

**SUBJECT:** RECOMMENDATION REPORT  
2080552 Ontario Inc. (Alwan Lai)  
Application for Draft Plan of Subdivision to permit thirteen (13) single-detached dwellings on the north side of Lee Avenue between Noble Street and Brimley Road

File No. SU 14 244871

**PREPARED BY:** Sabrina Bordone, M.C.I.P., R.P.P., ext. 8230  
Senior Planner, Central District

**REVIEWED BY:** Scott Heaslip, M.C.I.P., R.P.P., ext. 3410  
Senior Project Coordinator, Central District

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**RECOMMENDATION:**

- 1) That the report titled "Recommendation Report, 2080552 Ontario Inc. (Alwan Lai), Application for Draft Plan of Subdivision to permit thirteen (13) single-detached dwellings on the north side of Lee Avenue between Noble Street and Brimley Road, File No. SU 14 244871", be received;
- 2) That the record of the Public Meeting held on October 5, 2016 regarding the proposed Draft Plan of Subdivision be received;
- 3) That draft plan of subdivision 19TM-14013 (SU 14 244871) be approved subject to the conditions of draft approval set out in Appendix 'A' 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 'A', as may be amended by the Director of Planning & Urban Design or his designate;
- 5) That Council assign servicing allocation for thirteen (13) single-detached dwelling units and advise York Region;
- 6) That draft plan approval for plan of subdivision 19TM-14013 will lapse after a period of three (3) years from the date of issuance in the event that a subdivision is not executed within that period;
- 7) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

The purpose of this report is to recommend approval of a proposed plan of subdivision to facilitate the development of thirteen (13) single-detached dwellings on the north side of Lee Avenue between Noble Street and Brimley Road (Figure 1).

**PROCESS TO DATE:**

- Preliminary Report for Draft Plan of Subdivision application – September 16, 2016.
- Statutory Public Meeting for Draft Plan of Subdivision application – October 5, 2016.

Next steps

- Issuance of Draft Plan Approval for the Plan of Subdivision
- Registration of the Draft Plan of Subdivision

**BACKGROUND:****Subject Property and Area Context**

The subject lands are comprised of approximately 2.087 ha (5.16 ac) and contain mature trees and other vegetation (Figures 2 & 3). To the west and south are single-detached dwellings. Single-detached dwellings also front onto 14<sup>th</sup> Avenue as does the Cornerstone Chinese Alliance Church, which is immediately north of the site. To the east, is a single-detached dwelling and a Montessori School (Figure 3).

**Portion of subject lands previously approved for ten (10) single-detached dwellings**

In 2008, a portion of the subject lands [approximately 1.6 ha (4 ac)] was draft approved for the development of ten (10) single-detached lots (Figure 4). The Owner did not enter into a subdivision agreement and the approval subsequently lapsed. Since then, a new Owner has purchased the property and is proposing to expand the draft plan of subdivision to the west to include portions of the rear yards from the properties municipally known as 15, 23 and 27 Noble Street.

**Proposal is for thirteen (13) single-detached dwellings**

The Applicant is proposing to develop the subject lands with thirteen (13) single-detached dwellings and a new local road (cul-de-sac) extending from Lee Avenue. The proposed lots have frontages ranging from 16.55 m (54.3 ft) to 32.2 m (105.6 ft) and lot areas ranging from 931.6 m<sup>2</sup> (10, 028 ft<sup>2</sup>) to 1,511 m<sup>2</sup> (16, 265 ft<sup>2</sup>). Lots 1 and 13 will have frontage on Lee Avenue, while the remaining lots (Lots 2-12) will front onto the new local road (Street 'A') (Figure 5).

**Official Plan and Zoning**

The subject lands are designated "Urban Residential" in the City's in-force Official Plan (1987 Revised) and "Residential Low Rise" in the 2014 Official Plan as partially approved by the OMB on October 30, 2015 and May 26, 2016. Both designations provide for a variety of grade related, low density housing types, including single-detached dwellings, as proposed.

A majority of the subject lands is zoned "Suburban Residential Three – Hold [SUR3 (H)] by By-law 193-81, as amended, with the exception of Lot 13, which is zoned "Suburban Residential Three (SUR3), by By-law 193-81, as amended (Figure 2). Conditions for removing the holding provision on the subject lands includes execution of a subdivision agreement and confirmation of servicing allocation. The proposed lots comply with the area and frontage requirements of the By-law.

**Public Meeting held October 5, 2016**

A statutory Public Meeting was held on October 5, 2016. At that meeting, a resident at 76 Lee Avenue expressed concerns with the potential loss of tree vegetation behind his property within the subject lands, the lot sizes on Lee Avenue, and any potential access between the proposed new cul-de-sac and church property to the north. Staff advised that a tree inventory and preservation plan had been submitted by the Applicant and was under review, that the lots on Lee Avenue (Lots 1 and 13) had been rezoned in 2008 and comply with the minimum lot frontage and area requirements, and that there is no vehicular access proposed to the church property to the north.

The Committee commented that adequate fencing and vegetative screening should be provided between the subject lands and the church property to the north. The Committee members agreed that a vehicular access from the church property to the proposed new cul-de-sac was not appropriate, but suggested that a pedestrian gate may be. On January 17, 2017, staff contacted the Acting Senior Pastor at the Cornerstone Chinese Alliance Church to inquire about the possibility of having a pedestrian gate. During that conversation, he advised that the church is not interested in having a pedestrian gate.

**OPTIONS/ DISCUSSION:****Dwellings within the proposed draft plan of subdivision will require sprinkler systems**

The Fire Department would normally require two access points into a draft plan of subdivision for firefighting purposes, whereas only one access point is proposed for this small infill subdivision, via the cul-de-sac from Lee Avenue. To address this concern, the Applicant has agreed to install an automatic fire suppression sprinkler system within each of the proposed dwellings. The Fire Department is in agreement with this approach given the constraints with respect to providing a second access point, as well as the previous draft approval granted in 2008. A condition of draft plan approval has been included in Appendix 'A' to this effect.

**Tree preservation will be sought as part of redevelopment**

The subject lands contain mature trees and other vegetation. A Tree Inventory and Preservation Plan was submitted with the proposed draft plan of subdivision application. Some of the existing vegetation will need to be removed to permit construction of the new local road (cul-de-sac). Some trees are located along the rear of property lines and can be retained. These trees provide screening from adjacent properties. Financial compensation for the trees required to be removed will be secured in the conditions of draft plan approval.

### **Sustainability Measures**

The Applicant has advised that the following sustainability measures, along with others, will be included in the proposed development:

- Planting new shade trees in the front yard, side yard and rear yard of the proposed lots;
- Providing for a minimum of 50% native species, including trees, shrubs and herbaceous plants;
- Using energy efficient furnaces, windows and appliances; and,
- Providing energy saving gas lines for future gas stove and backyard gas barbeques.

Staff will continue to work with the Applicant to finalize the sustainable features undertaken as part of this development. A condition of draft approval has been included in Appendix 'A' to secure the above noted measures.

### **Other Matters**

Staff offer the following comments on matters relating to the draft plan of subdivision:

- Garages will be located in the front of the proposed dwellings;
- On-street parking will be available for visitors and residents;
- Space for snow storage will be available in the bulb of the cul-de-sac; and,
- Parkland requirements will be satisfied through cash-in-lieu of parkland.

### **CONCLUSION:**

The proposed development is consistent and compatible with lots in the area. Staff recommend approval of the draft plan of subdivision subject to the conditions in Appendix 'A'.

### **FINANCIAL CONSIDERATIONS AND TEMPLATE:**

Not applicable.

### **HUMAN RESOURCES CONSIDERATIONS**

Not applicable.

### **ALIGNMENT WITH STRATEGIC PRIORITIES:**

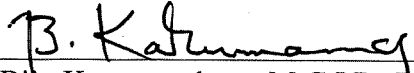
The proposed draft plan of subdivision application has been reviewed in the context of the City's strategic priorities of Growth Management and Municipal Services.

### **BUSINESS UNITS CONSULTED AND AFFECTED:**

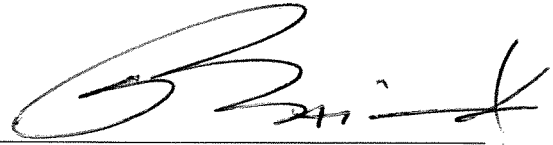
The application has been circulated to various City departments and external agencies. Requirements of the City and external agencies have been reflected in the conditions of draft plan approval.

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**RECOMMENDED BY:**



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



Jim Baird, M.C.I.P., R.P.P.  
Commissioner, Development Services

**ATTACHMENTS:**

- Figure 1: Site Location
- Figure 2: Area Context and Zoning
- Figure 3: Aerial Photograph
- Figure 4: Original Draft Plan of Subdivision (2008)
- Figure 5: Proposed Draft Plan of Subdivision

**OWNER:**

2080552 Ontario Inc. (Alawn Lai)  
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L3R 1E2

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**AGENT:**

Jim Kotsopoulos  
JKO Planning Services  
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L4E 5E9

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File path: Amanda\File 14 244871\Documents\Recommendation Report

**APPENDIX 'A'**  
**RECOMMENDED CONDITIONS OF DRAFT APPROVAL**  
**PLAN OF SUBDIVISION 19TM-14013**  
**2080552 ONTARIO INC. (ALAWN LAI)**

1. General

- 1.1 Approval shall relate to a draft plan of subdivision prepared by Masongsong Associates Engineering Limited for JKO Planning Services, dated March 3, 2016.
- 1.2 Driveway locations for all lots shall be as per the details submitted by Masongsong Associates Engineering Limited dated January 16, 2017.
- 1.3 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 unless extended by the City upon application by the Owner.
- 1.4 The Owner shall enter into a subdivision agreement with the City agreeing to satisfy all conditions of the City and external agencies, financial and otherwise, prior to final approval.
- 1.5 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, stormwater management facilities or any other services that are required external to the plan of subdivision and that are required to service the proposed development, to the satisfaction of the Director of Engineering and the City Solicitor.
- 1.6 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), Functional Servicing Report, and Noise Impact Study etc., 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.

2. Roads

- 2.1 The road allowances within the draft plan shall be named to the satisfaction of the City and York Region.

- 2.2 The road allowances within the draft plan shall be dedicated as public highway, free of all costs and encumbrances.
- 2.3 The Owner shall covenant and agree in the subdivision agreement that the public highways shall be designed and constructed in accordance with established municipal standards to the satisfaction of the City (Commissioner of Development Services).
- 2.4 The Owner shall convey 0.3 m reserves at the north end of Street 'A', between Lots 6 and 7 to the City free of all costs and encumbrances, upon registration of the plan of subdivision.
- 2.5 The Owner shall covenant and agree in the subdivision agreement to provide temporary turning circles, where required, at their cost and remove it and restore the streets to its 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.
- 2.6 The Owner shall covenant and agree in the subdivision agreement to implement the traffic calming measures identified in the Internal Functional Traffic Study. The Owner shall further covenant and agree to implement additional traffic calming measures, prior to assumption of the plan of subdivision, if it is determined by the City that additional traffic calming measures are required.
- 2.7 The Owner shall covenant and agree in the subdivision agreement that construction access will be restricted to Lee Avenue.

### 3. Community Design

- 3.1 The Owner shall retain a design consultant to prepare architectural control guidelines in keeping with the City's Generic Architectural Control Guidelines (2001) with addendum, to be submitted to the Director of Planning and Urban Design for approval prior to execution of the subdivision agreement.
- 3.2 The Owner shall retain a design consultant to implement the Architectural Control Guidelines.
- 3.3 Plans submitted for model home permits for any building within the plan of subdivision shall bear an approval stamp identifying the architectural company retained for architectural control and the signature of the control architect. The approval stamp shall certify that the floor plans, building

elevations and site plans are designed in accordance with the approved architectural control guidelines.

- 3.4 The Owner shall ensure that the design architect for any buildings within the plan of subdivision shall not also assume the role of control architect for the plan of subdivision.

4. Parks and Open Space

- 4.1 The Owner shall provide a specialized (200mm) depth of topsoil in the entire municipal boulevard to appropriately plant boulevard trees to the satisfaction of the Director of Planning and Urban Design.
- 4.2 The Owner covenants and agrees to provide a soil report for approval in accordance with the City's Streetscape Manual to the satisfaction of the Director of Planning and Urban Design prior to the installation of any soil for any of the planting trenches.
- 4.3 The Owner and City covenants and agrees that parkland dedication is required at a rate as specified in Parkland Dedication By-law 195-90, as amended.

5. Landscape Works

- 5.1 Prior to execution of the subdivision agreement, the Owner shall submit landscape plans based on the approved Architectural Control Guidelines into all landscape works, to the satisfaction of the Director of Planning and Urban Design:
- a) Street tree planting in accordance with the City of Markham Streetscape Manual dated June 2009.
  - b) 1.8m high wood screen corner lot fencing.
  - c) 1.8m wood privacy fencing to abutting existing residential lots to the satisfaction of the Director of Planning and Urban Design.
  - d) Streetscape plan including street trees for Lee Avenue and Street 'A'.
  - e) Noise attenuation fencing as noted in the approved noise study.
  - f) Minimum of 1 private tree planting per residential lot as per the tree compensation package as required by the Director of Planning and Urban Design.



g) Any other landscaping as required by the Director of Planning and Urban Design.

- 5.2 The Owner shall covenant and agrees that the detailed design and construction of all landscaping shall be a no cost to the City and in accordance with the provisions of the approved landscaped/streetscape plans.
- 5.3 The Owner shall covenant and agree in the subdivision agreement to obtain written approval of the City prior to the removal of any trees within the area of the draft plan.
- 5.4 The Owner shall not permit their builders to charge home purchasers for the items listed in Condition 5.1.
- 5.5 The Owner shall include in all agreements of purchase and sale the following clause:

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

- STREET TREES (TREES PLANTED IN THE CITY BOULEVARD OR IN ADJACENT PUBLIC LANDS OR PRIVATE LOTS TO MEET 5.1a)
- CORNER LOT FENCING
- REAR LOT LINE FENCING AT LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
- TREE PLANTING IN REAR OR FRONT 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.

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

6. Tree Inventory and 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 in the form of cash-in-lieu payment.
  - d) The requirement for the replacement or equivalent economic value following unauthorized tree removal or damage shall be determined by the City.
- 6.5 The Owner covenants and agrees to apply the tree preservation methods identified in the approved Tree Preservation Plan in order to preserve existing trees on lot, to the satisfaction of the Director of Planning and Urban Design.

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 and other landscaping and urban design 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 York Region. 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 York Region.

9. Stormwater Management

- 9.1 The City acknowledges that the Owner has submitted a Functional Servicing and SWM Report prepared by Masongsong Associates Engineering Ltd. dated March 2016.
- 9.2 Prior to final approval of the draft plan, the Owner shall submit a revised stormwater management study, if required, detailing the provision of water quality and quantity management facilities, hydraulic gradelines, overland flow routes, and erosion and siltation controls for the draft plan for approval by the City and the Toronto and Region Conservation Authority. The Owner acknowledges and agrees 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.
- 9.3 The Owner shall covenant and agree in the subdivision agreement to undertake the monitoring of watercourse temperatures which may be affected by storm drainage from its development, subject to consultation with, and to the satisfaction of the City. Alternatively, the Owner has the option to provide the City with cash-in-lieu of the monitoring program in

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the amount of \$200/ha for the total land area included in the plan of subdivision.

- 9.4 The Owner shall covenant and agree in the subdivision agreement to obtain approval of Site Alteration Plan(s) in accordance with the City's Standards prior to proceeding with any on-site works and more particularly topsoil stripping and tree removals.

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 resulted from this development. Any requirements resulting from this Report shall be incorporated into the draft plan and provided for in the subdivision agreement. The owner shall covenant and agree in the subdivision agreement to pay for all external municipal infrastructure upgrades.
- 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 the 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 in accordance with the City's Design Criteria and Standards, by the Owner which will include, but not be limited to grading control plans, plan and profile drawings of all underground and aboveground services, general plans, drainage plans, composite utility plans, streetlighting design drawings, and 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.

11. Traffic Impact Study / Internal Functional Traffic Design Study

- 11.1 Prior to final approval of the draft plan, the Owner covenants and agrees that a Traffic Impact Study / Internal Functional Traffic Design Study may be required to the satisfaction of the City. The Owner shall incorporate the requirements and criteria of the Traffic Impact Study/Internal Functional Traffic Design Study into the draft approved plan and subdivision agreement.

12. Easements

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

13. Utilities

- 13.1 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.
- 13.2 The Owner shall covenant and agree in the subdivision agreement to enter into any agreement or agreements required by any applicable utility companies, including Powerstream, Enbridge, and telecom companies, etc.
- 13.3 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.
- 13.4 The Owner shall covenant and agree in the subdivision agreement to include on all offers of purchase and sale a statement that advises prospective purchasers that mail delivery will be from a designated Community Mailbox. The Owners will further be responsible for notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sale.

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- 13.4 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.
- 13.5 Standard Community Mailbox installations are to be done by Canada Post at locations approved by the municipality and shown on the Composite Utility Plan. Should the developer propose an enhanced Community Mailbox 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.
- 13.6 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.
14. Environmental Clearance:
- 14.1 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 third party peer review. The Owner acknowledges that a "Qualified Person" will be retained for the execution of the Owner's obligation hereunder. The Owner agrees that it shall not substitute the Qualified Person without the prior written consent of the Director of Engineering.
- 14.2 The Owner covenants and agrees that, prior to execution of Subdivision Agreement, an environmental clearance shall be provided to the City for all lands or interests in lands to be conveyed to the City to the satisfaction of the Director of Engineering. The City shall be satisfied that the lands are environmentally suitable for their proposed use and be certified as such by the "Qualified Person" as defined in Ontario Regulation 153/04, all of which shall be in accordance with the Environmental Protection Act and its regulations. The "Qualified Person" shall file a Record of Site Conditions on the Provincial Environmental Site Registry for all lands to be conveyed to the City.

- 14.3 The Owner 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 Environment. After remediation, the "Qualified Person" shall file an updated Record of Site Condition on the Provincial Environmental Site Registry, in accordance with Ontario Regulation 153/04, for all lands to be conveyed to the City.
- 14.4 The Owner 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, councilors, employees and agents from any and all actions, causes of action, suite, claims, demands; losses, expenses and damages whatsoever that may arise either directly or indirectly from the approval and Assumption by the City of the Works, the construction and use of the Works or anything done or neglected to be done in connection with the use or any environmental condition on or under the Lands, including any work undertaken by or on behalf of the City in respect of the Lands and the execution of this Agreement.
15. Well Monitoring Program and Mitigation Plan
- 15.1 Prior to any site alteration activities, the Owner shall check if there are any active wells within 500 m of the Zone of Influence (ZOI). If any active wells are found within the ZOI, the Owner shall prepare and implement a Well Monitoring Program and Mitigation Plan, in accordance with the City's requirements to the satisfaction of the Director of Engineering.
16. Recoveries to the Upfronting Developers
- 16.1 Upon execution of the Agreement, the Owner shall submit a Letter of Release from the Upfronting Developers (see details below) in a form satisfactory to the City Solicitor confirming that the Owner has satisfied all the Best Effort Recoveries to these Upfronting Developers for the up-fronted costs of the municipal infrastructures.
- 16.1.1 Rust Developments Limited***  
Area - R86: For External Servicing for the Study 1A Developers Group, South of 14th Avenue, Kennedy Road to McCowan Road.
- 16.1.2 Armadale Developers Group - South***  
Area - R87B: For 14th Avenue Reconstruction from Kennedy Road to McCowan Road.

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17. Municipal Infrastructure

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

Local Roads:	240 m
Sidewalks:	240 m
Streetlights:	10 (approx.)
Watermain:	240 m
Sanitary Sewers:	240 m
Storm Sewers:	240 m

18. Streetlight Types:

- 18.1 The Owner agrees to contact the 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.

19. Heritage

- 19.1 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 (Heritage Branch). No demolition, grading, filling or any form of soil disturbances shall take place on the lands within the draft plan prior to the issuance of a letter from the Ministry of Culture (Heritage Branch) to the City indicating that all matters relating to heritage resources have been addressed in accordance with licensing and resource conservation requirements.
- 19.2 The Owner shall covenant and agree in the subdivision agreement to implement any measures recommended by the heritage resource assessment, to the satisfaction of the City and the Ministry of Culture (Heritage Branch).
- 19.3 Prior to any removal or alteration of any existing buildings, trees or other site features, the Owner shall permit City staff an opportunity to carry out photographic documentation of the property and its features for archival purposes.



20. Development Charges

- 20.1 The Owner covenants and agrees to provide written notice of all development charges related to the subdivision development, including payments made and any amount owing, to all first purchasers of lands within the plan of subdivision at the time the lands are transferred to the first purchasers.
- 20.2 The Owner shall pay all fees and development charges as set out in the subdivision agreement.

21. Other City Requirements

- 21.1 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
- 21.2 The Owner shall provide and post display plans in all sales offices which clearly indicate the location of the following facilities in relation to the lot being purchased, prior to any Agreements of Purchase and Sale being executed by the Owner, a builder or their real estate agents:

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.

- 21.3 The Owner acknowledges and agrees that firebreak lots within the draft plan shall be designated in the subdivision agreement, to the satisfaction of the Fire Chief or his designee. The Owner shall provide a letter of credit

in an amount to be determined by the Fire Chief at the subdivision agreement stage to ensure compliance with this condition.

- 21.4 The Owner acknowledges and agrees that the adequacy and reliability of water supplies for firefighting purposes are subject to the review and approval of the Fire Chief or his designee.
- 21.5 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.
- 21.6 The Owner covenants and agrees to install an automatic fire suppression sprinkler system in accordance with the Ontario Building Code for each for the proposed dwellings within the draft plan of subdivision, to the satisfaction of the Fire Chief or his designee. The Owner shall provide a letter of credit in an amount to be determined by the Fire Chief at the subdivision agreement stage to ensure compliance with this condition.
- 21.7 The Owner shall agree in the Subdivision Agreement to implement sustainability measures within the subdivision to the satisfaction of the City.

22. York Region

- 22.1 Prior to final approval, York Region shall confirm that adequate water supply and sewage servicing capacity are available and have been allocated by the City of Markham for the development proposed within this draft plan of subdivision or any phase thereof.
- 22.2 The Owner shall agree in the Subdivision Agreement that the Owner shall save harmless the City of Markham and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
- 22.3 Prior to final approval, an electronic copy of the engineering drawing(s) showing the layout of the watermains and sewers shall be submitted to the Community Planning and Development Services branch for review and record.
- 22.4 The Owner shall agree in the subdivision agreement that any direct connection(s) to and/or the crossing(s) of a York Region water or wastewater system requires Regional approval prior to construction. Engineering drawings showing details of the connection(s) and/or

crossing(s) shall be submitted to the Community Planning and Development Services branch for approval.

22.4 Prior to final approval, the Owner shall provide a copy of the Subdivision Agreement to the Community Planning and Development Services branch, outlining all requirements of the Community Planning and Development Services branch.

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

23. Ministry of Natural Resources (MNR)

23.1 The Owner shall agree in the subdivision agreement to satisfy all requirements of the Ministry of Natural Resources with respect to a Redside Dace (endangered species) potential impact on the draft plan of subdivision.

24. External Clearances

24.1 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:

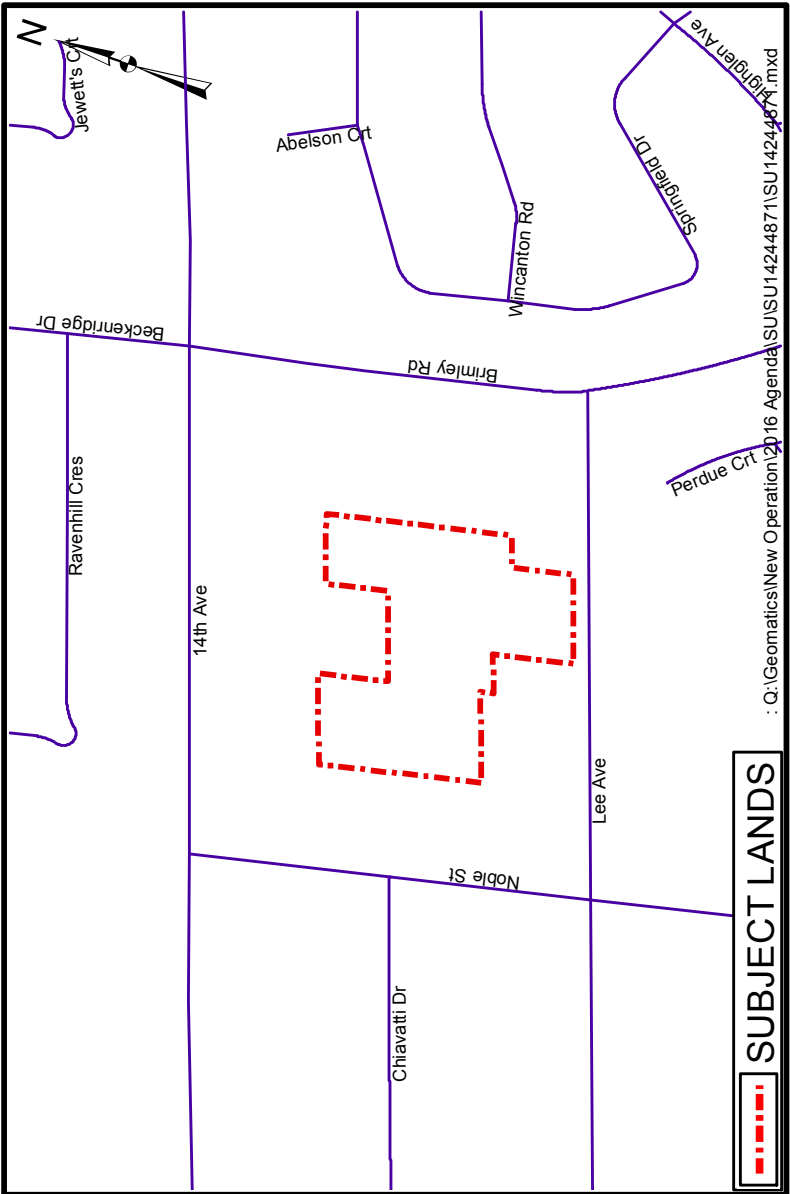
a) The Ministry of Culture (Heritage Branch) shall advise that Condition 19 has been satisfied.

b) The Regional Municipality of York Planning Department shall advise that Condition 2.1 and 22 have been satisfied.

Dated: XXXX, 2017

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Ron Blake, Senior Development Manager






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# AREA CONTEXT/ZONING

APPLICANT: 2080552 ONTARIO INC. (ALAWN LAI)  
NORTH SIDE OF LEE AVENUE, EAST OF NOBLE STREET

 SUBJECT LANDS

FILE No:SU14244871(SB)

DATE:07/27/16





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# AIR PHOTO 2105

APPLICANT: 2080552 ONTARIO INC. (ALAWN LAI)

NORTH SIDE OF LEE AVENUE, EAST OF NOBLE STREET

 SUBJECT LANDS

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DATE:07/27/16



ORIGINAL DRAFT PLAN OF SUBDIVISION (2008)

APPLICANT: 1606090 ONTARIO LIMITED  
78 & 90 LEE AVENUE

FILE No. SU05013073 (SB)


**SUBJECT LANDS**

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DATE: 22/08/2016



SUBJECT LANDS

**IVARKHAM** DEVELOPMENT SERVICES COMMISSION

**FIGURE No. 5**