



Report to: Development Services Committee

Report Date: November 20, 2012

SUBJECT: RECOMMENDATION REPORT
CWH Markham Developments Inc.
117 Mingay Avenue
Draft Plan of Subdivision 19TM-11004 for single
detached, semi-detached and townhouses
File No. SU 11 131035

PREPARED BY: Rick Cefaratti, Planner II, East District, ext. 3675

REVIEWED BY: David Miller, Manager, East District, ext. 4960

RECOMMENDATION:

- 1) That the report titled "RECOMMENDATION REPORT, CWH Markham Developments Inc., 117 Mingay Avenue, Draft Plan of Subdivision 19TM-11004 for single detached, semi-detached and townhouses, File No. SU 11 131035 ", dated November 20, 2012, be received;
- 2) That the record of the Public Meeting held on June 19, 2012, regarding the application for approval of Draft Plan of Subdivision be received;
- 3) That the Mayor and Clerk be authorized to enter into a No Presale Agreement with the Owner of Plan 19TM-11004 which agreement shall be registered on title, committing the Owner to:

Not enter into any agreements of purchase and sale with end users for the lands (residential unit purchasers), until such time as:

- a. the City of Markham approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure;

or,

- b.
 - i. York Region has advised in writing that it is no earlier than twelve (12) months prior to the expected completion of the Southeast Collector Trunk Sewer and,
 - ii. The Council of the City of Markham has allocated adequate available water supply and sewage servicing capacity to the subject development;

or,

- c. the Regional Commissioner of Environmental Services confirms servicing capacity for this development by a suitable alternative method and the City of Markham allocates the capacity to this development;

AND

Not enter into any agreements of purchase and sale with non end users for the subject lands unless the agreement of purchase and sale contains a condition that requires the purchaser and any subsequent purchasers to enter into a separate agreement with the City of Markham, which agreement shall be registered on title, committing the new Owner to the same terms as set out in items a, b and c above;

- 4) That draft plan of subdivision 19TM-11004 submitted by CWH Markham Developments Inc, be draft approved subject to the conditions outlined in Appendix 'A';
- 5) The Director of Planning and Urban Design, or his designate, be delegated authority to issue draft approval, subject to the conditions set out in Appendix 'A' as may be amended by the Director of Planning and Urban Design;
- 6) That the draft plan approval for plan of subdivision 19TM-11004 will lapse after a period of three (3) years from the date of issuance in the event that a subdivision agreement is not executed within that period;
- 7) 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 the subject Draft Plan of Subdivision application in the Wismer Commons Community.

BACKGROUND:**Subject lands and area context**

117 Mingay Avenue is located on the east side of Mingay Avenue, north of Hawksbury Road in the Wismer Commons community (Figure 1). The subject land is approximately 2 hectares (4.9 acres), and is currently vacant. A future park abuts the property to the north. Wismer Public School and a stormwater management pond are also located further north on the east and west sides of Mingay Avenue, respectively. Low Density residential development exists to the south on Hawksbury Road and to the west across Mingay Avenue on Raspberry Ridge Drive and Mimosa Street. Future residential developments with similar density to the current proposal are draft approved on the lands abutting the property to the east (Wynberry Developments Inc.), on Prebble Drive.

York District Separate School Board Does Not Require Subject Lands

The YDSSB, through an Agreement of Purchase and Sale dating back to April of 2001, had the opportunity to acquire the subject lands to develop an elementary school. However, the YDSSB recently determined that the subject lands were surplus to their needs and the lands were approved for release by the Board of Trustees on April 12, 2011. The City of Markham further determined in October of 2011 that these lands were not required for alternative community or public use. Consequently, in accordance with the current subdivision agreement that applies to these lands, the former school block was released to be used for residential purposes.

Official Plan and Zoning

The lands are designated Urban Residential in the Official Plan and Urban Residential – Low Density in the Secondary Plan for the Wismer Commons Community. This designation permits detached, semi-detached, linked, duplex and street townhouse units.

The site has dual zoning which permits residential dwellings or a school at this location. Approximately one third of the lands are zoned R2-S*98*99 Residential Two Special (Wide-Shallow Lots) and the remainder are zoned R2*98*99 Residential Two Zone (Conventional Lots) under Zoning By-law 177-96, as amended (Figure 2). The zoning permits single detached, semi-detached and townhouse units. The proposal is consistent with residential zone provisions of the Zoning By-law.

Single Detached, Semi-Detached and Townhouse units are proposed

The Draft Plan proposes to subdivide the subject lands for the development of 59 dwelling units as described in the land use schedule below:

Dwelling Type & Frontage	Blocks	Lots	Units
Single Detached 11.24m		4	4
Semi-Detached 17.4m		2	4
Townhouses 7.5m	9		51
Total	9	6	59
Total Site Area	2 ha. (4.9 ac)		

OPTIONS/ DISCUSSION:

Servicing allocation

Servicing Allocation has not yet been assigned to these lands. Prior to Registration of the subject Draft Plan, confirmation that servicing allocation is available and has been assigned, is required.

Municipal Services By-law 2005-104, as amended, prohibits the use of land or the erection of buildings or structures unless municipal services are available. Typically, an (H) Hold provision is also placed on the Zoning until servicing is available. In this instance, the site is already zoned which would preclude the opportunity of adding the (H) Hold provision to the Zoning By-law. However, the Owner will be required to enter into a No Presale Agreement with the City, to be registered on title to these lands, and committing the Owner to not enter into any agreements of purchase and sale with end users until servicing allocation is confirmed.

Issues raised at the Community Meetings have been addressed

The Ward Councillor coordinated a Community Meeting relating to the proposed draft plan of subdivision on May 23, 2012. The comments raised during the meeting related to fencing and maintenance of the vacant land.

The Owner has advised that a wood privacy fence will be installed along the south and east lot lines of the site. The installation of this fencing will be addressed in the subdivision agreement. The vacant property has been consistently maintained to municipal property standards since this issue was raised.

The Ward Councillor also coordinated a meeting between the proponent's agent, representatives from Wismer Public School and City Staff on October 2, 2012. The purpose of the meeting was to observe the frequency of pedestrian traffic along Mingay Avenue during peak morning hours, when students arrive at the school. The sidewalks on both sides of Mingay Avenue were well travelled by students. The consensus of the meeting attendants was that the sidewalk abutting the proposed Draft Plan of Subdivision on the east side of Mingay Avenue should be closed during the site servicing stage of construction and pedestrian traffic should be directed to the sidewalk on the west side of Mingay Avenue.

No Issues Raised at the Public Meeting

The Ward Councillor advised that a community meeting had been held early in the process, and resulted in the resolution of issues relating to fencing and maintenance of the vacant land.

There were no comments from the audience with respect to this application.

Staff are satisfied with the proposed lotting, block and road pattern

The proposed draft plan reflects the general road and block pattern set out in the Wismer Commons Community Design Plan. The site layout provides an opportunity for a future path connection between the subject development and the abutting park block to the north.

Net Site Density generally complies with the density provisions of the Wismer Commons Secondary Plan

The Wismer Commons Secondary Plan provides that each plan of subdivision shall generally comply with net site density range by density category. The Urban Residential – Low Density Housing policies of the Secondary Plan require that the average net site density of all Urban Residential – Low Density housing within the Secondary Plan area be within the range of 17.0 to 37.0 units per hectare (6.9 to 14.9 units per acre). The net site density of the subject proposal is 38.99 units per hectare (15.78 units per acre). However, when combined with recently Draft approved Plan of Subdivision 19TM-03001 to the north at the intersection of Hammersly Boulevard and Greenspire Avenue (Arrowdale Developments Ltd. and Bonnydon Ltd.), the average net site density of both Draft Plans, is approximately 36.76 units per hectare (14.88 units per acre) which would comply with the Secondary Plan requirement.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

Not applicable

HUMAN RESOURCES CONSIDERATIONS

Not applicable.


ALIGNMENT WITH STRATEGIC PRIORITIES:

The Wismer Commons Community has been developed in an orderly manner and in accordance with the Wismer Commons Secondary Plan. The proposed Draft Plan application will continue the orderly development of this community, and will align with the City's strategic priorities of Growth Management and Municipal Services by implementing the proposed development in coordination with available servicing allocation.

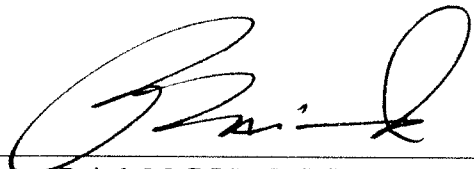
BUSINESS UNITS CONSULTED AND AFFECTED:

The application has been circulated to various departments and external agencies and is currently under review.

RECOMMENDED BY:



Rino Mostacci, M.C.I.P., R.P.P.
Director, Planning & Urban Design



James Baird, M.C.I.P., R.P.P.
Commissioner of Development Services

ATTACHMENTS:

- Figure 1 – Location Map
- Figure 2 – Area Context/Zoning
- Figure 3 – Aerial Photo
- Figure 4 – Proposed Draft Plan of Subdivision
- Appendix 'A' – Draft Conditions

AGENT/CONTACT INFORMATION

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AIR PHOTO 2011

APPLICANT: WISMER COMMONS DEVELOPERS GROUP INC.
117 MINGAY AVENUE

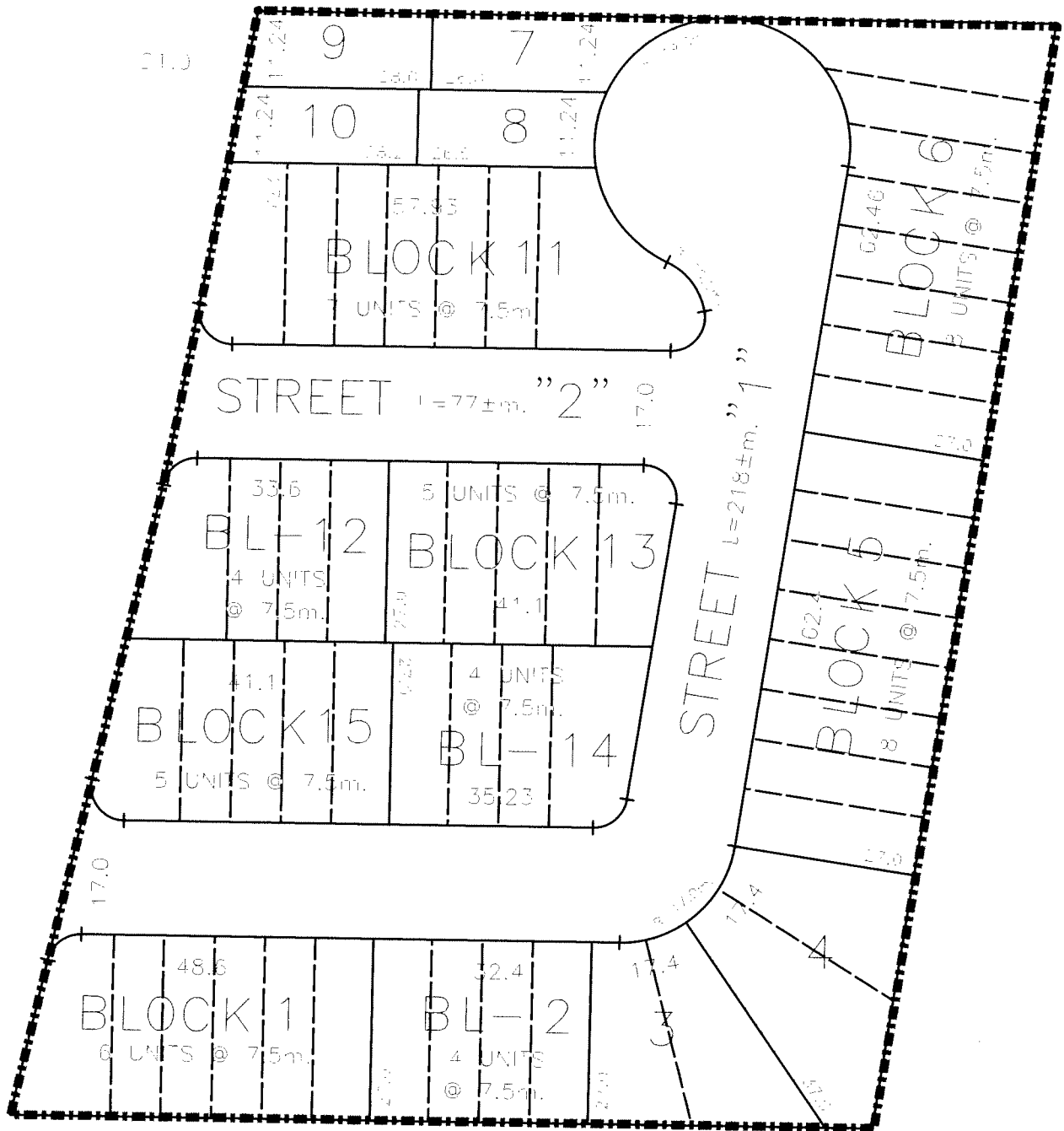
FILE No. SU11131035 (RC)

 SUBJECT LANDS



DATE: 03/16/12

FIGURE No. 3



PROPOSED DRAFT PLAN OF SUBDIVISION

APPLICANT: WISMER COMMONS DEVELOPERS GROUP INC.
117 MINGAY AVENUE

 SUBJECT LANDS

FILE No. SU11131035 (RC)

DATE: 03/16/12

DRAFT

SU 11-131035

THE CONDITIONS OF THE CITY OF MARKHAM TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TM-11004 (CWH MARKHAM DEVELOPMENTS INC.) ARE AS FOLLOWS1. General

- 1.1 Approval shall relate to a draft plan of subdivision prepared by KLM Planning Partners Inc., identified as Project Number P-2227, dated November 09, 2011.
- 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 November 20, 2015 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 Prior to issuance of draft plan approval, the Owner shall enter into an agreement with the City of Markham, which agreement shall be registered on title, committing the Owner to:
 - A. Not enter into any agreements of purchase and sale with end users (*) for the subject lands until such time as:
 - a. the City of Markham approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure;or,
 - b. i. York Region has advised in writing that it is no earlier than twelve (12) months prior to the expected completion of the Southeast Collector Trunk Sewer and,
 - ii. The Council of the City of Markham has allocated adequate available water supply and sewage servicing capacity to the subject development;or,
 - c. the Regional Commissioner of Environmental Services confirms servicing capacity for this development by a suitable alternative method and the City of Markham allocates the capacity to this development.

AND

B. Not enter into any agreements of purchase and sale with non end users for the subject lands unless the agreement of purchase and sale contains a condition that requires the purchaser and any subsequent purchasers to enter into a separate agreement with the City of Markham, which agreement shall be registered on title, committing the owner to the same terms as set out in item A above.

1.5 Prior to draft plan approval, the Owner shall enter into an indemnity agreement with York Region, which agreement shall be registered on title, agreeing to save harmless York Region from any claim or action as a result of York Region releasing conditions and pre-conditions of draft approval as part of the draft approval of Plan of Subdivision 19TM-11004, or any phase thereof, including, but not limited to claims or actions resulting from, water or sanitary sewer service not being available when anticipated. The agreement shall include a provision that requires all subsequent purchasers of the subject lands, who are not end-users, to enter into a separate agreement with York Region as a condition of the agreement of purchase and sale, agreeing to indemnify York Region on the same terms and conditions as the owner.

(*) the term 'end users' for the purpose of the above noted pre-conditions is defined as the eventual homeowner who is purchasing an individual lot containing a dwelling for the purpose of occupancy.

1.6 The Owner shall covenant and agree in the subdivision agreement that building permits shall not be sought or issued for any dwelling units within the draft plan for which a water supply and sanitary sewer allocation has not been confirmed by the City.

1.7 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, (Commissioner of Development Services) to implement or integrate any recommendations resulting from studies required as a condition of draft approval.

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 all costs and encumbrances, to the satisfaction of the City of Markham.

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 The Owner shall covenant and agree in the subdivision agreement to implement traffic calming measures, prior to assumption of the plan of subdivision, if it is determined by the City that traffic calming measures are required.
- 2.6 The Owner shall covenant and agree to undertake a review of the proposed elbow configurations and implement any revisions required to provide a configuration that is satisfactory to the Director of Engineering.

3. Noise Impact Study

- 3.1 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 on Mingay Avenue 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.
- 3.2 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.

4.0 Tree Inventory and Tree Preservation Plans

- 4.1 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.
- 4.2 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.

- 4.3 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.
- 4.4 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
 - d) The requirement for the replacement or equivalent economic value following unauthorized tree removal or damage shall be determined by the City.

5. Community Design

- 5.1 The Owner shall implement and incorporate all requirements of the approved Wismer Commons Open Space Master Plan and Community Design Plan into all landscape plans, architectural control guidelines, engineering plans and any other required design documents.
- 5.2 The Owner shall retain a design consultant to prepare architectural control guidelines to be submitted to the Director of Planning and Urban Design for approval prior to execution of the subdivision agreement.
- 5.3 The Owner shall retain a design consultant to implement the Architectural Control Guidelines.
- 5.4 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.
- 5.5 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.

6. Parks and Open Space

- 6.1 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.
- 6.2 The Owner shall post approved copies of any Open Space Plans, Conceptual Park Development Master Plans and Conceptual Facility Fit Plans for the park and school campus in all sales offices for dwelling units within the draft plan of subdivision.
- 6.3 The Owner shall protect for future connection and access including but not limited to a continuous sidewalk and enhanced landscaping around the cul-de-sac at north of Street 1 abutting the parkland north of this subdivision.

7.0 Landscape Works

- 7.1 Prior to execution of the subdivision agreement, the Owner shall submit landscape plans based on the approved Wismer Commons Open Space Master Plan and Community Design Plan 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) streetscape plan including street trees for Mingay Ave, Street 1 and 2;
 - d) any other landscaping as determined by the Community Design Plan and the Environmental Master Drainage Plan.
- 7.2 The Owner shall construct all landscaping in accordance with the approved plans at no cost to the City.
- 7.3 The Owner shall not permit their builders to charge home purchasers for the items listed in Condition 4.1.
- 7.4 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 4.1a)
- 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
- WOOD PRIVACY FENCING ALONG THE SOUTH AND EAST LOT LINES OF THE SITE

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

8 Financial

- 8.1 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 requirements.

9. Stormwater Management

- 9.1 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.
- 9.2 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.
- 9.3 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.

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. Any requirements resulting from this Report shall be incorporated into the draft plan and provided for in the subdivision agreement.
- 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), 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 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, 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. 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 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 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.
- 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. Phase 1 Environmental Site Assessment (ESA)

- 13.1 Prior to release for registration of the draft plan, the Owner shall:
 - i) Submit environmental site assessment reports prepared by a Qualified Person in accordance with the Record of Site Condition Regulation

(O.Reg. 153/04) describing the current conditions of the land to be conveyed to the City and any proposed remedial action plan, for peer review and concurrence;

- ii) At the completion of any necessary site remediation process, submit certification from the Qualified Person that the necessary clean up has been carried out and that the land to be conveyed to the City meets the Site Condition Standards of the intended land use;
- iii) File a Record of Site Condition on the Provincial Environmental Site Registry for the land to be conveyed to the City; and
- iv) Pay all costs associated with the City retaining a third-party reviewer for the peer review service.

13.2 The Owner shall covenant and agree in the subdivision agreement that if during construction of any infrastructure or building within the subdivision contaminated soils are discovered, the Owner shall submit a further remedial action plan to the City for peer review and concurrence prior to carrying out the clean up, to the satisfaction of the Director of Engineering.

14. Well Monitoring Program and Mitigation Plan

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.

16. Heritage

16.1 Prior to final approval of the draft plan of subdivision or any phase thereof, the Owners shall carry out a cultural heritage resource assessment for the lands within the draft plan to ensure the assessment and identification of appropriate treatment 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 prior to the issuance of a letter from the Ministry of Culture 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.

17. Other City Requirements

- 17.1 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.
- 17.2 Access to rear yards of townhouses shall be provided by means of a three (3) metre break.
- 17.3 Fire hydrant(s) on streets are to be spaced at intervals not exceeding 120 metres or single family dwellings and 90 metres for townhouse developments.
- 17.4 A water supply of at least 5,000 l/m for single family dwellings and 7,000 l/m for townhouse developments shall be available for firefighting purposes.
- 17.5 The size of watermains and the hydrant locations must be approved by this department.
- 17.6 The Owner shall covenant and agree in the subdivision agreement to include warning clauses in agreements of purchase and sale advising purchasers of the following:

“OVERNIGHT STREET PARKING WILL NOT BE PERMITTED UNLESS AN OVERNIGHT STREET PARKING PERMIT SYSTEM IS IMPLEMENTED BY THE CITY.”

17.7 Well Monitoring Program and Mitigation Plan

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. Region of York

- 18.1 The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the area municipality and the York Region Planning and Development Services Department.
- 18.2 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. Registration of the plan of subdivision shall occur in phases based on the availability of water supply and sewage servicing allocation.

- 18.3 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.
- 18.4 Prior to the final approval of the 59 residential units (170.7 population) the following shall occur:
- the City of Markham approves a transfer of servicing allocation to this development that is not dependent upon the completion of infrastructure; or,
 - York Region has advised in writing that it is no earlier than six months (6) months prior to the expected completion of the Southeast Collector Trunk Sewer; or,
 - the Regional Commissioner of Environmental Services confirms servicing allocation for this development by a suitable alternative method and the City of Markham allocates the capacity to this development.
- 18.5 Prior to final approval, a Functional Servicing Report (FSR) including water and wastewater servicing and drainage plans, shall be submitted to York Region for review. The wastewater servicing plan shall clearly identify any external areas serviced by the subdivision and the water servicing plan shall clearly identify any pressure-reducing valves, if required.
- 18.6 Prior to final approval, engineering drawings including water and wastewater servicing and drainage plans, shall be submitted to York Region for review. The wastewater servicing plan shall clearly identify any external areas serviced by the subdivision and the water servicing plan shall clearly identify any pressure-reducing valves,.
- 18.7 Prior to final approval, the Owner shall provide a set of engineering drawings, approved by the area municipality, which indicates the storm drainage system and the overall grading plans, for all lands within this plan of subdivision, to the Transportation Services Department for verification that all York Region's concerns have been satisfied.
- 18.8 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Transportation Services Department, 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.
- 18.9 Prior to final approval, the location and design of the construction access for the subdivision work shall be completed to the satisfaction of the Transportation Services Department and illustrated on the Engineering Drawings.
- 18.10 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation Services Department, 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.

- 18.11 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Transportation Services Department that the Owner will be responsible for determining the location of all utility plants within York Region right-of-way and for the cost of relocating, replacing, repairing and restoring any appurtenances damaged during construction of the proposed site works. The Owner must review, or ensure that any consultants retained by the Owner, review, at an early stage, the applicable authority's minimum vertical clearances for aerial cable systems and their minimum spacing and cover requirements. The Owner shall be entirely responsible for making any adjustments or relocations, if necessary, prior to the commencement of any construction.
- 18.12 Prior to final approval, the Owner shall provide a copy of the subdivision agreement to the Regional Transportation Services Department, outlining all requirements of the Regional Transportation Services Department.
- 18.13 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 DC-0007-2007-040.
- 18.14 The Region of York Planning and Development Services Department shall advise that Conditions 1 to 14 inclusive, have been satisfied.

22. External Clearances

- 22.1 Prior to final approval of the draft plan of subdivision, clearance letters, containing a brief statement detailing how conditions have been met, will be required from authorized agencies as follows:
 - (a) The Regional Municipality of York Planning Department shall advise that Conditions 2.1 to 2.3, and 18.1 to 19.14 inclusive, have been satisfied.
 - (b) The Ministry of Culture shall advise that Conditions 16.1 and 16.2 have been satisfied.

Dated:

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Senior Development Manager
Planning and Urban Design