



Report to: Development Services Committee

Report Date: April 16, 2018

SUBJECT: RECOMMENDATION REPORT
Neamsby Investments Inc., Cedarland Properties Limited,
517737 Ontario Limited, Ruland Properties Inc., and Three
Gems Developments Inc.,
Applications for Zoning By-law Amendment and Draft Plan
of Subdivision to allow residential and future commercial
development south of 14th Avenue, east of Middlefield Road
(Part of Lot 5, Concession 7, and 5821 to 5933 14th Avenue)
(Ward 7).

File No: ZA/SU 16 130764

PREPARED BY: Stacia Muradali, M.C.I.P., R.P.P., Ext. 2008
Senior Planner, East District Team

REVIEWED BY: Sally Campbell, M.C.I.P., R.P.P., Ext. 2645
Manager, East District Team

RECOMMENDATION:

- 1) THAT the report titled “RECOMMENDATION REPORT, Neamsby Investments Inc., Cedarland Properties Limited, 517737 Ontario Limited, Ruland Properties Inc., and Three Gems Developments Inc., Applications for Zoning By-law Amendment and Draft Plan of Subdivision to allow residential and future commercial development south of 14th Avenue, east of Middlefield Road (Part of Lot 5, Concession 7, and 5821 to 5933 14th Avenue) (Ward 7), File No: ZA/SU 16 130764”, be received;
- 2) THAT the Zoning By-law Amendment application (ZA 16 130764) be approved and the draft implementing Zoning By-law, attached as Appendix ‘A’ of this report, be finalized and enacted without further notice;
- 3) THAT Draft Plan of Subdivision 19TM-16002 (SU 16 130764) be approved subject to the conditions of draft approval set out in Appendix ‘B’ of this report;
- 4) THAT the Director of Planning and Urban Design or his designate, be delegated authority to issue draft plan approval, subject to the conditions set out in Appendix ‘B’ of this report, as may be amended by the Director of Planning and Urban Design or his designate;
- 5) THAT servicing allocation for 510 units be assigned to the proposed residential development;
- 6) THAT the City reserves the right to revoke or reallocate servicing allocation should the development not proceed in a timely manner;

- 7) THAT the draft approval for plan of subdivision 19TM-16002 will lapse after a period of three (3) years commencing on the date of issuance of draft plan approval, in the event that a subdivision agreement is not executed within that period;
- 8) THAT in accordance with the provisions of subsection 45 (1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended, the Owner shall through this Resolution, be permitted to apply to the Committee of Adjustment for a variance from the provisions of Zoning By-law 2018- XXX, before the second anniversary of the day on which the by-law was approved by Council.
- 9) THAT in accordance with By-law 178-96 the City declare certain lands described as Part of Lot 5, Concession 7, City of Markham, Regional Municipality of York, shown as Part 1 and 2 on the draft reference plan attached hereto as Figure 8 (the “Excess Road Lands”), as surplus, being lands originally set out for road servicing.
- 10) That Lots 66-70, Lot 71, Blocks 72-75, Lot 162 and Blocks 180-199) on the draft plan be classified as Class 4 lands pursuant to NPC-300 (Ministry of Environment Noise Guidelines);
- 11) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not applicable.

PURPOSE:

This report recommends approval of applications for Zoning By-law Amendment and Draft Plan of Subdivision submitted by Neamsby Investments Inc., Cedarland Properties Limited, 517737 Ontario Limited, Ruland Properties Inc., and Three Gems Developments Inc., to allow residential and future commercial development south of 14th Avenue, east of Middlefield Road (Part of Lot 5, Concession 7, and 5821 to 5933 14th Avenue) and to declare the Excess Road Lands surplus to municipal purposes.

PROCESS TO DATE:

- Region of York approved Official Plan Amendment application on April 23, 2015 to redesignate the majority of the subject lands from employment to residential land uses and to introduce site-specific commercial and limited industrial land use permissions on the remainder of the site fronting onto 14th Avenue.
- Preliminary Report for Zoning By-law Amendment and Draft Plan of Subdivision applications – June 20th, 2016.
- Statutory Public Meeting held on – September 6th, 2016.

Next Steps:

- Enactment of the Zoning By-law
- Issuance of Draft Plan Approval for the Plan of Subdivision
- Registration of the Draft Plan of Subdivision

BACKGROUND:**Subject lands and area context**

The subject lands are comprised of nine (9) individual properties (Part of Lot 5, Concession 7 and 5821 to 5933 14th Avenue) which are located on the south side of 14th Avenue, between Middlefield Road and Markham Road (Figure 1). The subject lands are approximately 25.4 hectares (62.8 acres) in area. There are some clusters of trees located on the subject lands in addition to areas of wetland comprising swamp and marshes predominantly located to the south-west of the subject lands, south of 14th Avenue, on parts of the proposed commercial blocks and also centrally located on the subject lands. These wetland features are not provincially significant. The City's first public green road (see Figure 4) extends east from Middlefield Road immediately north of the proposed development.

There is an existing heritage house, the George R. Cowie House, located at 5933 14th Avenue towards the north east part of the subject lands. The Aaniin Community Centre and Library (the "Community Centre") and associated public park are located at the south-east corner of the Middlefield Road and 14th Avenue intersection.

There are industrial land uses located on the north side of 14th Avenue, a commercial development including a Canadian Tire is located to the east and residential development to the south and west. A fire station is located at the south-west corner of Middlefield Road and 14th Avenue (see Figure 3).

Official Plan and Zoning

On April 23, 2015, the Region of York approved an application by the current owners of the subject lands to amend the City's in-force Official Plan (Revised 1987), as amended, and the City's 2014 Official Plan (as partially approved by the OMB on October 30, 2015, May 26, 2016, March 10, 2017, April 21, 2017 and November 24, 2017) (the "City's 2014 Official Plan"). This resulted in the redesignation of the majority of the subject lands from employment land to allow residential development. The majority of the subject lands are designated "Residential Low Rise" in the City's 2014 Official Plan which provides for single and semi-detached homes and townhouses, up to a maximum height of three (3) storeys.

The remainder of the subject lands, fronting onto 14th Avenue are designated "Service Employment" with site-specific commercial and limited industrial land use permissions including offices, medical clinics, manufacturing, processing and warehousing, limited retail and restaurant uses, banquet halls and convention centres, and motor vehicle sales establishments.

The subject lands are zoned “Rural Residential (RR4)” and “Rural Residential (RR2)” in zoning by-law 304-87, as amended, “Industrial (M)”, “Industrial *114 (M*114)” and “Business Corridor (BC)” in zoning by-law 177-96, as amended. The subject lands need to be rezoned to permit the proposed development.

Proposed development

The applicants are proposing a draft plan of subdivision consisting of both residential and commercial blocks (Figure 4). There are two (2) commercial blocks (Blocks 272 and 273) fronting 14th Avenue, which are anticipated to be developed in the future. Site plan applications will be required to facilitate the future commercial development. The existing designated heritage house is located on one (1) of the commercial blocks (Block 273) and will be preserved in situ and adapted to an appropriate commercial use in the future subject to site plan approval. In total, the commercial blocks are approximately 3.75 hectares (9.3 acres).

The remainder of the draft plan south of the commercial blocks is proposed for residential development comprised of 224 single detached lots and 286 townhouses. The proposed single detached homes will back onto the existing homes on Highglen Avenue and the development will transition north to townhouses and then the future commercial development. The proposed single detached homes each have sufficient width for double car garages with room for additional cars to park on the driveway (Figure 5). Each townhouse will have a single car garage with room for at least one (1) additional car to park on the driveway. Conceptual and preliminary renderings are attached (Figures 5 and 6). On-street parking is proposed throughout the plan.

A total of 12 new public streets or lanes are being introduced through this draft plan to provide motor vehicular access throughout the proposed development. On-street parking will be provided throughout the proposed development. One (1) new north-south public street (Street 2) will dissect the commercial blocks and connect to 14th Avenue as a full movement access. The Region of York has indicated that this access will be considered for future signalization when/if warranted. A possible future second access on 14th Avenue which will be right-in/ right-out is proposed through Block 272.

Walkway and servicing blocks are also proposed on the draft plan.

Land added from Canadian Tire to the east

A severance application was approved to sever an 824.4 square metre (8,874 square feet) parcel of land from the Canadian Tire property to the east (7650 Markham Road) and add it to the south-east corner of the subject lands. This additional parcel of land (Blocks 71 and Part of Blocks 280 and 281) is required to convey stormwater runoff from the proposed development (Block 281) to drain to Peace Park dry pond to the south, as well as containing other stormwater pipes to convey flows from the proposed development. This additional parcel will also accommodate a portion of a north-south walkway (Block 280) and one (1) new single detached lot.

Public Input

Staff have received numerous verbal communications from neighbouring residents in support of the proposed development. One (1) resident attended the statutory Public

Meeting held on September 6, 2016 and spoke against removal of trees at the south-west corner of the subject lands. The applicants are working with City staff and the TRCA on compensation for removal of these trees and wetland features which is discussed in more detail later in this report.

OPTIONS/ DISCUSSION:**The Zoning By-law Amendment is appropriate**

It is recommended that the proposed residential development lands be rezoned to a “Residential Two (R2)” zone category under By-law 177-96. The draft zoning by-law (Appendix ‘A’) is generally consistent with the “Residential Two (R2)” zone category requirements and development standards with some site-specific exceptions. The proposed frontages of the single detached lots range from 11 metres (36 feet) to 12.5 metres (41 feet). Staff will continue to work with the applicant to increase more of the single detached home frontages to 11.6 metres (38 feet) or greater. The smallest interior lot frontage proposed for the townhouses is 6.1m, which is wider than what is permitted in the “Residential Two (R2)” zone. The width of the end and corner townhouse units increases to approximately 7.5 metres (24.6 feet) and 8.7 metres (28.5 feet) respectively. The proposed setbacks are also generally consistent with the “Residential Two (R2)” zone and appropriate for the proposed development.

The proposed commercial lands will be rezoned to a “Major Commercial (MJC)” zone and implements the site-specific Official Plan provisions, including expanding the list of permitted uses and limiting the amount of retail and restaurant uses to maintain the predominantly employment land use intent for the commercial blocks.

The amending site-specific by-law also includes a provision to ensure that the landowners enter into a Section 37 agreement for the appropriate public art contribution.

The Draft Plan of Subdivision is appropriate

The proposed draft plan conforms to the applicable site-specific Official Plan policies for the subject lands to allow limited commercial and industrial development, and low density residential development. The draft plan introduces new public streets and lanes providing sufficient motor vehicle access throughout the proposed development. Public sidewalks and walkways are provided to ensure good pedestrian connectivity and access to the Aaniin Community Centre and Library and adjacent public park, as well as to the neighbourhood to the south. The proposed sizes of the residential blocks will result in a built form compatible with surrounding development. Detailed technical studies have been submitted in support of the draft plan of subdivision. The studies, some of which are described in more detail below, demonstrate that the proposed development is supportable and appropriate conditions of draft plan approval have been included to ensure effective implementation in accordance with technical studies (Appendix ‘B’).

Toronto and Region Conservation Authority (TRCA)

The landowners have been working with the TRCA on resolving matters including compensation for removal of the wetland features, high groundwater levels, significant

increase in runoff from the site and water balance on the site. Compensation for removal of the wetland features includes relocation of the wetlands to a property which is owned by one of the applicants, located north of 14th Avenue, south of Highway 407, west of Travail Road. The TRCA are still working with the landowners on agreeing to the wetland compensation area, form and function. The groundwater levels are anticipated to be high on the subject lands. As a result, temporary dewatering should be explored prior to basement construction to determine the overall feasibility of the depths of excavation. The high groundwater levels also may result in constraints to the infiltration solutions for the proposed development. These constraints will be further explored at the detailed design for the stormwater management facilities. The TRCA are supportive of the proposed LID measures to assist with runoff and water balance on the subject lands. The TRCA has provided conditions of draft approval (Appendix 'B') to ensure that all the aforementioned matters are resolved in an appropriate manner.

Transportation

A Transportation Impact Assessment Study and Functional Traffic Design Study, prepared by WSP Canada Inc., have been reviewed by both the Region of York and City of Markham's Transportation Staff. Findings indicate there is sufficient accesses to support the proposed development and the street network has been adequately designed with sufficient right-of-ways for sidewalks, tree planting, on-street parking and a 3 metre wide multi-use pathway contiguous with the green road (shown on Figure 4) and along the eastern property line. The proposed multi-use pathway and the introduction of walkways between the townhouse blocks enhance pedestrian connectivity and active transportation to and from the Aaniin Community Centre and Library and the public park with the proposed development and surrounding neighbourhood. Emergency vehicles and garbage trucks can circulate throughout the proposed development without any conflicts. Draft plan conditions to ensure that the transportation comments are addressed to the satisfaction of the City and Region of York are included in Appendix 'B'.

Conveyance of Excess Road Lands

The applicants conveyed the lands required for the extension of Canfield Drive and the east-west road (referred to temporarily as the green road) to the City when the City acquired the Aaniin Community Centre and Library lands. The Excess Road Lands are the lands shown as Parts 1 and 2 on the draft reference plan attached as Figure 8 and are part of the lands conveyed by Neamsby Investments Inc. to the City for road purposes.

One of the conditions for the conveyance of the road lands to the City, as set out in the Agreements of Purchase and Sale with Neamsby Investments Inc., was that if any of the lands conveyed to the City for road purposes are not required for the construction of the road, such lands would be conveyed back to the respective owner at no cost.

The east-west road and the extension of Canfield Drive are north of the subject subdivision lands and have now been constructed. The Engineering Department has confirmed that the Excess Road Lands were not required for construction of the roads and can be conveyed back to the applicant.

Staff recommend that the City declare the Excess Road Lands surplus to municipal purposes so that such lands can be conveyed back to Neamsby Investments Inc. and 517737 Ontario Limited (the original owners). The City has a contractual obligation to convey lands not required for road purposes back to the original owners. The Surplus Road lands will be incorporated into the proposed subdivision.

Improvements to the existing plaza access to the east on 14th Avenue and closure of the old 14th Avenue right-of-way

There is a triangular area to the north-east of the subject lands, which forms the intersection of 14th Avenue, the old 14th Avenue right-of-way and the existing full movement access to the commercial plaza to the east. During review of the application by Regional staff, vehicular conflicts at this irregular intersection were identified and it is recommended that the old 14th Avenue right-of-way be closed by the City to reduce vehicular conflicts. It is also proposed that the existing plaza access be reconfigured to a right-in/ right-out only access. It is a condition of approval that the applicants work with the landowner of the commercial plaza to the east, the Region of York (the “Region”) and the City to ensure that the existing commercial access is redesigned to the satisfaction of the Region (Appendix ‘B’). The applicant has indicated a willingness to assist in implementing the intersection improvements as external works to the subdivision.

Noise impacts and mitigation have been assessed

The applicants submitted an Environmental Noise Feasibility prepared by Valcoustics (the “Noise Study”) in support of the proposed draft plan. The Noise Study identified various sources of noise including road traffic on Middlefield Road, Markham Road and 14th Avenue. Additional noise sources include the commercial plaza to the east and the industrial development to the north. Typical noise mitigation measures such as wall and window construction and ventilation system requirements, including mandatory air conditioning for certain blocks will ensure that potential noise impacts (in most cases and noise generated from Kubota Canada located on the north side of 14th Avenue) are mitigated.

The mechanical rooftop equipment and noise from truck deliveries at the back of the commercial development to the east of the subject lands generate noise above what is acceptable for a Class 1 classification area (under the Environmental Protection Act). The Noise Study recommends that the City deems a certain portion of the proposed development (Lots 66-70, Lot 71, Blocks 72-75, Lot 162 and Blocks 180-199) as Class 4 which allows higher levels of noise to be acceptable. The Class 4 area is meant as a tool to allow municipalities to approve a noise sensitive land use (eg. residential use) with relaxed noise limit levels in an area of existing stationary noise source. It is at Council’s discretion whether to deem the portion of land Class 4.

A resolution to the effect that the lands recommended in the Environmental Noise Feasibility Study prepared by Valcoustics Canada Ltd. be classified as Class 4 lands

pursuant to NPC-300 (Ministry of Environment Noise Guidelines), has been included in the Recommendation.

If the respective lands remain as Class 1, a sound barrier with a maximum height of 7.5 metres (24.6 feet) will be required to be constructed and no windows will be permitted in the east façade of Block 181.

Even with a Class 4 classification, a 5.4 metre (17.7 feet) sound barrier is still recommended by the Noise Study along the majority of the eastern property line. The applicants are proposing a 3.4 metre (11 feet) high living wall on top of approximately 2 metres (6.5 feet) high berm for a total of 5.4 metres (17.7 feet), which is recommended to achieve appropriate noise mitigation. Conditions of draft approval ensure that the appropriate noise mitigation measures are implemented (Appendix 'B').

Living wall proposed to function as sound barrier

The living wall is proposed to be located along the southern portion of the east property line between the proposed subdivision and the commercial development to the east. It will consist of 2 sides of willow fences supported by a wooden box frame, lined with geotextile and filled with mixed soil for sound attenuation. Staff are supportive of the proposed living wall as an appropriate sound barrier. However, because the proposed living wall will be located on City owned lands (part of Block 280) the City will be responsible for maintaining it. The applicant will be required to provide the life-cycle cost of maintaining the living wall and make appropriate arrangements for the maintenance of the wall. This is a condition of draft approval (Appendix 'B').

Low Impact Development (LID) measures proposed to promote water infiltration

The Functional Servicing Report prepared by Masongsong Associates Engineering (the "FSR") submitted in support of the draft plan has been reviewed by the Toronto and Region Conservation Authority (TRCA) and the City. The FSR proposes a number of LID measures to minimize stormwater runoff from the subject lands following development and to ensure water balance between the pre and post development scenarios. These LID measures have been reviewed by the TRCA, and the City and have been assessed in the Water Balance Assessment prepared by WSP Canada Inc.

1. *Rainwater harvesting systems* - this involves roof leaders discharging directly to landscaped areas or to rain barrels for re-use of rainwater for irrigation/ lawn watering.
2. *Increased top soil thickness*- this involves increasing the depth of top soil in landscaped areas (backyards) from the standard 150mm to 300mm, which enhances stormwater storage and infiltration.
3. *Soakaway pits* – runoff from the rear of some lots can be conveyed to rear yard soakaway pits to promote infiltration and evapotranspiration.
4. *Permeable pavement* - installation of permeable pavers on driveways for certain lots to promote infiltration and direct reduce stormwater runoff to storm drains.
5. *Rain barrels* – Rain barrels will be provided for most of the residential lots to capture roof water .

6. *Dry swales with bioretention* – provided on all of the southern most single detached lots. The 4 metre wide dry swale will be located at the front of each lot within the private front yard area and used to infiltrate stormwater.

The draft conditions of approval include conditions to ensure appropriate implementation of these LID measures (see Appendix ‘B’). In addition to the LID measures described above, the applicants are providing the sustainable initiatives identified in Appendix ‘C’.

Parkland

The landowners, prior to the submission of these applications, conveyed approximately 2 hectares (5 acres) of land to be developed as a public park adjacent to the Aaniin Community Centre. This was to allow the public park and the Community Centre to be developed and available for public use concurrently. It is acknowledged that this earlier transfer of land for public park purposes will go towards satisfying the parkland requirements generated by the proposed development. The City will calculate the parkland dedication based on the most recent draft plan and if there is any parkland owing over and above the previous land transfer, the landowners will be required to pay cash-in-lieu of parkland. If the landowners have over-dedicated parkland, the City will reimburse the landowners accordingly. Conditions related to parkland dedication are included in the conditions of draft approval (see Appendix ‘B’).

Section 37 and Public Art

It is appropriate to consider a Section 37 contribution for community benefits specifically for public art for the proposed development. The Owner will be required to provide their appropriate Section 37 contribution as a condition of draft plan approval (see Appendix ‘B’).

Minor variances within two (2) years of the enactment of the amending zoning by-law will be permitted

The applicants have requested that Council grant exemption from subsection 45 (1.4) of the Planning Act, which will permit applications for minor variances within two (2) years of the enactment of the amending by-law attached as Appendix ‘A’. Staff have no objection to this request because the detailed designs of the homes have not yet been finalized, which is typical at draft plan of subdivision stage and the amending site-specific zoning by-law has been crafted to capture “typical” house designs only. It is not unusual for there to be homes which differ from the typical house design and which may, as a result, require a minor variance(s). Staff will have the opportunity to review the appropriateness of any requested minor variances should such applications be made in the future.

Staff therefore proposes that recommendation above be included in the Resolution of Council.

CONCLUSION:

CONCLUSION:

The proposed Draft Plan of Subdivision and Zoning By-law Amendment meet the general intent of the City's 2014 Official Plan. The proposed development will occupy one of the last remaining vacant parcels of land in the Armadale community. Appropriate pedestrian and vehicular connections are provided along with built form which will be compatible with surrounding development. Staff recommend that the Zoning By-law Amendment (Appendix 'A') be finalized and enacted without further notice and the Draft Plan of Subdivision be approved subject to the conditions in Appendix 'B').

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

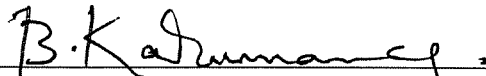
ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed development will align with the City's strategic priorities of safe and sustainable communities and growth management.

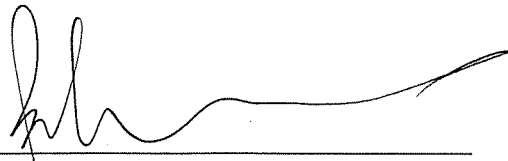
BUSINESS UNITS CONSULTED AND AFFECTED:

The applications have been circulated and reviewed by various City departments and external agencies. Requirements of the City and external agencies have been reflected in the conditions of approval of the draft plan of subdivision and in the site-specific Zoning By-law Amendment, as appropriate.

RECOMMENDED BY:



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



Brian Lee, P. Eng.
Acting Commissioner, Development
Services

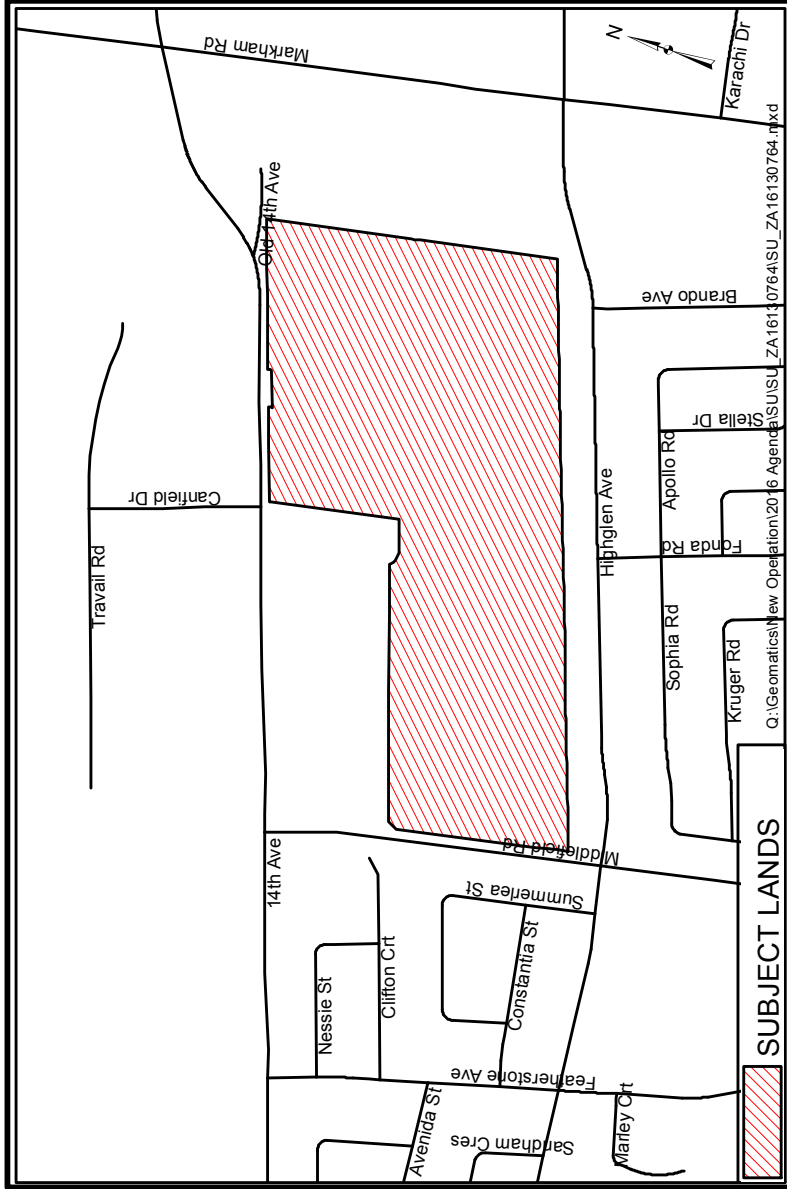
Figure 1: Location Map
Figure 2: Area Context/ Zoning
Figure 3: Air Photo
Figure 4: Draft Plan of Subdivision
Figure 5: Conceptual Rendering Single Family Homes
Figure 6: Conceptual Rendering Front-loaded Townhouses
Figure 7: Conceptual Rendering Rear-loaded Townhouses
Figure 8: Draft Reference Plan for lands being conveyed to Neamsby Investments Inc.

Appendix 'A': Draft Zoning By-law Amendment
Appendix 'B': Conditions of Draft Plan Approval
Appendix 'C': Sustainable Measures

APPLICANT CONTACT INFORMATION:

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AANIIN COMMUNITY CENTRE & LIBRARY

PUBLIC PARK

AERIAL PHOTO (2017)

APPLICANT: Neamsby Investments Inc., Cedarland Properties Ltd., 517737 Ontario limited,
 Ruland Properties Inc. and Three Gems Developments Inc.

 SUBJECT LANDS

FILE No. SU_ZA 16130764 (SM)

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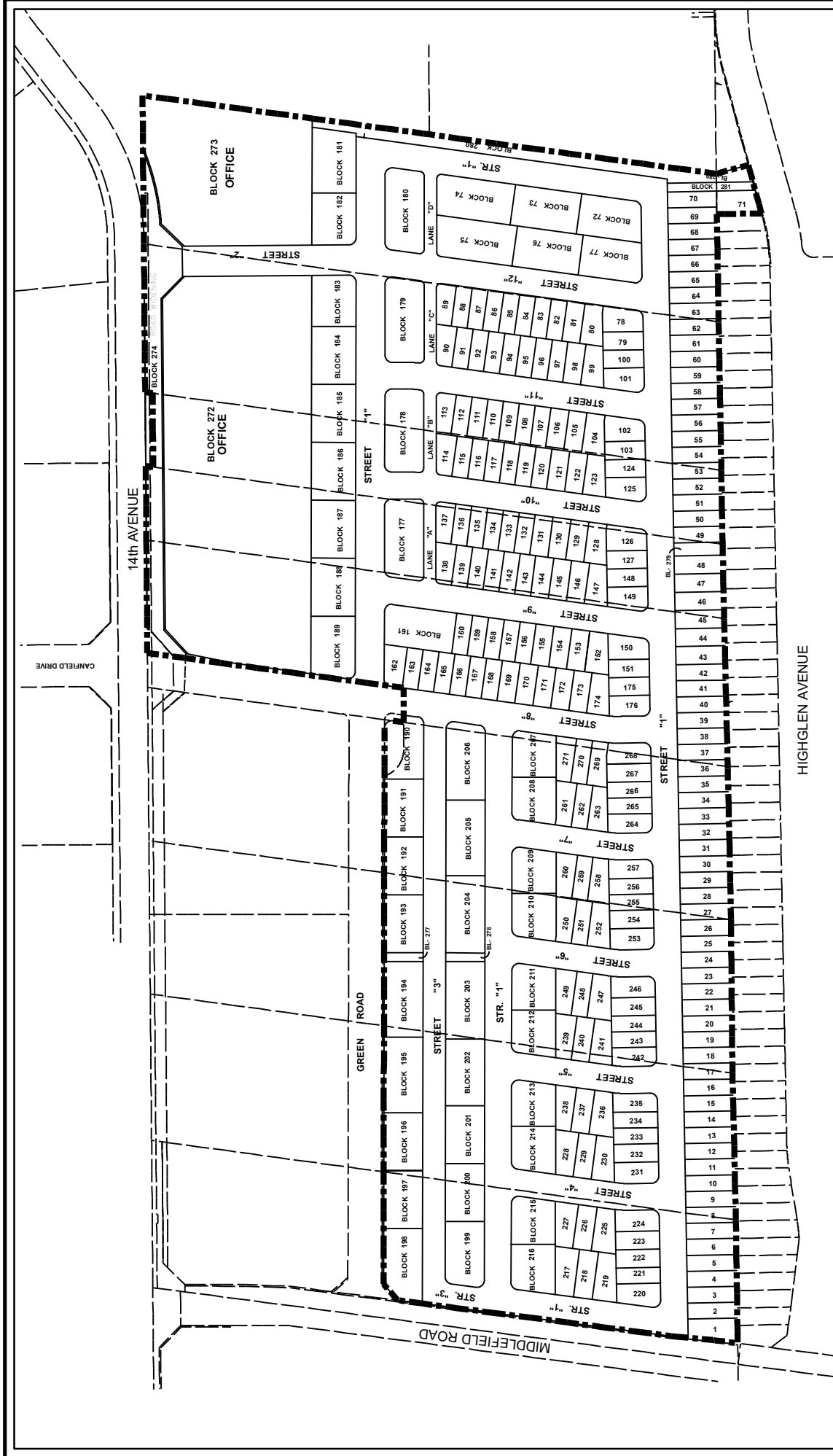


Drawn By: CPW

Checked By: SM

DATE: 19/03/2018

FIGURE No. 3



DRAFT PLAN OF SUBDIVISION

APPLICANT: Neamsby Investments Inc., Cedarland Properties Ltd., 517737 Ontario limited,
 Ruland Properties Inc. and Three Gems Developments Inc.
 5659 - 5933 14th Avenue

FILE No. SU_ZA 16130764 (SM)

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FIGURE No.4



SINGLE FAMILY HOME PRELIMINARY RENDERING

APPLICANT: Neamsby Investments Inc., Cedarland Properties Ltd., 517737 Ontario limited,
Ruland Properties Inc. and Three Gems Developments Inc.
5659 - 5933 14th Avenue

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DATE: 19/03/2018

FIGURE No.5





TOWNHOUSES CONCEPTUAL RENDERING FRONT-LOADED

APPLICANT: Neamsby Investments Inc., Cedarland Properties Ltd., 517737 Ontario limited,
Ruland Properties Inc. and Three Gems Developments Inc.
5659 - 5933 14th Avenue

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TOWNHOUSES CONCEPTUAL RENDERING REAR-LOADED

APPLICANT: Neamsby Investments Inc., Cedarland Properties Ltd., 517737 Ontario limited,
Ruland Properties Inc. and Three Gems Developments Inc.
5659 - 5933 14th Avenue

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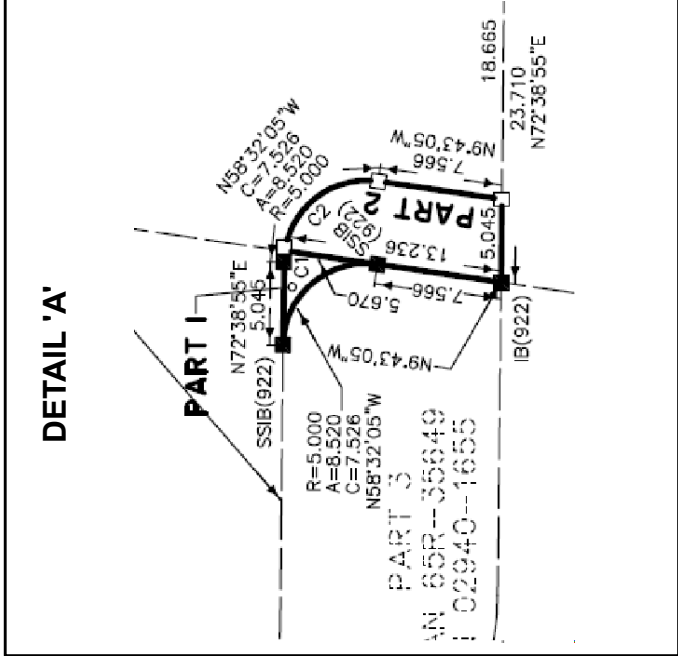
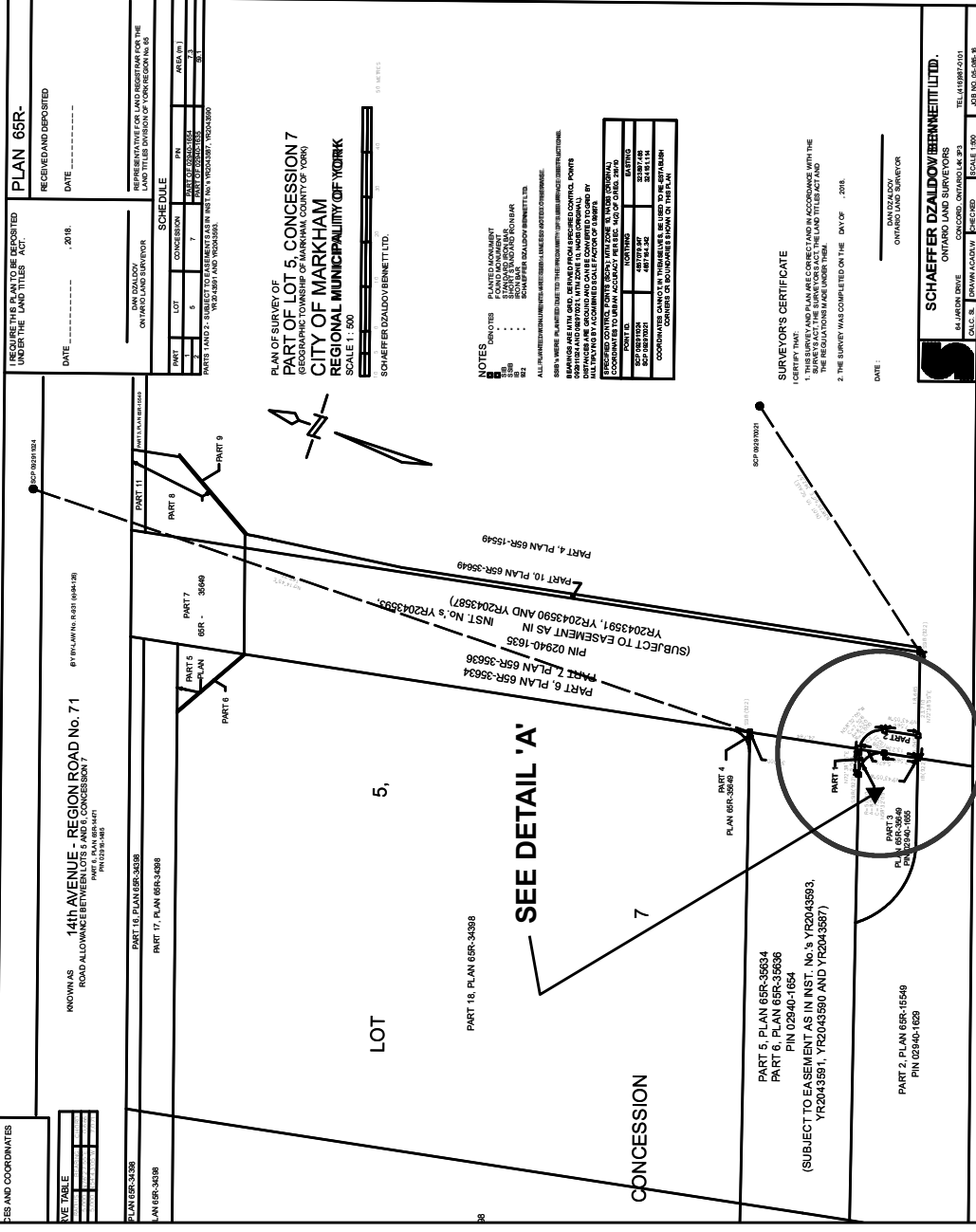


Drawn By: CPW

Checked By: SM

DATE: 19/03/2018

FIGURE No.7



REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.		PLAN 65R-
DATE	RECEIVED AND DEPOSITED	
DATE	DATE	
SCHEDULE		
PART	CONVEYANCE	PIN
1	5	02940-1654
2	7	02940-1654
3	7	02940-1654
4	7	02940-1654
5	7	02940-1654
6	7	02940-1654
7	7	02940-1654
8	7	02940-1654
9	7	02940-1654
10	7	02940-1654
11	7	02940-1654

PLAN OF SURVEY OF
 PART OF LOT 5, CONCESSION 7
 (GEOGRAPHIC TOWNSHIP OF MARKHAM COUNTY OF YORK)
 CITY OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK
 SCALE 1:500
 SCHAEFER DZALDOW/BENNETT LTD.

NOTES	PLANTED MONUMENT FOUND MONUMENT
1	ALL PLANTINGS ARE TO BE MAINTAINED BY THE SURVEYOR.
2	ALL PLANTINGS ARE TO BE MAINTAINED BY THE SURVEYOR.
3	ALL PLANTINGS ARE TO BE MAINTAINED BY THE SURVEYOR.
4	ALL PLANTINGS ARE TO BE MAINTAINED BY THE SURVEYOR.
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9	ALL PLANTINGS ARE TO BE MAINTAINED BY THE SURVEYOR.
10	ALL PLANTINGS ARE TO BE MAINTAINED BY THE SURVEYOR.
11	ALL PLANTINGS ARE TO BE MAINTAINED BY THE SURVEYOR.

SURVEYOR'S CERTIFICATE
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE SURVEYOR'S OATH AND THE LAND TITLES ACT AND THE SURVEYOR'S OATH.
 2. THE SURVEY WAS COMPLETED ON THE DATE OF .2018.

SCHAEFER DZALDOW/BENNETT LTD.
 SURVEYOR
 81 JUNCTION DRIVE ONTARIO LAGO SUPERIOR TEL: (416) 887-8200
 CONCORD, ONTARIO L4G 3K2 FAX: (416) 887-8200
 SCALE: 1:500 JOB NO. 06-08-16
 FEBRUARY 21, 2018

DRAFT REFERENCE PLAN FOR LANDS TO BE CONVEYED TO NEAMSBY INVESTMENTS INC.

APPLICANT: Neamsby Investments Inc., Cedarland Properties Ltd., 517737 Ontario limited,
 Ruland Properties Inc. and Three Gems Developments Inc.
 5659 - 5933 14th Avenue

FILE No. SU_ZA 16130764 (SM)

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MARKHAM DEVELOPMENT SERVICES COMMISSION

DATE: 19/03/2018

FIGURE No.8

Checked By: SM



BY-LAW 2018-_____

A By-law to amend By-laws 108-81 and 304-87, as amended
(to delete lands from the designated areas of By-laws 108-81 and 304-87)
and to amend By-law 177-96, as amended
(to incorporate lands into the designated area of By-law 177-96)

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

1. That By-laws 108-81 and 304-87, as amended, are hereby further amended by deleting the lands shown on Schedule ‘A’ attached hereto, from the designated areas of By-law 108-81 and 304-87, as amended.
2. That By-law 177-96, as amended, is hereby further amended as follows:
 - 2.1 By expanding the designated area of By-law 177-96, as amended, to include additional lands as shown on Schedule “A” attached hereto.
 - 2.2 By zoning the lands outlined on Schedule “A” attached hereto:

from:

**General Industrial (M) Zone (By-law 177-96);
 Rural Residential Two (RR2) Zone (By-law 304-87);
 Rural Residential Four (RR4) Zone (By-law 304-87);
 Major Commercial (MJC) (By-law 108-81)
 Business Corridor (BC) Zone (By-law 177-96); and
 General Industrial *114 (M*114) Zone (By-law 177-96)**

to:

**Residential Two * 588 (R2*588) Zone (By-law 177-96);
 Residential Two *589 (R2*589) Zone (By-law 177-96);
 Business Corridor *590 (BC*590) Zone (By-law 177-96); and
 Business Corridor *591 (BC*591) Zone (By-law 177-96)**
3. By adding the following subsection to Section 7- EXCEPTIONS

Exception 7.588	Neamsby Investments Inc., Cedarland Properties Limited, 517737 Ontario Limited, Ruland Properties Inc., & Three Gems Developments Inc. 5659 to 5933 14 th Avenue	Parent Zone R2
File ZA 16 130764		Amending By-law 2018-_____
Notwithstanding any other provisions of By-law, 177-96 the following provisions shall apply to the lands shown on Schedule “A” attached to By-law 2017-___ and denoted by the symbol *588.		
7.588.1 Only Permitted Uses		
The following uses are the only permitted uses:		
a)	<i>Single Detached Dwellings</i>	
b)	<i>Home Occupation</i>	
c)	<i>Home Child Care</i>	
7.588.2 Special Zone Standards		
The following specific Zone Standards shall apply:		
a)	Minimum lot <i>frontage</i> – 10.7m	
b)	Minimum required <i>front yard</i> – 3m on a lot not accessed by a lane	

b)	Maximum <i>garage width</i> – 6m
c)	Maximum <i>driveway width</i> shall be the maximum <i>garage width</i> plus 1m
g)	Minimum required <i>rear yard</i> : 6m
h)	Maximum <i>height</i> – 12m
i)	Section 6.2.4.2 of By-law 28-97, as amended, shall not apply
j)	The provisions of Table B2 – Part 1 apply to all lots, unless amended by this Section 7.588

Exception 7.589	Neamsby Investments Inc., Cedarland Properties Limited, 517737 Ontario Limited, Ruland Properties Inc., & Three Gems Developments Inc. 5659 to 5933 14 th Avenue	Parent Zone R2
File Z A 16 130764		Amending By-law 2018-____
Notwithstanding any other provisions of By-law, 177-96 the following provisions shall apply to the lands shown on Schedule “A” attached to By-law 2017-____ and denoted by the symbol *589		
7.589.1 Only Permitted Uses		
The following uses are the only permitted uses:		
a)	<i>Townhouse dwellings</i>	
b)	<i>Home Occupation</i>	
c)	<i>Home Child Care</i>	
7.589.2 Special Zone Standards		
The following specific Zone Standards shall apply:		
a)	Minimum lot <i>frontage</i> :	
	i) 6.0m per unit on an <i>interior lot</i> ;	
	ii) 7.0m per end unit on an <i>interior lot</i> ;	
	iii) 8.5m per end unit on a <i>corner lot</i>	
b)	Minimum required <i>front yard</i> :	
	i) 3m on a lot not accessed by a lane	
c)	Maximum <i>garage width</i> and <i>driveway width</i> on lots not accessed by a lane- 3.5m	
d)	Minimum required <i>rear yard</i> :	
	i) 7m on a lot not accessed by a lane;	
	ii) 5.8m on a lot accessed by a lane.	
e)	Maximum <i>height</i> – 12m	
f)	Minimum required <i>yard</i> abutting a transformer notch – 0m	
j)	Notwithstanding the provisions of Section 6.6.1 (a) encroachments as outlined in the provisions of Section 6.6.1 (a), may be located no closer than 0.3m from the <i>front lot line</i> , <i>rear lot line</i> or <i>exterior lot line</i>	
k)	The provisions of Table B2 – Part 1 apply to all lots, unless amended by this Section 7.589.	
l)	Special Provision #5 of Table B2 shall not apply	
m)	For the purposes of this By-law the public street labelled “Street Three (3)” on the attached Schedule ‘A’ shall be deemed to be a <i>lane</i>	
n)	The minimum setback for driveways crossing the rear lot line from the exterior side lot line shall be XXXXXm	

Exception 7.590	Applicant Name		Parent Zone
File Z A 16 130764	Neamsby Investments Inc., Cedarland Properties Limited, 517737 Ontario Limited, Ruland Properties Inc., & Three Gems Developments Inc. 5659 to 5933 14th Avenue		RR4,RR2, M, M*114 & MJC Amending By-law 2018-
Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted *588 as shown on 'Schedule A' to this By-law subject to any holding provisions applying to the subject lands.			
7.590.1 Additional Permitted Uses			
The following uses are additional permitted uses:			
a)	<i>Retail Stores</i>		
b)	<i>Community College or University</i>		
c)	<i>Motor Vehicle Sales Establishment</i>		
7.590.2 Special Zone Standards			
The following specific Zone Standards shall apply:			
a)	The combined gross floor area devoted to all retail stores, including accessory retail uses, is limited to a maximum of 50% of the total gross floor area of the building, or 3000m ² , whichever is less		
b)	Maximum total gross floor area devoted to all retail stores – 3000m ²		
c)	Restaurants shall be located within a multiple unit building containing office and/or industrial uses, and the combined gross floor area devoted to all restaurants is limited to a maximum of 50% of the total gross floor area of the building.		
d)	Table A4 shall not apply		
e)	Minimum lot frontage – 50m		
f)	The front lot line shall be the streetline so designated in an application for a building permit		
Exception 7.591	Applicant Name		Parent Zone
File Z A 16 130764	Neamsby Investments Inc., Cedarland Properties Limited, 517737 Ontario Limited, Ruland Properties Inc., & Three Gems Developments Inc. 5659 to 5933 14th Avenue		RR4,RR2, M, M*114 & MJC Amending By-law 2018-
Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted *588 as shown on 'Schedule A' to this By-law subject to any holding provisions applying to the subject lands.			
7.591.1 Additional Permitted Uses			
The following uses are additional permitted uses:			
a)	<i>Retail Stores</i>		
b)	<i>Community College or University</i>		
c)	<i>Motor Vehicle Sales Establishment</i>		
d)	<i>One (1) Single Detached Dwelling</i>		
e)	<i>Home Occupation</i>		
7.591.2 Special Zone Standards			
The following specific Zone Standards shall apply:			
a)	The combined gross floor area devoted to all retail stores, including accessory retail uses, is limited to a maximum of 50% of the total gross floor area of the building, or 3000m ² , whichever is less		
b)	Maximum total gross floor area devoted to all retail stores – 3000m ²		
c)	Restaurants shall be located within a multiple unit building containing office and/or industrial uses, and the combined gross floor area devoted to all restaurants is limited to a maximum of 50% of the total gross floor area of the building.		
d)	Table A4 shall not apply		
e)	Minimum lot frontage- 50m		
f)	The front lot line shall be the streetline so designated in an application for a building permit		

3. SECTION 37 AGREEMENT

- 3.1 The applicant shall be required to enter into a Section 37 Agreement to secure the provision of community facilities and services by the City for the lands zoned R2*588 and R2*589, as shown on Schedule 'A' to this By-law.

Read a first, second and third time and passed on _____, 2018.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

AMANDA File No.: ZA 16 130764

DRAFT



EXPLANATORY NOTE

BY-LAW 2018-_____

A By-law to amend By-law 304-87, 108-81 and 177-96, as amended

**5659 to 5933 14th Ave
Lands located south of 14th Avenue, east of Middlefield Road
CON 7 PT LOT 5**

Lands Affected

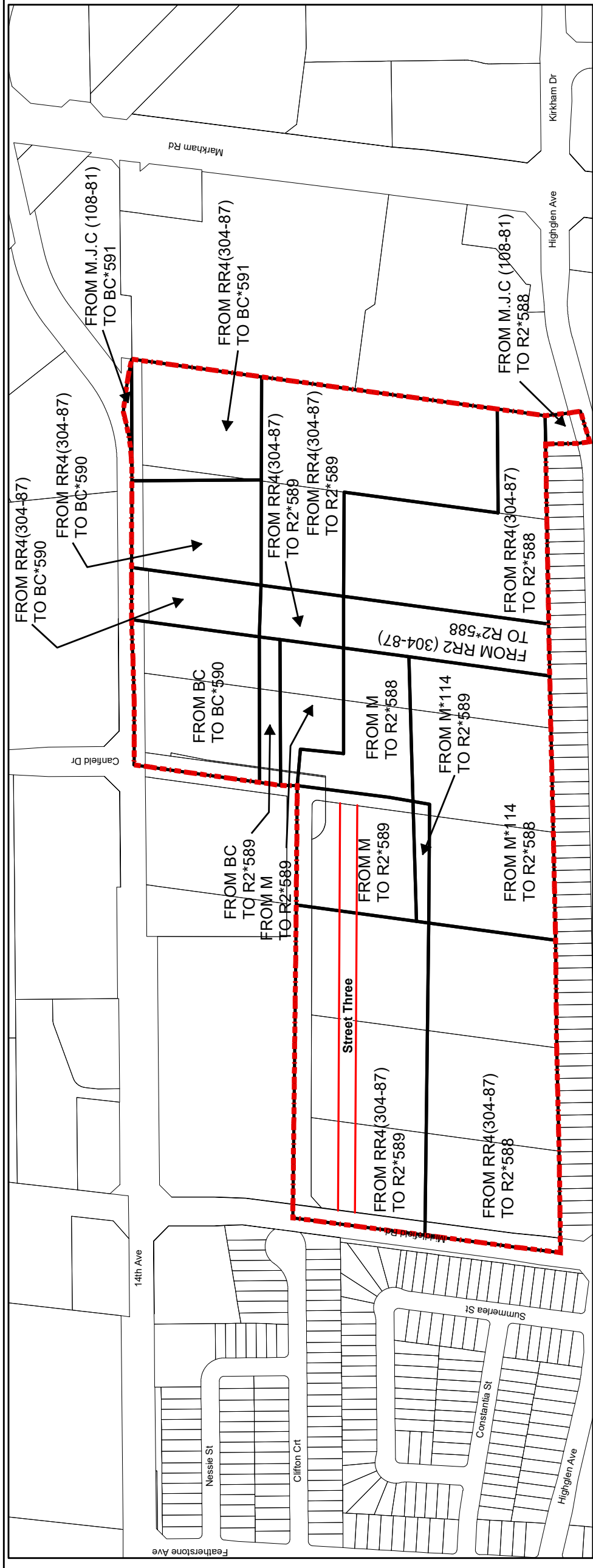
The proposed by-law amendment applies to 25.4 hectares (62.8 acres) of land comprised of 9 properties located on the east side of Middlefield Road, south of 14th Avenue and municipally known as 5659 to 5933 14th Avenue.

Existing Zoning

The subject land is currently zoned “Rural Residential Two (RR2)” and “Rural Residential Four (RR4)” under By-law 304-87, as amended, “General Industrial (M)”, “General Industrial*114 (M*114)” and “Business Corridor (BC)” under By-law 177-96, as amended, and “Major Commercial (MJC)” under By-law 108-81, as amended.

Purpose and Effect

The purpose and effect of this By-law is to amend By-law 304-87, as amended, By-law 177-96, as amended and By-law 108-81, as amended and to rezone the subject land to “Residential Two*588 (R2*588)”, “Residential Two*589 (R2*589)”, “Business Corridor *590 (BC*590)” and “Business Corridor *591 (BC*591)” in By-law 177-96, as amended in order to facilitate residential development consisting of single detached and townhouse dwellings, future commercial development and retention of an existing heritage dwelling, including the introduction of site-specific development standards.



BY-LAW SCHEDULE "A" TO BY-LAW AMENDING BY-LAWS 108-81, 177-96 AND 304-87 DATED

- BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE TO BE DELETED FROM 108-81 AND 304-87 AND ADDED TO 177-96
- BOUNDARY OF ZONE DESIGNATION(S)
- RR2 RURAL RESIDENTIAL TWO (304-87)
- RR4 RURAL RESIDENTIAL FOUR (304-87)
- M INDUSTRIAL (304-87)
- M.J.C. MAJOR COMMERCIAL (108-81)
- BC BUSSINESS CORRIDOR (177-96)
- R2 RESIDENTIAL TWO (177-98)
- M GENERAL INDUSTRIAL (177-96)
- * (No) ZONE DESIGNATION

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.

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the City of Markham Clerk's Office

APPENDIX 'B'

DRAFT PLAN CONDITIONS

THE CONDITIONS OF THE COUNCIL OF THE CITY OF MARKHAM
TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF
PLAN OF SUBDIVISION 19TM - 16002
NEAMSBY INVESTMENTS INC., CEDARLAND PROPERTIES LIMITED, 517737
ONTARIO LIMITED, RULAND PROPERTIES INC., AND THREE GEMS
DEVELOPMENTS INC.
ARE AS FOLLOWS:

1. General

- 1.1 Approval shall relate to a draft plan of Subdivision prepared by KLM Planning Partners Inc., with a Surveyor's Certificate from Schaeffer Dzaldov Bennett Ltd., dated February 5, 2018, and identified as Project No. P- 2299 and Drawing No. 18:3, and incorporating the following redline revisions:
 - Show ROW triangle for all roadways intersections.
- 1.2 This draft approval shall apply for a maximum period of three (3) years from date of issuance by the City, and shall accordingly lapse on XXXX, 2021 unless extended by the City upon application by the Owner.
- 1.3 The Owner shall enter into a subdivision agreement with the City agreeing to satisfy all conditions of the City and Agencies, financial and otherwise, prior to final approval.
- 1.4 The Owner acknowledges and understands that prior to final approval of this draft plan of subdivision, any amendments (if applicable) to the City's in-force Official Plan (1987 Revised) and City's new 2014 Official Plan (as partially approved by the OMB on October 30, 2015, May 26, 2016, March 10, 2017, April 21, 2017 & November 24, 2017), as amended, and Zoning By-law 177-96, as amended to implement the plan shall have come into effect in accordance with the provisions of the Planning Act.
- 1.5 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the City, 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, Stormwater Management Study (Environmental Master Drainage Plan), Noise Impact Study, Functional Servicing Report, confirmation of alignment of roads with the locations shown in the draft approved plans, as well as any comments and conditions received from municipal departments and external agencies after draft approval is granted.

- 1.6 The Owner covenants and agrees to enter into a construction agreement and/or encroachment agreement or any other agreement deemed necessary to permit construction of services, roads, traffic signals, stormwater management facilities or any other services/ facilities that are required external to the plan of subdivision (or site plan) and that are required to service the proposed development, to the satisfaction of the Director of Engineering and the City Solicitor.
- 1.7 The Owner acknowledges and agrees to provide the appropriate public art contribution through a Section 37 Agreement, to the satisfaction of the Director of Planning and Urban Design.
- 1.8 Prior to final approval of the draft plan, the Owner acknowledges and agrees to obtain required approval from the Region of York, Toronto and Region Conservation Authority (TRCA) and any other applicable public agencies to the satisfaction of the Director of Engineering.
- 1.9 The Owner shall covenant and agree in the subdivision agreement to obtain approval of Site Alteration Plans in accordance with the City's Standards prior to proceeding with any on-site works and more particularly topsoil stripping.
- 1.10 The Owner covenants and agrees to provide a list of sustainable initiatives which will be incorporated into the proposed residential development to the satisfaction of the Director of Planning and Urban Design.

2. Roads

- 2.1 The road allowances within the draft plan shall be named to the satisfaction of the City and the Region of York.
- 2.2 The road allowances within the draft plan shall be dedicated as public highway, free of costs and encumbrances.
- 2.3 The Owner shall covenant and agree in the subdivision agreement that the public highways shall be designed and constructed in accordance with established municipal standards to the satisfaction of the City (Commissioner of Development Services).
- 2.4 The Owner shall covenant and agree in the subdivision agreement to provide temporary turning circles where required at their cost and remove them and restore the streets to their normal condition at their cost when required by the City, to the satisfaction of the City (Commissioner of Development Services). 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 City.

- 2.5 Prior to the final approval of the draft plan, the Owner shall show the ROW rounding radius and/or daylight triangles of all road intersections, as redlined on the draft plan, to the satisfaction of the City.
- 2.6 The Owner shall covenant and agree in the subdivision agreement to apply for a Road Occupancy Permit or Permit to Enter, if any works or access to works is proposed on City owned lands.
- 2.7 The Owner shall convey Block 275 to the City for road widening purposes, free of all costs and encumbrances, to the satisfaction of the City upon registration of the plan of subdivision.

3. Community Design

- 3.1 Prior to submission of the first building permit application for any building within the subdivision, the Owner shall submit details of each and every model home type within the plan of subdivision to the Director of Planning and Urban Design for review and approval to ensure that the floor plans, building elevations and site plan are designed in accordance with the City's Generic Architectural Control Guidelines. The Owner and the City shall acknowledge and agree that approval of the model homes by the City will negate the need for control architect concurrence at the building permit stage.
- 3.2 The Owner shall retain a design consultant to submit a priority lot plan in accordance with the City's Generic Architectural Control Guidelines to the satisfaction of the Director of Planning and Urban Design.
- 3.3 The Owner shall submit townhouse siting applications for all townhouse blocks in accordance with the City's Site Plan Control By-law 262-94, as amended, to the satisfaction of the Director of Planning and Urban Design.

4. Parks and Open Space

- 4.1 The Owner shall post approved copies of any Open Space Plans, Conceptual Park Development Master Plans and Conceptual Facility Fit Plans and for the park and school campus in all sales offices for dwelling units within the draft plan of subdivision.
- 4.2 The Owner shall provide a specialized depth of topsoil in the entire municipal boulevard to appropriately plant boulevard trees to the satisfaction of the Director of Planning and Urban Design.

4.3 The Owner shall be required to provide land for park or other recreational purposes which parkland dedication will be required at a rate as specified in the City's Parkland Dedication By-law 195-90, as amended, and in accordance with the Planning Act, as amended.

5. Landscape Works

5.1 Prior to execution of the subdivision agreement, the Owner shall submit landscape plans prepared by a qualified person based on the Streetscape Manual, Public Realm Guidelines, Architectural Control Guidelines, and Community Design Plan, as applicable, into all landscape works, to the satisfaction of the Director of Planning and Urban Design, such works to include, but not be limited to:

- a) street tree planting in accordance with the City of Markham Streetscape Manual;
- b) 1.8m high wood screen corner lot fencing, if required;
- c) rear yard planting if required to meet total amount of tree compensation in accordance with clause 6.4;
- d) streetscape plans for all public streets;
- e) perimeter fencing, if required;
- f) noise attenuation in accordance with the approved noise study;
- g) any other landscaping as determined by the Community Design Plan, Public Realm Guidelines, Architectural Control Guidelines and Environmental Master Drainage Plan or as deemed appropriate by the Director of Planning and Urban Design.

5.2 The Owner shall construct all landscaping in accordance with the approved plans at no cost to the City.

5.3 The Owner shall not permit their builders to charge home purchasers for the items listed in Condition 5.1.

5.4 The Owner shall include in all agreements of purchase and sale the following clause:

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

- STREET TREES (TREES PLANTED IN THE CITY BOULEVARD OR IN ADJACENT PUBLIC LANDS OR PRIVATE LOTS TO MEET 5.1 A)
- CORNER LOT FENCING
- REAR LOT LINE FENCING AT LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
- TREE PLANTING IN REAR YARDS ADJOINING THE LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
- NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY
- FENCING OF SCHOOL, PARK, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS
- BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES
- SUBDIVISION ENTRY FEATURES AND DECORATIVE FENCING AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE CITY

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

6. Tree Inventory and Tree Preservation Plans

- 6.1 The Owner shall submit for approval a tree inventory and tree preservation plan to the satisfaction of the Director of Planning and Urban Design in accordance with the City of Markham Streetscape Manual dated 2009, as amended from time to time.
- 6.2 The Owner shall submit a site grading plan showing the trees to be preserved based on the approved Tree Preservation Plan prior to the issuance of a Top Soil Stripping Permit to the satisfaction of the Director of Planning and Urban Design.
- 6.3 The Owner shall obtain written approval from the Director of Planning and Urban Design prior to the removal of any trees or destruction or injury to any part of a tree within the area of the draft plan.
- 6.4 The Owner shall submit for approval, as part of the tree inventory and tree preservation plan, in accordance with the City of Markham Streetscape Manual a tree compensation schedule detailing replacement and enhancement planting or the replacement value based on the following:
 - a) Trees between 20cm and 40cm diameter at breast height (DBH) shall be replaced at a ratio of 2:1
 - b) All trees over 40cm DBH shall have an individual valuation submitted to the City by an ISA certified Arborist in accordance with the Council of Tree and Landscape Appraisers (CTLA) Guide for Plant Appraisal (2000)

- c) Where a site does not allow for the 2:1 replacement, the City will negotiate a credit for tree planting on alternate sites which may include the rear yards of lots.
- d) The requirement for the replacement or equivalent economic value following unauthorized tree removal or damage shall be determined by the City.

7. Financial

- 7.1 Prior to execution of the subdivision agreement the Owner shall provide a letter of credit, in an amount to be determined by the Director of Planning and Urban Design, to ensure compliance with applicable tree preservation, fencing, streetscape, buffer, landscaping and other landscaping requirements.

8. Noise Impact Study

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

9. Stormwater Management

- 9.1 Prior to final approval of the draft plan, the Owner shall submit a stormwater management study, prepared by a qualified engineer, detailing the provision of water quality and quantity management facilities, hydraulic gradelines, overland flow routes, and erosion and siltation controls for the draft plan for approval by the City and the TRCA. The Owner acknowledges and agrees that they will be required to construct the proposed stormwater management facilities and overland routes, provide any easements or lands for stormwater and overland flow purposes and to revise the draft plan accordingly, as may ultimately be required.
- 9.2 The Owner shall convey Block 281 to the City, for storm water management purposes, free of all costs and encumbrances, to the satisfaction of the City and the TRCA, upon registration of the plan of subdivision.
- 9.3 Prior to final approval of the draft plan, the Owner shall submit a detailed design plan for Block 281 prepared by a qualified consultant to the satisfaction of the City.
- 9.4 The Owner covenants and agrees that the City at its discretion may accept the dry

swale with bio-retention (the “Swale”) proposed to be constructed within Lots 1 to 70 (the “Lots”).

In the event the Swale is accepted by the City, the Owner further agrees to:

- a) Provide the purchaser/ tenant for the Lots a plan showing the location of the Swale.
- b) Provide the purchaser/ tenant for the Lots an information brochure for the Swale and its future maintenance requirements by the purchaser/tenant to ensure it is working for it’s intended purpose.
- c) Register on title the Swale to the satisfaction of the City.
- d) Include warning clauses in all Agreements of Purchase and Sale for the Lots advising purchasers of the Swale and that the Owner of the Lots are responsible for the maintenance of the Swale. The Owner acknowledges the warning clause will be reviewed and approved by the City during the preparation of the subdivision agreement.
- e) Provide design drawings including without limitations landscape drawings, all prepared by a qualified consultant and forward the drawings to the City for acceptance.
- f) Obtain all approvals and permits required from the City and external agencies prior to construction of the Swale.

In the event that the Swale is not accepted by the City, the Owner shall implement other Low Impact Development methods to achieve the target water balance measures for the proposed development, to the satisfaction of the City (Commissioner of Development Services).

10. Municipal Services

- 10.1 Prior to final approval of the draft plan, the Owner shall prepare, to the satisfaction of the City (Commissioner of Development Services), a Functional Servicing Report to determine the infrastructure required for all municipal services internal to the subdivision and potential upgrades to municipal infrastructure downstream of the subdivision resulting from this development. Any requirements resulting from this Report shall be incorporated into the draft plan and provided for in the subdivision agreement. The Owner shall covenant and agree in the subdivision agreement to pay for all external municipal infrastructure upgrades.
- 10.2 The Owner shall covenant and agree in the subdivision agreement that they shall be required to construct, or pay for the construction of roads, bicycle lanes, curbs, gutters, sidewalks (in accordance with the applicable Council policy 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).

- 10.3 Prior to final approval of the draft plan, detailed engineering drawings shall be provided by the Owner in accordance with the City's Design Criteria and Standards which will include, but not be limited to grading control plans, plan and profile drawings of all underground and aboveground services, general plans, drainage plans, composite utility plans, streetlighting design drawings, stormwater management detail plans, etc. to the satisfaction of the City (Commissioner of Development Services).
- 10.4 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Services has been advised by the Fire Chief that there is an adequate water supply for firefighting operations and acceptable access for firefighting equipment is available.
- 10.5 The Owner shall convey Block 280 to the City, free of all costs and encumbrances, to the satisfaction of the City upon registration of the plan of subdivision.
- 10.6 Prior to final approval of the draft plan, the Owner shall submit a detailed design plan for Block 280 prepared by a qualified consultant and further agrees to revise the draft plan if required, to implement the accepted grading scheme for Block 280 to the satisfaction of the City.
- 10.7 The Owner agrees to disconnect the existing 200mm diameter watermain stub with a municipal easement on property with municipal address 7650 Markham Road (Canadian Tire Real Estate Ltd.) if required by the City to the satisfaction of the City.

11. Easements

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

12. Utilities

- 12.1 The Owner shall covenant and agree in the subdivision agreement that hydro electric, telephone, gas and television cable services and any other form of telecommunication services shall be constructed at no cost to the City as underground facilities within the public road allowances or within other appropriate easements, as approved on the Composite Utility Plan, to the satisfaction of the City (Commissioner of Development Services) and authorized agencies.

- 12.2 The Owner shall covenant and agree in the subdivision agreement to enter into any agreement or agreements required by any applicable utility companies, including Alectra (formerly PowerStream) , Enbridge, telecommunications companies, etc.
- 12.3 The Owner shall covenant and agree in the subdivision agreement to facilitate the construction of Canada Post facilities at locations and in manners agreeable to the City of Markham in consultation with Canada Post and that where such facilities are to be located within public rights-of-way they shall be approved on the Composite Utility Plan and be in accordance with the Community Design Plan.
- 12.4 The Owner shall covenant and agree in the subdivision agreement to include in 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 purchasers of the exact Community Mailbox locations prior to the closing of any home sale.
- 12.5 The Owner shall covenant and agree in the subdivision agreement to provide a suitable temporary Community Mailbox location(s) which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to new residents as soon as homes are occupied.
- 12.6 Standard Community Mailbox installations are to be done by Canada Post at locations approved by the municipality and shown on the Composite Utility Plan. Should the developer propose an enhanced Community Mailbox installation, any costs over and above the standard installation must be borne by the developer, and be subject to approval by the City in consultation with Canada Post.
- 12.7 The Owner covenants and agrees that it will permit any telephone or telecommunication service provider to locate its plant in a common trench within the proposed subdivision prior to registration provided the telephone or telecommunications services provider has executed a Municipal Access Agreement with the City. The Owner shall ensure that any such service provider will be permitted to install its plant so as to permit connection to individual dwelling units within the subdivision as and when each dwelling unit is constructed.
13. Transportation Impact Study/Internal Functional Traffic Design Study
- 13.1 Prior to final approval of the draft plan, the Owner covenants and agrees to address all outstanding comments related to the Transportation Impact Study and Transportation Demand Management Plan to the satisfaction of the City 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 Director of Engineering.

- 13.2 The Owner shall provide a revised Transportation Impact Study and Transportation Demand Management (TDM) Plan to address the comments provided by the City, to the satisfaction of the Director of Engineering.
- 13.3 The Owner shall covenant and agree in the subdivision agreement to provide the City with a TDM Letter of Credit in the amount to be approved by the Director of Engineering, to ensure compliance with the recommendations in the TDM Plan.
- 13.4 The Owner acknowledges that the City will require a 1.5m concrete sidewalk (the “Sidewalk”) on the west boulevard of Street 1 (East leg) in addition to a 3.0m multi-use path (the “MUP”) on the east boulevard of Street 1 (East leg). The Owner further agrees to revise the draft plan, if required, to implement the MUP and the Sidewalk to the satisfaction of the City (Commissioner of Development Services).
14. Development Charges
- 14.1 The Owner covenants and agrees to provide written notice of all development charges related to the subdivision development, including payments made and any amounts owing, to all first purchasers of lands within the plan of subdivision at the time the lands are transferred to the first purchasers.
- 14.2 The Owner shall pay all fees and development charges as set out in the subdivision agreement.
15. Environmental Clearance
- 15.1 The Owner covenants and agrees to retain a “Qualified Person” as defined by the *Environmental Protection Act* and its regulations to carry out all necessary environmental testing, evaluation and remediation and pay to the City for the third party peer review. The Owner acknowledges that it has retained a “Qualified Person” for the execution of the Owner’s obligation hereunder. The Owner agrees that it shall not substitute the “Qualified Person” without the prior written consent of the Director of Engineering.
- 15.2 The Owner covenants and agrees that, prior to execution of this Agreement, an environmental clearance shall be provided to the City for all lands or interests in lands to be conveyed to the City to the satisfaction of the Director of Engineering. The City shall be satisfied that the lands are environmentally suitable for their proposed use and be certified as such by the “Qualified Person” as defined in Ontario Regulation 153/04, all of which shall be in accordance with the *Environmental Protection Act* and its regulations. The “Qualified Person” shall file a Record of Site Condition on the Provincial Environmental Site Registry for all lands to be conveyed.

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

16. Heritage

- 16.1 Prior to final approval of the draft plan of subdivision or any phase thereof, the Owner shall carry out a cultural heritage resource assessment for the lands within the draft plan to ensure the assessment and identification of appropriate treatment of built heritage and archaeological resources, and further to mitigate any identified adverse impacts to significant heritage resources to the satisfaction of the City (Commissioner of Development Services) and the Ministry of Culture. No demolition, grading, filling or any form of soil disturbances shall take place on the lands within the draft plan in proximity to the heritage resource prior to the issuance of a letter from the Ministry of Culture (Heritage Branch) to the City indicating that all matters relating to heritage resources have been addressed in accordance with licensing and resource conservation requirements.
- 16.2 The Owner shall covenant and agree in the subdivision agreement to implement any measures recommended by the heritage resource assessment, to the satisfaction of the City and the Ministry of Culture.
- 16.3 The Owner covenants and agrees to retain the Heritage Building (George R. Cowie House) known municipally as 5933 14th Avenue on Block 273.
- 16.4 The Owner covenants and agrees to protect and conserve the Heritage Building through the following means:

- a) To keep the Heritage Building occupied for as long as possible prior to commencement of site/construction work to prevent vandalism and deterioration;
- b) To maintain the Heritage Building in good and sound conditions at all times prior to and during the development of the property;
- c) Once the Heritage Building is unoccupied, to undertake the following:
 - secure and protect the buildings from damage through procedures carried out according to the City of Markham's "Keep Markham Beautiful" By-law;
 - erect a "No-trespassing" sign in a visible location on the property indicating that the Heritage Building is to be preserved onsite and should not be vandalized and/or scavenged; and
 - install a 8 ft high fence around the perimeter of the house to protect the dwelling until the completion of construction in the vicinity or the commencement of long-term occupancy of the dwelling as confirmed by City (Heritage Section) staff.

16.5 Prior to final approval of the plan of subdivision or any phase thereof, the Owner is to implement the following measures to protect the Heritage Building:

- a) The Owner is to provide at its expense a legal survey of the Heritage Building to facilitate the registration of a Heritage Easement and Site Plan Agreement on the created/proposed block;
- b) The Owner is to enter into a Heritage Easement Agreement for the Heritage Building with the City;
- c) The Owner is to provide a Letter of Credit for the Heritage Building to ensure the preservation of the existing building (total \$250,000). The letter of credit shall be retained for use by the City and shall not be released until the following has been addressed:
 - construction and grading on the subject lands and adjacent lots, and roads have been completed to the satisfaction of the City(Commissioner of Development Services),
 - the building has been connected to municipal services,
 - the exterior restoration of the Heritage Building is complete,
 - the building meets the basic standards of occupancy as confirmed by the Building Standards Department, and
 - all other heritage requirements of the Subdivision Agreement have been completed;
- d) The Owner is to enter into a Site Plan Agreement with the City for the Heritage Building, containing details on the site plan such as driveway, grading, connections to municipal services, trees to be preserved and detailed elevations outlining the proposed restoration plan, any additions and alterations, and any proposed garage.

16.6 The owner shall covenant and agree in the subdivision agreement to preserve the Heritage Building through the following means:

- a) to provide and implement a traditional restoration plan for the Heritage Building, prepared by a qualified architect with demonstrated experience in heritage restoration projects, that would be reviewed and approved by the City (Heritage Section). The restoration plan is to be included in the Site Plan Agreement for the property;
 - b) to complete the exterior restoration of the Heritage Building, connection of all municipal services to the allocated lot (water, gas, hydro, cable, telephone etc.) and ensure basic standards of occupancy as confirmed by Building Standards Department within two years of registration of the plan of subdivision;
 - c) to ensure that the architectural design and elevations of dwellings proposed for adjacent lots is compatible with the restored heritage dwelling;
 - d) to ensure that the final proposed grading on the lots adjacent to Heritage Building is consistent with the existing historic grading of the Heritage Building;
 - e) To ensure that the historic front of the Heritage Building retains a front yard appearance, the type of fencing should be limited to a low residential picket fence rather than privacy fencing;
- 16.7 The Owner shall covenant and agree in the subdivision agreement to prepare and implement a marketing plan, to the satisfaction of the Commissioner of Development Services, which details the ways and means the Heritage Building will be marketed to prospective purchasers;
- 16.8 The Owner shall covenant and agree in the subdivision agreement to provide notice and commemoration of the Heritage Building through the following means:
- a) to provide and install at its cost, an interpretative baked enamel plaque for the Heritage Building, in a publicly visible location on the property. The plaque is to be designed according to the specifications of the "Markham Remembered" program, and outline the history of the house. Details of the design and location of the plaque are to be submitted for review and approval of the City (Heritage Section);
 - b) to include the following notice in each Offer of Purchase and Sale for the Heritage Building:

"Purchasers are advised that the existing building on this property is designated pursuant to the Ontario Heritage Act, and is subject to a heritage easement agreement with the City of Markham. Any proposed additions or alterations to the exterior of the existing dwelling shall be subject to review and approval of plans by the City."
- 16.9 Prior to final approval of the plan of subdivision or any phase thereof, the Manager of Heritage Planning shall advise that Conditions 16.1 to 16.8, inclusive, have been satisfied.

16.10 Prior to final approval of the plan of subdivision or any phase thereof, the Manager of Heritage Planning shall advise that Conditions 16.1 to 16.9 inclusive, have been satisfied.

17. Well Monitoring Program and Mitigation Plan

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

18. Other City Requirements

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

18.2 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Services has been advised by the Fire Chief that there is an adequate water supply for firefighting operations and acceptable access for firefighting equipment is available. The Owner shall further covenant and agree that fire protection sprinklers (if required) are installed to the satisfaction of the Fire Chief or his designate.

18.3 The Owner shall acknowledge and agree that the adequacy and reliability of water supplies for firefighting purposes are subject to review and approval of the Fire Chief or his designate.

18.4 The Owner shall covenant and agree in the subdivision agreement to include warning clauses in agreements of purchase and sale for all units with single car garages advising purchasers of the following:

- the City's parking by-law requires a minimum of two parking spaces, one in the driveway and one in the garage;
- the City's zoning by-law restricts the width of the driveway, this width does not allow two cars to park side by side; and,
- overnight street parking will not be permitted unless an overnight street parking permit system is implemented by the City

18.5 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:

Park, 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 site by type; commercial site 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 sidewalk, walkway and bike route locations; City approved postal box and utility furniture locations or possible locations if prior to approval; City lot grading standards.

All display plans shall be reviewed and approved at the sales office by City staff, prior to the opening of the sales office.

- 18.6 The Owner covenants and agrees to purchase from the City two (2) recycling containers, one (1) green bin and one (1) 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.
 - 18.7 The Owner covenants and agrees to contact the City at least four (4) 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.
 - 18.8 The Owner covenants 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.
 - 18.9 The Owner covenants and agrees that during the construction phase of the development, unobstructed roadway access to a width no less than 6 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.
19. Region of York
- 19.1 That the Owner enters into a subdivision agreement which includes the following conditions:

- a) 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 implement the recommendations of the functional transportation report/plan as approved by Development Engineering.
- c) The Owner shall agree that no direct private access from Block 272 (identified on DWG. No. - 17:2) onto 14th Avenue will be permitted. Access to Block 272 shall be provided via Street '2' and Street '8' / southern extension of Canfield Drive.
- d) 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 THE PROPERTY TO THE SOUTH OF 14TH AVENUE (BLOCK 272 AND 273 AS SHOWN ON DWG. No. - 17:2) WILL BE DEVELOPED WITH OFFICE DEVELOPMENT AND ALL ACCESSES WILL BE FROM STREET '2' AND '8' / SOUTHERN EXTENSION OF CANFIELD DRIVE, WHICH WILL RESULT IN INCREASED TRAFFIC VOLUMES FOR THE SURROUNDING AREAS.”

- e) The Owner shall implement the noise attenuation features as recommended by the noise study and to the satisfaction of the Community Planning and Development Services.
- f) The Owner shall agree 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) Where noise attenuation features will abut a York Region right-of-way, the Owner shall agree to the following:
 - a) That no part of any noise attenuation feature shall be constructed on or within the York Region right-of-way;

- b) That noise fences adjacent to York Region roads may be constructed on the private side of the 0.3 metre reserve and may be a maximum 2.5 metres in height, subject to the area municipality's concurrence; and,
- c) That maintenance of the noise barriers and fences bordering on York Region right-of-ways shall not be the responsibility of York Region.
- i) The Owner shall agree 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.
- j) The Owner shall agree to 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 to convey lands to the local municipality to provide for pedestrian access from Street '2' and Street '8' to 14th Avenue.
- l) The Owner shall agree to advise all potential purchasers of the existing transit services in this development. This includes current transit routes, bus stops and shelter locations. This shall be achieved through distribution of information/marketing materials (YRT/Viva route maps, Future Plan maps & providing YRT/Viva website contact information) at sales offices and appropriate notification clauses in purchase agreements. The YRT/Viva route maps and the Future Plan maps are available from YRT/Viva upon request.

Conditions to be Satisfied Prior to Final Approval:

- 19.2 The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the City of Markham and York Region.
- 19.3 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 this draft plan of subdivision or any phase thereof. Registration of the plan of subdivision shall occur in phases based on the availability of water supply and sewage servicing allocation.
- 19.4 An electronic copy of the engineering drawing(s) showing the layout of the watermains and sewers shall be submitted to Community Planning and Development Services and the Infrastructure Asset Management Branch for record.

- 19.5 The Owner shall have prepared, by a qualified professional transportation consultant, a functional transportation report/plan outlining the required road improvements for this subdivision. The report/plan, submitted to Community Planning and Development Services for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues.
- 19.6 The Owner shall submit detailed engineering drawings, to Community Planning and Development Services for review and approval, that incorporate the recommendations of the functional transportation report/plan as approved by Community Planning and Development Services. Additionally, the engineering drawings shall include the subdivision storm drainage system, erosion and siltation control plans, site grading and servicing, plan and profile drawings for the proposed intersections, construction access and mud mat design, utility and underground servicing location plans, pavement markings, electrical drawings for intersection signalization and illumination design, traffic control/construction staging plans and landscape plans.
- 19.7 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 MOECC forms together with any supporting information, shall be submitted to the Community Planning and Development Services, Attention: Mrs. Eva Pulnicki, P.Eng.
- 19.8 The location and design of the construction access for the subdivision work shall be completed to the satisfaction of Community Planning and Development Services and illustrated on the engineering drawings.
- 19.9 The Owner shall demonstrate, to the satisfaction of Community Planning and Development Services, 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.
- 19.10 The Owner shall demonstrate, to the satisfaction of Community Planning and Development Services, that elevations along the 14th Avenue streetline shall be 0.2 metres above the centreline elevations of the York Region roadway, unless otherwise specified by Community Planning and Development Services.
- 19.11 The Owner shall provide a written agreement demonstrating that the Owner, and adjacent land commercial Owner(s) and the City of Markham, if required, agrees to the proposed redesign of the existing commercial access to provide a perpendicular right-in/right-out only access to 14th Avenue (the properties at 5995, 6001 14th Avenue and 7650-7760 Markham Road).
- 19.12 The Owner shall demonstrate to the satisfaction of Community Planning and Development Services, that a concrete centre median from the proposed 14th Avenue / Street '2' intersection to 30 metres east of the existing commercial plaza access to the east has been provided for the purpose of restricting the existing commercial access to 14th Avenue.

- 19.13 The Owner shall demonstrate to the satisfaction of Community Planning and Development Services, that guiderails in front of the existing sidewalk along the south side of 14th Avenue from the proposed intersection to the existing commercial access have been provided.
- 19.14 The Owner shall provide a detailed design of the right-in/right-out for the existing commercial access (the properties at 5995, 6001 14th Avenue and 7650-7760 Markham Road) and work with the City of Markham to construct this right-in/right-out, to the satisfaction of the Region.
- 19.15 The Owner shall demonstrate, to the satisfaction of Development Engineering that Street '2' shall be designed to intersect 14th Avenue at a right angle, or on a common tangent, will be designed to accommodate future signalization of this intersection when warranted (it should be noted that this intersection will only be signalized when traffic signal warrants are met).
- 19.16 The Owner shall provide direct shared pedestrian/cycling facilities and connections from the proposed development to 14th Avenue, and surrounding collector/local roads to support active transportation and public transit, where appropriate. A drawing showing the conceptual layout of active transportation facilities and connections internal to the site and to the Regional roads shall be provided.
- 19.17 The Owner shall submit drawings depicting the following to the satisfaction of York Region staff:
- a) All existing woody vegetation within the York Region road right of way
 - b) Tree protection measures to be implemented on and off the York Region road right of way to protect right of way vegetation to be preserved
 - c) Any woody vegetation within the York Region road right of way that is proposed to be removed or relocated. However, it is to be noted that tree removal within York Region road right of way shall be avoided to the extent possible/practical. Financial or other compensation may be sought based on the value of trees proposed for removal
 - d) A planting plan for all new and relocated vegetation to be planted within the York Region road right of way, based on the following general guideline:

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

satisfaction, the area municipality will be responsible for the cost of maintenance or removal undertaken by the Region.

- 19.18 The Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of Community Planning and Development Services recommending noise attenuation features.
- 19.19 Prior to final approval, approval, the Owner shall agree that the following lands will be conveyed to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of York Region Solicitor:
- a) A widening across the full frontage of the site where it abuts 14th Avenue of sufficient width to provide a minimum of 21.5 metres from the centreline of construction of 14th Avenue; and,
 - b) A 15.0 metre by 15.0 metre daylight triangle at the intersection of 14th Avenue and Street '2'; and,
 - c) A 15.0 metre by 15.0 metre daylight triangle at the intersection of 14th Avenue and Street '8'; and,
 - d) A 0.3 metre reserve across the full frontage of the site, except at the approved access location, where it abuts 14th Avenue adjacent to the above noted widenings.
- 19.20 In order to determine the property dedications (if any) required to achieve the ultimate right-of-way width of 14th Avenue abutting the subject site, the Owner shall submit a recent plan of survey for the property that illustrates the existing centreline of construction of 14th Avenue.
- 19.21 Prior to final approval, 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.
- 19.22 The Region requires the Owner to submit, in general accordance with the requirements of the Environmental Protection Act and O. Reg. 153/04 Records of Site Condition Part XV.1 of the Act (as amended) ("O. Reg. 153/04"), a Phase I environmental site assessment ("Phase I ESA") of the Owner's lands that are the subject of the application, including the lands to be conveyed to the Region (the "Conveyance Lands"). The Phase I ESA cannot be more than 2 years old as of the actual date title to the Conveyance Lands is transferred to the Region. If the Phase I ESA is linked to different phases of development and there will be multiple conveyances of lands, the Phase I ESA prepared in respect of a specific conveyance and phase of development cannot be more than two years old as of the actual date of transfer of title to the Region. If a Phase I ESA is or would be more than two years old as of the actual date of transfer of title to the Region, the Phase I ESA will need to be either updated or a new Phase I ESA obtained by the Owner in accordance with the requirements of this section. The Region, at its discretion, may require further study,

investigation, assessment and delineation to determine whether any remedial or other action is required regardless of the findings or conclusions of the Phase I ESA. Any Phase II environmental site assessment required by or submitted to the Region must be prepared in general accordance with the requirements of O. Reg. 153/04 (as noted above). Reliance on the Phase I ESA and any subsequent environmental reports or other documentation prepared in respect of the environmental condition of the lands must be provided to the Region and: (i) will be addressed to “The Regional Municipality of York”; (ii) contain wording to the effect that the Region is entitled to rely on such reports or documentation in their entirety; and (iii) the terms and conditions of the reliance extended (including any wording seeking to limit liability) must be satisfactory to the Region.

The Owner shall also provide the Region’s Development Engineering with a certified written statement from the Owner or the Owner’s authorized representative that no contaminant, pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, on, in or under lands to be conveyed to the Region (including soils, substrata, surface water and groundwater, as applicable): (i) at the time of conveyance, at a level or concentration that exceeds the Environmental Protection Act O. Reg. 153/04 (as amended) full depth generic site condition standards applicable to the intended use of such lands by the Region or any other remediation standards published or administered by governmental authorities applicable to the intended land use; and (ii) in such a manner, condition or state, or is emanating or migrating from such lands in a way, that would contravene applicable environmental laws.

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

19.23 The Owner shall demonstrate, to the satisfaction of Community Planning and Development Services Division, that all local underground services will be installed within the area of the development lands and not within York Region’s road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region’s right-of-way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.

19.24 The Owner shall satisfy the Regional Municipality of York Transportation Services Department that the services to be installed within or in conjunction with the Plan will provide for sidewalks on both sides of the roadways listed below, unless only one side of the street lies within the limits of the subject lands. The sidewalks shall meet the local municipality’s standards, and be provided by the Owner along the subject lands’ frontage onto roadway that have transit services.

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

- 14th Avenue

19.25 Prior to final approval, the Owner shall satisfy the Regional Municipality of York Transportation Services Department and the area municipality that the services to be installed by the Owner within or in conjunction with the Plan will provide a concrete pedestrian access connection from the internal roadway to the Regional roadway as follows:

- From “Street 8” to “14th Avenue”
- From “Street 2” to “14th Avenue”

The concrete pedestrian access connection shall meet the local municipality’s standards for sidewalks and shall be owned and maintained by the area municipality.

19.26 The Owner shall submit drawings showing, as applicable, the sidewalk locations and concrete pedestrian access to the satisfaction of York Region.

19.27 The Owner shall satisfy the Regional Municipality of York Transportation Services Department that the services to be installed within or in conjunction with the Plan will include illumination in accordance with the local municipality’s design standards along all streets which have transit services, sidewalks, pedestrian access and bus stop location.

19.28 The Owner shall provide a copy of the executed Subdivision Agreement to Community Planning and Development Services, outlining all requirements of Community Planning and Development Services.

19.29 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.

19.30 The Owner shall agree to provide a concrete centre median from the proposed 14th Avenue/ Street 2 intersection to 30m east of the existing commercial plaza to the east.

19.31 The Owner shall agree to provide a written agreement demonstrating that the Owner, and adjacent land commercial Owner(s) and the City of Markham, if required, agrees to the proposed redesign of the existing commercial access to provide a perpendicular right-in/ right-out only access to 14th Avenue (the properties at 5995, 6001 14th Avenue and 7650 - 7670 Markham Road).

19.32 The Owner shall agree to provide a detailed design of the right-in/ right-out for the existing commercial access (5995, 6001 14th Avenue and 7650 -7670 Markham Road) and work with the City of Markham to construct this right-in/ right-out, to the satisfaction of the Region.

19.33 The Owner shall agree to provide detailed engineering design for the proposed 14th Avenue/ Street 2 intersection in accordance with the Regional design standards and requirements, to the satisfaction of the Region.

- 19.34 The Owner shall agree that the intersection of Street 2 and 14th Avenue will be designed to accommodate future signalization of this intersection when warranted. It should be noted that this intersection will only be signalized when traffic signal warrants are met.
- 19.35 The Owner shall agree in the subdivision agreement that no direct access from Block 272 (identified in DWG No. 17:2) onto 14th Avenue will be permitted. Access to Block 272 shall be provided via Street “2” and “8” / southern extension of Canfield Drive.
- 19.36 The following warning clause shall be included in the registered portion of the subdivision agreement with respect to the lots or block affected:
- “PURCHASERS ARE ADVISED THAT THE PROPERTY TO THE SOUTH OF 14TH AVENUE (BLOCKS 272 AND 273 AS SHOWN ON DWG NO.- 17:2) WILL BE DEVELOPED WITH COMMERCIAL DEVELOPMENT AND ALL ACCESSES WILL BE FROM STREET “2” AND “8” / SOUTHERN EXTENSION OF CANFIELD DRIVE, WHICH WILL RESULT IN INCREASED TRAFFIC VOLUMES FOR THE SURROUNDING AREAS.”
- 19.37 The Owner shall provide direct shared pedestrian /cycling facilities and connections from the proposed development to 14th Avenue, and surrounding collector/ local roads to support active transportation and public transit, where appropriate. A drawing showing the conceptual layout of active transportation facilities and connections to the site and to the Regional roads shall be provided.
- 19.38 The Owner shall provide a basic 43 metres right-of-way is required for this section of 14th Avenue. As such, all municipal setbacks shall be referenced from a 21.5 metres from the centreline of construction on 14th Avenue and any additional lands required for turn lanes at the intersections will be conveyed to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of the York Region Solicitor.
- 19.39 To provide an addendum Transportation Impact Study (TIS) to the satisfaction of the Region that addresses the following comments:
- a) The study recommends to install a traffic signal at the new access/14th Avenue intersection notwithstanding the signal warrant is not justified. It should be noted that the Region will not consider signalization of an intersection until it is close to being warranted. As such, the new access at 14th Avenue may need to be operated as an un-signalized intersection with a stop control on the minor approaches as well as proper turning lane(s) and storage spacing to accommodate the site traffic.
 - b) An additional RI/RO is proposed on 14th Avenue between Canfield Drive and the new full moves. This access is considered to mainly serve the future commercial block and appears not necessary at this time from traffic capacity perspectives. The approval of this private access will be reviewed at the time that a development application (site plan application) is submitted for this block.
 - c) The TDM Plan shall include a TDM communication strategy to assist the Region and the City of Markham to effectively deliver the Information Packages and pre-loaded PRESTO cards to residents. This strategy shall also include a physical location for

- distribution of the Information Packages and pre-loaded PRESTO cards. The applicant is also responsible for the coordination and for providing a venue for distribution of PRESTO cards. Each event, approximately 4 hours of staff time, can serve approximately 100 residential units. The applicant shall coordinate specific event details with York Region/ York Region Transit Staff allowing a minimum of 2 months notice.
- d) Table 5-1 shall be revised to include the cost for the coordination and rental of venue to host information sessions for new residential homeowners for the distribution of information packages and pre-loaded PRESTO cards. Estimated costs for any items that are provided by the Region or the Municipality shall be identified as “TBD” (to be determined).
 - e) Table 5-1 shall be revised to include membership for smart commute for Office land uses where offices will have more than 50 employees. Other TDM measures that should be considered include:
 - i. Preloaded PRESTO Cards for offices with less than 50 employees to encourage uses of sustainable modes of transportation.
 - ii. To encourage cycling as an alternative mode for employees to commute, the proposed development should consider the provision of bicycle parking and shelters to be located at easily accessible locations on the ground floor.
 - f) Page 2, to remain flexible with timelines, the wording “at time of purchase” for distribution of packages shall be removed.
 - g) 5.2 Bicycle Facilities – The second paragraph is not clear in referring to sidewalks and shared sidewalks, this shall be clarified using proper terminology – multi-use path (cyclist and pedestrian use) or sidewalk (pedestrian use). It should be noted that cyclists are not legally allowed to cycle on sidewalks in the City of Markham.
 - h) 5.4 Smart Commute and Carpooling – Smart Commute is primarily a workplace travel program and membership is at the discretion of the local Smart Commute office. The text “In addition, carpoolers registered with Smart Commute can park at preferential parking stalls closer to their employer’s building entrances. Emergency transportation is covered for registered users needing a ride when they have carpooled” shall be removed as these costs would be borne by the developer.
 - i) 5.5 PRESTO Card – The text states “it is recommended that each residential unit be provided with a 10-ride Presto card at the time of occupancy” shall be removed as the pre-loaded amount is at the discretion of York Region.
 - j) 5.7 New Resident Information Package – it is noted the developer will provide pre-loaded PRESTO cards and information packages at the sales office located in Vaughan. This is not a suitable location as it is not within the vicinity of the development. The proponent shall arrange a nearby venue (i.e. community centre, library, etc.) to residents in Markham.
 - k) It should be noted that currently the Region is recommending that information sessions occur after occupancy, therefore a venue near the site will be required.
 - l) 6.1.2 Transportation Demand Management (TDM)

- 20. As noted above, the Vaughan venue shall not be used for distribution of information packages or PRESTO cards as part of the TDM Communication Strategy.

19.40 The Regional Corporate Services Department shall advise that Conditions 19.1 to 19.39 inclusive, have been satisfied.

20. Ministry of Natural Resources (MNR)

20.1 The Owner shall agree in the subdivision agreement to satisfy all requirements of the MNR with respect to the endangered species and any potential impacts on the draft plan of subdivision, and to provide written confirmation that it has consulted with MNR in this respect, to the satisfaction of the Commissioner of Development Services.

21. Enbridge Gas Distribution

21.1 The Owner covenants and agrees in the subdivision agreement:

- a) To contact Enbridge Gas Distribution's Customer Connections department by emailing for service and metre installation details and to ensure that gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells and/or soil trenches) and/or asphalt paving.
- b) If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phase construction, all costs are the responsibility of the Owner.
- c) In the event that easement(s) are required to serve this development, the applicant will provide the easement(s) to Enbridge Gas Distribution at no cost.
- d) In the event that a pressure reducing regulator station is required, the applicant will provide a 3 metre by 3 metre exclusive use location that is within the municipal road allowance. The final size and location of the regulator station will be confirmed by Enbridge Gas Distribution's Customer Connections department.
- e) The Owner will grade all road allowances to as final elevation as possible, provide necessary field survey information and all approved municipal road cross-sections, identifying all utility locations prior to the installation of the gas piping.

22. Canada Post

22.1 The Owner covenants and agrees in the subdivision agreement to comply with the following conditions:

- a) The Owner/ developer agrees to include on all purchases and sale, a statement that advises the prospective purchaser that mail delivery will be from a designated Community Mailbox.
- b) The Owner/ developer will be responsible for notifying the purchaser of the exact Community Mailbox locations prior to the closing of any home sale.
- c) The Owner/developer will consult with Canada Post to determine suitable locations for the placement of Community Mailboxes and to indicate these locations on the appropriate servicing plans.
- d) The Owner/ developer will provide the following for each Community Mailbox site and include these requirements on the appropriate servicing plans:
 - i) a concrete pad to place the Community Mailboxes on;
 - ii) any required walkway across the boulevard; and
 - iii) any required curb depressions for wheelchair access.

22.2 The Owner/developer further agrees to determine and provide a suitable temporary Community Mailbox(s) 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 the new homes as soon as they are occupied.

23. Bell

23.1 The Owner covenants and agrees in the subdivision agreement that prior to commencing any work within the Plan, the Owner/ developer must confirm that sufficient wire-line communication/ telecommunication infrastructure is available within the proposed development to provide communication/ telecommunication service to the proposed development. In the event that such infrastructure is not available, the Owner/ developer is hereby advised that the Owner/developer may be required to pay for the connection to and/or extension of the existing communication/ telecommunication infrastructure. If the Owner/developer elects not to pay for the such connection to and/or extension of the existing communication/telecommunication infrastructure, the Owner/ developer shall be required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/

telecommunication services for emergency management services (i.e. 911 Emergency Services).

24. Municipal Infrastructure

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

- Lanes: 3,500m
- Local Roads: 230m
- Minor / Major Collectors: 490m
- Sidewalks: 5920m
- Streetlights: 100nos
- Watermain: 3940m
- Sanitary Sewers: 3380m
- Storm Sewers: 3680m
- Multiuse Path (MUP): 575

25. Streetlight Types:

25.1 The Owner agrees to contact City Staff 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.

26. Natural Heritage

26.1 The Owner agrees to address all Natural Heritage comments from the City dated November 14th, 2016, to the satisfaction of the City (Commissioner of Development Services)

27. Block 280 and The Living Wall

27.1 The Owner shall convey Block 280 to the City, for grading and noise measures purposes, free of all costs and encumbrances, to the satisfaction of the City, upon registration of the plan of subdivision.

27.2 Prior to final approval of the draft plan, the Owner shall submit a detailed design plan for Block 280 prepared by a qualified consultant to the satisfaction of the City.

27.3 The Owner acknowledges that the noise report recommends Lots 66-70, Lot 71, Blocks 72-75, Lot 162 and Blocks 180-199 to be deemed Class 4 (the "Class 4 Units"). The Owner further agrees that the acceptance of the Class 4 Units is subject to City Council approval. In the event Council does not accept the Class 4 Units to be deemed Class 4, the Owner agrees to revise the noise report and draft plan to ensure the development meets Class 1 requirements as outlined in the Environmental Noise Guideline – Stationary and Transportation Sources –

Approval and Planning (NPC-300) guidelines.

- 27.4 The Owner agrees that the City at its discretion accept the 3.5 metre high living wall proposed along the east property line as a noise control measure (the “Living Wall”) and the Owner shall provide detailed design for the Living Wall and construct the Living Wall to the satisfaction of the City at the Owner’s cost.
- 27.5 The Owner agrees to submit a lifecycle cost analysis for the Living Wall to the City for review and approval, to the satisfaction of the City (the “Lifecycle Cost”). The Owner shall pay to the City the Lifecycle Cost upon execution of the subdivision agreement.
- 27.6 In the event the Living Wall is not accepted by the City, the Owner shall revise the noise report to provide alternative noise measures to the satisfaction of the City.
28. Toronto and Region Conservation Authority
- 28.1 That *prior to* any development, pre-servicing or site alteration, or registration of this plan or any phase thereof, the applicant shall submit and attain the approval of the TRCA for:
- (a) A comprehensive response chart addressing all outstanding issues as itemized in ‘Appendix A’ of the March 29, 2018 comment letter prepared by TRCA, to the satisfaction of TRCA;
 - (b) A final Water Balance Assessment be updated to include all supporting documentation to support the assumptions made in the water balance assessment;
 - (c) A final Functional Servicing Report and Stormwater Management Report;
 - (d) A final Erosion and Sediment Control report;
 - (e) Additional hydrogeological investigations to determine the potential impacts and appropriate monitoring and mitigation measures for the proposed development.
 - (f) Additional geotechnical information with respect to geotechnical constraints. The report shall provide additional site preparation, inspection and material testing prior to the placement of the facilities and/or structures.
 - (g) A final wetland compensation plan, planting plan, and a registered R-Plan be provided and approved to the satisfaction of the TRCA. The plan will include the re-creation of a new off-site wetland as compensation for the loss of the existing wetland on the site, and shall include:
 - (i) an evaluation and rationale for the specific details on the feature, dimension/area of each habitat type, the type of wetland function, and flora and fauna surveys to be created to compensate for the lands to be removed in support of the draft plan of subdivision;

- (ii) The design of the new wetland compensation block shall be to the satisfaction of the TRCA. The Wetland Compensation Strategy and Plan shall address the location, the level of compensation and mitigation, demonstrate that the form and function of the wetland can be recreated, enhanced and be self-sustaining, and shall include a complete planting and restoration plan;
 - (iii) The strategy shall provide details on how (if any) species present will be collected, removed and relocated to the new wetland through a scientific collection permit;
 - (iv) Details be provided on the staging and construction sequencing of the new wetland be provided. The new wetland will be required to be completed and functionally operational and demonstrate how the new wetland will receive water to support the flora and fauna.
 - (v) An R-plan will be created and provided to the satisfaction of the TRCA. The wetland will be conveyed into the ownership of the TRCA for conservation purposes in perpetuity;
 - (vi) Obtain the appropriate permits from the TRCA in accordance with Ontario Regulation 166/06 as amended;
- h) A detailed engineering report and plans including the Stormwater Management Report and Functional Servicing Report that describes the storm drainage system (quantity and quality) for the proposed development of the subject lands be completed to the satisfaction of the TRCA and shall include:
- i. 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). 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.
 - ii. proposed methods for controlling or minimizing erosion and siltation on-site and/or in downstream 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 will be minimized to the downstream receiving system and provide contingency measures within the Environmental Management Plan.
 - iii. 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, all supporting technical studies and analysis, be provided.
 - iv. The 'grassed dry swale' be densely vegetated with native plantings in accordance with the "Drawing CP1 - Typical Dry Swale Treatment" prepared by Cosburn Giberson Landscape Architects dated November 27, 2017;

- v. the integration of LID measures and the employment of source and conveyance controls to mimic to the extent possible, pre-development hydrology. Multiple LID measures shall be used as part of an overall treatment train approach to benefit the stormwater management system to the satisfaction of the TRCA;
 - vi. the mapping and detailed design of all proposed infiltration and low-impact development measures that are to be employed to the satisfaction of the TRCA. 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. no foundations or basements shall be permitted within the groundwater and active permanent dewatering shall not be permitted. Passive permanent dewatering such as foundation drains may be permitted subject to collected groundwater directed into a 3rd pipe or equivalent to promote infiltration.
- i) detailed Site Water Balance Assessment which identifies measures that will be implemented during construction and post-construction, demonstrating how the development meets the water balance for their site to the greatest extent possible, to the satisfaction of the TRCA; including:
 - i. provide a comprehensive monitoring plan for site water balance which includes a monitoring program to assess the functioning and effectiveness of proposed LID's. The monitoring plan shall include monitoring data throughout construction and post-construction and provide funding securities for the long-term monitoring of this system (minimum of 3 years and a maximum of 5 years after municipal assumption) to the satisfaction of the TRCA and the City.
 - j) permanent active dewatering of groundwater associated with any component of this development shall not be permitted. All underground construction and infrastructure must be designed to not require active permanent active dewatering, and any potential impacts to the groundwater system that may result from the development must be assessed and mitigated;
 - k) 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, including the removal of the wetlands on the subject lands. 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;

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

28.2.1 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 conditions, including but not limited to:

- (i) Water Balance Assessment
 - (ii) Stormwater Management and Functional Servicing Report
 - (iii) Hydrogeological Reports
 - (iv) Geotechnical Investigations
 - (v) Wetland Compensation Strategy and Plan
- b. to implement the requirements of the TRCA's conditions in wording acceptable to the TRCA;
 - c. to maintain all stormwater management controls (including LID's) operating and in good repair during the construction period;
 - d. to obtain all necessary permits pursuant to Ontario Regulation 166/06 from the TRCA;
 - e. to design a Wetland Compensation Strategy and Plan and a Wildlife Rescue Plan and monitoring protocol for the proposed Wetland Compensation Block to the satisfaction of the TRCA.

The Plan shall include the creation, planting and enhancement of the Wetland Compensation Block in accordance with the TRCA Wetland Compensation Strategy, including an area for area compensation for ELC communities SWT, SWD, and MAM located in units 3, 5, and 6 in the southern section of the property as identified in the Natural Heritage Evaluation prepared by Michalski Nielson Associates Limited. The Wetland Compensation Block located off the subject land shall be functionally operational and all wildlife transplanted from the wetlands to be removed on the subject lands prior to removal. The planting restoration of the compensation area shall be completed and a security provided for maintenance for a 5 year period to the satisfaction of the TRCA as part of the separate compensation agreement.

- f. to enter into a separate agreement with the TRCA for the construction and gratuitous dedication of the compensation wetland to the satisfaction of the TRCA;
- g. 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 continue to meet current day requirements, and if not, that the owner agrees to update any studies, as required, to reflect current day requirements.

28.2.2 That the 'grassed dry swale' be densely vegetated with native plantings (to the

satisfaction of the TRCA;

28.2.3 That a warning clause for lots which contain bioretention swales and soak-away pits be included in all agreements of purchase and sale, 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 LID's, infiltration swales and catch basins are located which identifies the following:

- a) "That 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 for the long-term maintenance of this system by ensuring that proper drainage is maintained. Alterations to grading within the swales which convey stormwater to this system shall not be permitted and must remain in their original form."

28.2.4 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.

28.2.5 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.

29. External Clearances

29.1 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 as follows:

- a) The Regional Municipality of York Planning Department shall advise that Condition 19 has been satisfied.
- b) The Ministry of Culture shall advise that Conditions 16 has been satisfied.
- c) Enbridge Gas Distribution shall advise that Condition 21 has now been satisfied.
- d) Canada Post shall advise that Condition 22 has now been satisfied.
- e) Bell shall advise that Condition 23 has now been satisfied.
- f) Alectra Utilities shall advise that their comments dated August 16th, 2017 have been addressed.

Dated: XXX, 2018

Ron Blake, Senior Development Manager

DRAFT

Building Canada's Greenest Homes is not just a matter of making a few small changes, but a holistic re-thinking of resources, waste and energy use. The Remington Group and Fulton Homes have made the following green upgrades to ensure that these homes have a lower impact on the environment, improve indoor air quality and significant savings on utility costs.

LOW IMPACT DEVELOPMENT (LID)

- **Rainwater Harvesting Systems**
Roof leaders discharging directly to landscaped areas or to rain barrels for re-use of rainwater for irrigation. This not only reduces runoff but also eliminates the need for using potable water for lawn watering.
- **Increased Top Soil Thickness**
Increasing the top soil on landscaped areas of lots (i.e. backyards) to 300mm as opposed to the standard 150mm would provide more at source storage of stormwater and promote infiltration.
- **Soakaway Pits**
Runoff from the rear of split draining lots can be conveyed to rear yard soakaway pits with subdrains to direct drainage between lots to the street. The long run lengths will promote natural filtration and infiltration. All vegetated swales will encourage infiltration and evapotranspiration
- **Dry Swales with Bioretention Facilities**
Dry swales can be applied in a linear direction adjacent to the proposed local right of way to promote pollutant retention and infiltration. A dry swale incorporates an engineered soil bed and perforated subdrain; the surface treatment of a dry swale would be densely vegetated to provide additional water quality and evapotranspiration. In order to maximize the size of the proposed LID measures (i.e. dry swales), a by-law restriction for a maximum 3.00m driveway on 11.0m single lots should be implemented. Single family dwellings fronting roads incorporating swales with bioretention facilities should be designed to have paired driveways in order to achieve 16m dry swales every two houses.
- **Permeable Pavement**
Permeable pavers could be installed on driveway areas for certain lots, to provide filtration, promote infiltration, and provide storage which will significantly reduce the storm runoff compared to traditional impervious surface treatments such as asphalt
- **Living Wall**
The living wall will be located east of the property that will act as a noise barrier to the plaza but also have environmental and aesthetic benefits.
- **Additional Tree Planting**
Additional trees beyond the City of Markham standard will be provided on the public streetscape and/or on private property. Trees not only absorb carbon dioxide and give off oxygen, but they provide habitat and food for birds and other animals. Trees also provide shade and enhance the landscape of the community.

RENEWABLE ENERGY AND CONSERVATION MEASURES

- **ENERGY STAR® version 12.7 for Homes Performance Levels**
ENERGY STAR for Homes sets the standard for new home construction in Ontario. These LID Homes not only exceed Energy Star in terms of reduced energy use but add other important green features like; indoor environment quality, water conservation, materials and resource conservation, site management, community linkages, public and homeowner education, and industry innovation.
- **Draft Proofing and Attention to Construction Details**
Many draft-sealing techniques, with a strong attention to detail during the building process, result in these homes being more quiet, comfortable and energy efficient. Each home is tested by a certified third party inspector to ensure that the home is air tight and well built.
- **Low-e² Dual Pane Windows with Argon Gas Filling**
Low-e or low emissive coatings are used to help reflect heat and sunlight. These windows have TWO Low-e coatings, which keep these homes cooler in summer and warmer in winter. The lower winter sun is allowed to heat the home, whereas the higher summer sun is reflected away. Low-e coatings will also protect furniture, curtains and floors from fading due to sunlight. The inert argon gas between glazings is a better insulator than air. These high performance windows reduce the chance of moisture problems from condensation.

- **Integrated HRV and Air Handler with an ECM Motor**
An air handler is like a forced air furnace without any burners. The heat for the home comes from hot water circulated through a fan coil. The variable speed electronically commutated DC motor (ECM) has an integrated heat recovery ventilator (HRV). The clean air furnace provides air delivery for heating, air conditioning and ventilation all with the same low energy fan. During the winter months, HRV's transfer 70% of the heat from the warm exhaust air to fresh incoming cold air. This improves the air quality in the home. ECM motors use approximately 75% less electricity to move the air throughout the houses as opposed to conventional furnace fans.

- **Properly Sized and Sealed Air Handling Ductwork**
Leaky ductwork can mean as much as 30% of the heated or cooled air will not get to where you want it most. A sealed ductwork system as per Energy Star requirements and a "right sized" heating plant means higher comfort and lower heating costs.

- **Radiant Heating System Rough-In in the Basement Floor (option for upgrade)**
Most basements are cold and damp. Each LID Home has the ability to include a radiant floor roughed into the basement floor complete with under-slab insulation. This system is ready for hook-up when the basement is finished.

- **ENERGY STAR® Rated Appliances**
The fastest rising area for increased energy use in a typical Ontario home comes from appliances. These homes have reduced their plug load by 25%. ENERGY STAR® is a worldwide rating system that identifies top performers in the market. All LID Homes come with appliances that use the ENERGY STAR® rating, where applicable.

- **Energy Efficient Lighting**
These LID Homes have compact fluorescent lighting to conserve the electricity needed for lighting. Because Ontario has only a small portion of its electricity generated from renewable power sources like wind, solar or hydro, there is a strong environmental benefit to conserving electricity.

- **Programmable Thermostats**
These LID Homes will have programmable, mercury-free thermostats that will allow the homeowner to adjust the temperature in the home throughout the day which will allow them to save on energy.

WATER AND OTHER RESOURCE CONSERVATION

- **Dual Flush Low Flow Toilets**
Low flow toilets use less water.

- **Low Flow Faucets and Aerators**
Low flow faucets and showerheads have aeration devices that conserve water usage while maintaining the appearance of good water flow. Low flow showerheads are also installed in every home to reduce water use during showers without lowering comfort or convenience.

- **Twenty-Five Year Fiberglass Shingles**

- **Built In Kitchen Recycling Centre**
Recycling is a way of life in Ontario, but it is not always convenient. These kitchen recycling centres make it easier to separate out recyclables and compostables in a clean and convenient manner.

INDOOR AIR AND ENVIRONMENTAL QUALITY

- **Low Volatile Organic Compound (VOC) Paints**
Throughout the homes, low volatile organic compound paints have been used to reduce "off-gassing" that can irritate lungs and affect breathing, especially in children.

- **Hard Surface Flooring Rather than Carpeted Interiors**
With the use of low VOC pre-finished wood and tile flooring, the air quality of these homes is much improved. The elimination of wall-to-wall carpeting not only reduces the accumulation of irritants but also eliminates off-gassing. Hard surfaces are much easier to clean and maintain.