, if applicable, to claim any works proposed within the York Region Right-of-Way. Only those works located in their ultimate location based on the next planning upgrade for this Right-of-Way will be considered eligible for credit, and any work done prior to submission without prior approval will not be eligible for credit.
- 20.7. Prior to the release for registration of any phase within this Draft Plan of Subdivision, the Owner shall provide drawings for the proposed servicing of the site to be reviewed by the Engineering Department of the area municipality. Three (3) sets of engineering drawings (stamped and signed by a professional engineer), and MECP forms together with any supporting information shall be submitted to City of Markham.
- 20.8. Prior to the release for registration of any phase within this Draft Plan of Subdivision, the location and design of the construction access for the subdivision work shall be completed to the satisfaction of Development Engineering and illustrated on the Engineering Drawings.
- 20.9. Prior to the release for registration of any phase within this Draft Plan of Subdivision, the Owner shall demonstrate, to the satisfaction of Development Engineering, that all existing driveway(s) along the Regional road frontage of this subdivision will be removed as part of the subdivision work, at no cost to York Region.

- 20.10. Prior to the release for registration of any phase within this Draft Plan of Subdivision, the Owner shall demonstrate, to the satisfaction of Development Engineering, that the streetline elevations shall maintain a minimum 2% cross slope within the boulevard from the streetline to the top of curb, unless otherwise specified by Development Engineering.
- 20.11. Prior to the release for registration of any phase within this Draft Plan of Subdivision, 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, with tree planting to be undertaken in accordance with York Region standards as articulated in Streetscaping Policy and using species from the York Region Street Tree Planting List. These documents may be obtained from the Forestry Section. If any landscaping or features other than tree planting (e.g. flower beds, shrubs) are proposed in the York Region right-of-way by the Owner or the area municipality for aesthetic purposes they must be approved by Development Engineering and shall be maintained by the area municipality with the exception of the usual grass maintenance.
 - e) For landscape features not maintained to York Region's satisfaction, the area municipality will be responsible for the cost of maintenance or removal undertaken by the Region.
- 20.12. Prior to the release for registration of any phase within this Draft Plan of Subdivision, the Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of Development Engineering recommending noise attenuation features.
- 20.13. The Owner shall agree that the following lands will be conveyed to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of York Region Solicitor:
- a) Road Widening Blocks 28, 29 and 30, which constitute a widening across the full frontage of the site where it abuts 16th Avenue of sufficient width to provide a minimum of 21.5 metre from the centreline of construction of 16th Avenue. The Owner is advised that York Region has initiated a Municipal Class Environmental Assessment (EA) Study for improvements

to 16th Avenue through this area. During the Class EA study process, the Region will contact the Owner to solicit input and ensure a coordinated project approach. The Owner will also be notified if additional lands are required beyond the 43 m right-of-way based on the findings of the EA Study;

- b) a 10 metre by 10 metre daylight triangle at the northeast and northwest corner of Street C and 16th Avenue intersection;
 - c) a 10 metre by 10 metre daylight triangle at the northeast and northwest corner of Street D and 16th Avenue intersection; and,
 - d) Reserve Block 31, being a 0.3 metre reserve across the full frontage of the development block labelled as Mixed Use Block 25 where it abuts 16th Avenue and adjacent to the above noted widening(s).
- 20.14. Prior to the release for registration of any phase within this Draft Plan of Subdivision, the Owner shall provide a solicitor's certificate of title in a form satisfactory to York Region Solicitor, at no cost to York Region with respect to the conveyance of the above noted lands to York Region.
- 20.15. Prior to the release for registration of any phase within this Draft Plan of Subdivision, the Owner shall submit a 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 Phase One 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 Phase One 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 Phase One 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 Phase One ESA will need to be either updated or a new Phase One ESA submitted by the Owner. Any update or new Phase One 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 Phase One 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 Phase One 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.

The Region requires a certified written statement from the Owner that, as of the date title to the Conveyance Lands is transferred to the Region: (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 MECP (formerly 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.

The Owner shall be responsible for all costs associated with the preparation and delivery of the Phase One ESA, any subsequent environmental work, reports or other documentation, reliance and the Owner's certified written statement.

- 20.16. Prior to the release for registration of any phase within this Draft Plan of Subdivision, the Owner or the Owner's authorized representative shall submit a Statutory Declaration that no contaminant, pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, on, in or under lands to be conveyed to the Region (including soils, substrata, surface water and groundwater, as applicable): (i) at the time of conveyance, at a level or concentration that exceeds the Environmental Protection Act O. Reg. 153/04 (as amended) full depth generic site condition standards applicable to the intended use of such lands by the Region or any other remediation standards published or administered by governmental authorities applicable to the intended land use; and (ii) in such a manner, condition or state, or is emanating or migrating from such lands in a way, that would contravene applicable environmental laws.
- 20.17. Prior to the release for registration of any phase within this Draft Plan of Subdivision, the Owner shall demonstrate, to the satisfaction of Development Engineering, that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region's Right-of-Way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.
- 20.18. Prior to the release for registration of any phase within this Draft Plan of Subdivision, 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 in effect at the time that Regional Development Charges, or any part thereof, are payable.

21. Canada Post

- 21.1. 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 Director of Engineering and Director of Planning and Urban Design 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.
- 21.2. 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 unit sale.
- 21.3. 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.
- 21.4. Standard Community Mailbox installations are to be done by Canada Post at locations approved by the Director of Engineering and Director of Planning and Urban Design 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 Director of Engineering and Director of Planning and Urban Design in consultation with Canada Post.
- 21.5. The Owner will provide the following for each Community Mailbox site and include these requirements on the appropriate servicing plans:
 - a) An appropriately sized sidewalk section (concrete pad) as per municipal standards (to place the mailboxes on);
 - b) Any required walkway across the boulevard as per municipal standards; and,
 - c) Any required curb depressions for wheelchair access.

22. External Clearances

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

- a) The Toronto and Region Conservation Authority (TRCA) shall advise the City that Conditions 18.1 to 18.6 have been satisfied.
- b) The Trustee of the Developers Group shall provide the City's Director of Planning and Urban Design with a letter containing the information required in Conditions 15.1 and 19.1.
- c) The Regional Municipality of York shall advise the City that Conditions 19.1 to 19.20, and Conditions 20.1 to 20.18 have been satisfied.
- d) The Owner shall submit a letter from the Ministry of Tourism Culture and Sport indicating that the Heritage Resource Assessment has been entered into the Ontario Public Register of Archaeology Reports in accordance with Condition 13.1 and 13.2.
- e) Canada Post shall advise the City that Conditions 21.1 to 21.5 have been satisfied.

February 7, 2019