

THE CONDITIONS OF THE TOWN OF MARKHAM TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TM-10003 (Upper Unionville Inc.) ARE AS FOLLOWS:

1. General

- 1.1 Approval shall relate to a draft plan of subdivision prepared by KLM Planning Partners Inc., identified as Project Number P-2027, Drawing No. 11:3, dated March 9, 2011.
- 1.2 This draft approval shall apply for a maximum period of three (3) years from date of issuance by the Town, and shall accordingly lapse on ----- unless extended by the Town upon application by the Owner.
- 1.3 The Owner shall enter into a subdivision agreement with the Town agreeing to satisfy all conditions of the Town 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, amendments to Zoning By-laws 304-87 and 177-96 to implement the plan shall have come into effect in accordance with the provisions of the Planning Act.
- 1.5 The Owner acknowledges and understands that prior to final approval, the Region of York shall confirm that adequate water supply and sewage servicing capacity are available and that the Town has allocated such capacity for the development proposed within this plan of subdivision or any phase thereof. A Holding ('H') provision in the Zoning By-law will be utilized to prohibit development of the lands until adequate water supply and sewage servicing capacity are available and have been allocated.
- 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 Town, (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 Town and the Region of York.
- 2.2 The road allowances and lanes within the draft plan shall be dedicated as public highways, free of all costs and encumbrances to the satisfaction of the Town.

- 2.3 The Owner shall covenant and agree in the subdivision agreement that the public highways shall be designed, secured and constructed in accordance with established municipal standards or to meet municipal operations requirements to the satisfaction of the Town (Commissioner of Development Services).
- 2.4 The Owner shall convey, upon registration of the plan of subdivision, 0.3m reserves as required by the Town or other agencies, free of all costs and encumbrances, to the satisfaction of the Town.
- 2.5 The Owner shall covenant and agree in the subdivision agreement to provide temporary turning circles and any necessary easements where required at their cost. The Owner shall also covenant and agree in the subdivision agreement to remove them and restore the streets to their normal condition at their cost when required by the Town, to the satisfaction of the Town (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 Town.
- 2.6 The Owner shall covenant and agree in the subdivision agreement to obtain Region of York approval to provide direct construction access from any Regional roads and to provide the Town with a copy of this approval.
- 2.7 Prior to the final approval of the draft plan, the Owner shall show the Laneways rounding radii at all intersections, to the satisfaction of the Town.
- 2.8 Prior to the final approval of the draft plan, the Owner shall design the Laneways in accordance with the criteria for Laneways, to the satisfaction of the Town of Markham:
- maximum length of lane of 120m for singles and 90m for Townhouses
 - no elbows shall be allowed
 - no municipal services, except for local storm sewers, unless approved by the Town
 - laneway shall intersect with public roads
 - if laneways intersect, one of the laneways shall have a 10.0m ROW
- 2.9 The Owner shall covenant and agree in the subdivision agreement to provide a 1.0m wide servicing easement along Street D (William Berczy Boulevard) / 16th Avenue daylight triangle (west side) in favour of the Town where watermain installation is required, to the satisfaction of the Town.
- 2.10 The Owner shall covenant and agree in the subdivision agreement to provide 5.5m wide servicing blocks fronting on Regional Roads in favour of the Town where watermain, storm sewer and sanitary sewer installations are required, to the satisfaction of the Town.

- 2.11 The Owner shall covenant and agree in the subdivision agreement to provide permanent easements to the Town for services within private properties per Town design criteria.
- 2.12 Rounding radius for all roadway intersections and roundabout radii shall be provided to the satisfaction of the Town.

3. Community Design

- 3.1 The Owner shall implement and incorporate all requirements of the approved Upper Unionville Community Design Plan into all landscape plans, architectural control guidelines, engineering plans and any other required design documents.
- 3.2 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
- 3.3 The Owner shall retain a design consultant to implement the Architectural Control Guidelines.
- 3.4 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.
- 3.5 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.
- 3.6 The Owner shall submit for approval all street Townhouses subject to site plan control in accordance with the Town's Site Plan Control By-Law.
- 3.7 The Owner shall submit Urban Design Guidelines and a Block or Precinct Plan, and a land use study (if required) for Block 992 (Future Development Block) to the satisfaction of the Town prior to the Town granting any development approvals for Block 992.
- 3.8 The Owner shall covenant and agree in the subdivision agreement, to implement sustainability measures including, but not limited to, water and energy conservation, indoor air quality, renewable energy, resource management and homeowner education, as identified in the Owner's letter to the Town dated February 10, 2011. Such measures shall apply to all lots within this development.

4. Parks and Open Space

4.1 The Owner shall provide full servicing, utilities, and maintenance for park blocks 968 to 972, inclusive to the satisfaction of the Director of Planning and Urban Design.

4.2 The Owner shall provide the following in each park block to the satisfaction of the Director of Planning and Urban Design:

Accommodation of minimum 300mm topsoil depths in parks

Access to sufficient topsoil to cover parks at the depths specified in the subdivision agreement

Water service and meter chamber inclusive of chamber drain to storm or sanitary drain and apparatus

Storm servicing (CB/manhole) in the low end of each watershed within the park

Sanitary servicing (dependent on park size)

Electrical servicing

Minimum compaction levels

Fencing of park block to OPSD standards

Hydro-seed sub grade of parks

Undeveloped park maintenance

4.3 The Owner shall provide a minimum 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.

4.4 The Owner shall convey Block 968 to 972, inclusive to the Town for park purposes, free of all costs and physical and title encumbrances, upon registration of the plan of subdivision. These blocks shall be conveyed in a physical condition which is satisfactory to the Director of Engineering and Director of Planning and Urban Design which includes the provisions of utility, sewer and sanitary connections for the blocks at the street line. The Town reserves the right to require, as an alternative, payment of cash-in-lieu for any part of the said conveyance of lands for parks purposes and that the draft plan be revised accordingly.

4.5 The Owner shall covenant and agree to rough grade, topsoil, seed and maintain (free of stock piles and debris) all school blocks (unless otherwise approved by the Town and School Board), park blocks and place of worship blocks and vacant lands within the subdivision to the satisfaction of the Director of Planning and Urban Design. The park blocks shall be maintained until such time as the parks have been constructed and formally assumed by the Town for maintenance purposes. The school blocks, places of worship blocks, and other vacant blocks shall be maintained until such time as the ownership of the blocks has been transferred.

- 4.6 Prior to execution of the subdivision agreement, the Owner shall prepare and submit for approval a Facility Fit Plan for the adjacent school and park blocks to the satisfaction of the Director of Planning and Urban Design and the School Boards.
- 4.7 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.
- 4.8 The Owner shall convey Blocks 975 to 977, 982 to 985 (buffer blocks), inclusive and Block 978 (bio swale) to the Town, free of all costs and encumbrances, to the satisfaction of the Director of Planning and Urban Design, upon registration of the plan of subdivision.
- 4.9 The Owner shall submit grading, servicing and survey plans by a qualified person for Blocks 968 to 972, 975 to 978 and 982 to 985, inclusive to the satisfaction of the Director of Planning and Urban Design.
- 4.10 The Owner shall provide a current geotechnical report by a qualified person for Blocks 968-972, inclusive to the satisfaction of the Director of Planning and Urban Design.
- 4.12 At the written request of the Director of Planning and Urban Design, the Owner will re-monument the park Blocks 968 to 972, inclusive.

5. Landscape Works

- 5.1 Prior to execution of the subdivision agreement, the Owner shall submit landscape plans based on the approved Upper Unionville 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 Town of Markham Streetscape Manual date June 2009, as amended from time to time
 - b) 1.8m high wood screen corner lot fencing
 - c) 1.5m high black vinyl chain link fence on the property line where residential lots abut parks and open space
 - d) buffer planting for the open space blocks and single loaded road allowances abutting 16th Avenue and Kennedy Road
 - e) appropriate landscape treatment for block 978
 - d) noise attenuation fencing in accordance with the approved noise study

- e) fencing and planting of the walkway blocks
- f) fencing of the school blocks where they abut residential development
- g) fencing between low density residential and higher density residential, commercial and industrial sites
- h) streetscape plan including street trees for all Townhouse Blocks
- i) pathways, buffer planting, and fencing of the stormwater management facility
- j) any other landscaping as determined by the Community Design Plan and the Environmental Master Drainage Plan.

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

5.3 The Owner shall covenant and agree in the subdivision agreement to prohibit all builders from imposing an extra charge to 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 TOWN OF MARKHAM HAS REQUIRED THE DEVELOPER TO UNDERTAKE AND BEAR THE COST OF THE FOLLOWING ITEMS:

- STREET TREES (TREES PLANTED IN THE TOWN BOULEVARD OR IN ADJACENT PUBLIC LANDS OR PRIVATE LOTS)
- CORNER LOT FENCING
- REAR LOT LINE FENCING AT LANES (IF SPECIFICALLY REQUIRED BY THE TOWN)
- TREE PLANTING IN REAR YARDS ADJOINING THE LANES (IF SPECIFICALLY REQUIRED BY THE TOWN)
- 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 TOWN.

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

- 5.5 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.

6. Tree Inventory and Tree Preservation Plan

- 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 Town’s 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 approval of Site Alteration Plans, 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 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 Town’s 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 Town 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 Town 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 Town.

7. Noise Impact Study

- 7.1 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 Town, 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.

- 7.2 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 Town, in consultation with the Region of York. The Owner will be responsible for including all noise warning clauses in the Offers of Purchase and Sale, for affected lots including any Offers of Purchase and Sale entered into prior to execution of the subdivision agreement.
- 7.3 The Owner shall covenant and agree in the subdivision agreement to convey the necessary Blocks to the Town as buffer blocks, free of all costs and encumbrances. These Blocks shall be conveyed in a physical condition that is satisfactory to the Town.

8. Stormwater Management

- 8.1 Prior to final approval of the draft plan, the Owner shall submit a Master Environmental Servicing Plan (MESP), prepared by a Consulting Engineer, for approval by the Director of Engineering and Toronto and Region Conservation Authority (TRCA). Prior to submission of engineering drawings, the Owner shall submit a Stormwater Management Study including Water Balance Study (if required), prepared by a Consulting 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, as per the Stormwater Management Guidelines – Town of Markham and consistent with the MESP for approval by the Town and 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.
- 8.2 The Owner shall convey Block 974 to the Town, for stormwater management purposes, free of all costs and encumbrances, to the satisfaction of the Town and TRCA, upon registration of the plan of subdivision.
- 8.3 Prior to final approval of the draft plan, the Owner shall submit a detailed design plan for Block 974 prepared by a qualified consultant, as required by the Town.
- 8.4 The Owner acknowledges and agrees that they will be required to construct a Stormwater Management Pond within the Future Development Block 992 to provide the required stormwater quality and quantity controls for the south-west drainage catchment area. The size of the SWM block (within Future Development Block 992) shall be determined based on current Town of Markham SWM Guideline, MOE and TRCA guidelines and shall be approved by the Town and TRCA.

- 8.5 The Owner shall convey any land to the Town within the Future Development Block 992, which is required for Stormwater Management purpose, free of all costs and encumbrances, to the satisfaction of the Town and TRCA, upon registration of the Plan of Future Development Block 992.
- 8.6 Prior to final approval of the draft plan of Future Development Block 992, the Owner shall submit a detailed design plan for Stormwater Management Pond within the Future Development Block 992, prepared by a qualified consultant, as required by the Town.
- 8.7 The Owner shall covenant and agree in the subdivision agreement to undertake a two year water quality monitoring program to assess the impact of the plan of subdivision on the downstream receiving watercourse(s), to the satisfaction of the Town. Alternatively, the Owner has the option to provide the Town with cash-in-lieu of the monitoring program in the amount of \$200.00/ha for the total area of the plan of subdivision. This cash-in-lieu will be used to implement a town-wide watercourse monitoring program. The Owner will be required to implement the recommendations of the monitoring program
- 8.8 The Owner shall covenant and agree in the subdivision agreement to obtain approval of Site Alteration Plans in accordance with the Town Standards prior to proceeding with any on-site works and more particularly topsoil stripping.
- 8.9 Prior to Acceptance for Maintenance of the Stormwater Management Pond(s), the Owner shall provide and complete all required works as specified in the Town of Markham Stormwater Management Assumption Requirement document to the satisfaction of the Town.

9. Municipal Services

- 9.1 Prior to final approval of the draft plan, the Owner shall prepare, to the satisfaction of the Town, 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.
- 9.2 The Owner shall covenant and agree in the subdivision agreement that they shall be required to construct, or pay for the construction of roads, lanes, bicycle routes, 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 Town.
- 9.3 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 Town.

- 9.4 Prior to final approval of the draft plan, the Owner shall investigate the downstream capacity of existing storm sewers on 16th Avenue to connect to stormwater management ponds. The Owner shall covenant and agree in the subdivision agreement to upgrade the storm sewers on 16th Avenue if recommended by the investigation.
- 9.5 The Owner shall covenant and agree in the subdivision agreement that the public highways, curbs, gutters, sidewalks, underground and aboveground services, street lights, street signs, etc., shall be designed in accordance with the Town's design criteria, standards and general engineering principles and established municipal standards to the satisfaction of the Director of Engineering.

10. Easements

- 10.1 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 watermain, storm and sanitary sewers to outfall trunks and stormwater management facilities shall be satisfactory to, and dedicated to, the Town.

11. Utilities

- 11.1 Prior to release for registration of the draft plan, the Owner shall prepare an overall utility distribution plan (Composite Utility Plan) to the satisfaction of the Town and authorized agencies.
- 11.2 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 Town 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 Town (Commissioner of Development Services) and authorized agencies.
- 11.3 The Owner shall covenant and agree in the subdivision agreement to enter into any agreement or agreements required by any applicable utility companies, including Power Stream, Enbridge Gas, telecommunications companies, etc. in order to service the development.
- 11.4 The Owners shall covenant and agree in the subdivision agreement to facilitate the construction of Canada Post facilities at locations and in manners agreeable to the Town 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.
- 11.5 The Owners 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.

- 11.6 The Owners 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.
- 11.7 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 Town in consultation with Canada Post.
- 11.8 The Owner shall covenant and agree in the subdivision agreement that it will permit any telephone or telecommunication service provider to locate its plant in a common trench within the proposed subdivision prior to registration provided the telephone or telecommunications services provider has executed a Municipal Access Agreement with the Town. 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.
- 11.9 The Owner covenants and agrees to provide easements for utilities/telecommunications/vaults as required by the Town to the satisfaction of the Town.
- 11.10 The Owner covenants and agrees to advise all utility and telecommunications carriers that plans for medium and large sized vaults are to be submitted to the Town for review and approval. Drawings are to be approved by the Commissioner of Development Services and are to include location, grading, fencing, landscaping, access, and elevations of structures, etc.

12. Traffic Impact Study

- 12.1 The Owner shall complete the transportation studies entitled "Upper Unionville Traffic Impact Study", June 2010, "Upper Unionville Internal Functional Traffic Design Study", June 2010, and an addendum letter dated Mar 16, 2011 prepared by Cole Engineering to the satisfaction of the Director of Engineering. The studies shall identify elements of the transportation infrastructure including, but not limited to, street rights-of-way, geometric design, traffic controls, cycling and pedestrian facilities, and functional design elements. Any requirements resulting

from the accepted transportation studies shall be incorporated into the draft plan and provided for in the subdivision agreement.

13. Development Charges

13.1 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.

13.2 The Owner shall pay all fees and development charges as set out in the subdivision agreement.

14. Phase 1 Environmental Site Assessment (ESA)

14.1 Prior to release for registration of the draft plan, the Owner shall 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 Town of Markham and any proposed remedial action plan, for peer review and concurrence.

14.2 Prior to release for registration of the draft plan, the Owner shall submit certification from the Qualified Person that the necessary clean up has been carried out and that the land to be conveyed to the Town of Markham meets the Site Condition Standards of the intended land use at the completion of any necessary site remediation process.

14.3 Prior to release for registration of the draft plan, the Owner shall file a Record of Site Condition on the Provincial Environmental Site Registry for the land to be conveyed to the Town of Markham.

14.4 Prior to release for registration of the draft plan, the Owner shall pay all costs associated with the Town of Markham retaining a third-party reviewer for the peer review service.

14.5 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 Town of Markham for peer review and concurrence prior to carrying out the clean up, to the satisfaction of the Town of Markham.

15. Heritage

- 15.1 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 of built heritage and archaeological resources, and further to mitigate any identified adverse impacts to significant heritage resources to the satisfaction of the Town (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 Town indicating that all matters relating to heritage resources have been addressed in accordance with licensing and resource conservation requirements.
- 15.2 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 Town and the Ministry of Culture (Heritage Branch).
- 15.3 Prior to any removal or alteration of any existing buildings, trees or other site features, the Owner shall permit Town staff an opportunity to carry out photographic documentation of the property and its features for archival purposes.
- 15.4 The Owner covenants and agrees to retain the Heritage Buildings, including the Eckardt Log House and the Beckett Farmhouse, known municipally as 9451 Kennedy Road and 4672 Sixteenth Avenue respectively, in their original locations and existing foundations.
- 15.5 The Owner covenants and agrees to protect and conserve the Heritage Buildings through the following means:
- a) To keep the Heritage Buildings occupied for as long as possible prior to commencement of site/construction work to prevent vandalism and deterioration;
 - b) To maintain the Heritage Buildings in good and sound conditions at all times prior to and during the development of the property;
 - c) Once the Heritage Buildings are unoccupied, to undertake the following:
 - secure and protect the buildings from damage through procedures carried out according to the Town of Markham Guidelines for Boarding Heritage Structures;
 - erect a "No-trespassing" sign in a visible location on the property indicating that the Heritage Building(s) is to be preserved onsite and should not be vandalized and/or scavenged; and
 - install an 8 ft high fence around the perimeter of the houses 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 Town (Heritage Section) staff.

- 15.6 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 Buildings:
- a) The Owner is to provide at its expense a legal survey of the Heritage Buildings to facilitate the registration of the designation and easement agreements on the created/proposed lots;
 - b) The Owner is to enter into a Heritage Easement Agreement for the Heritage Buildings with the Town;
 - c) The Owner is to permit the designation of the property under Part IV of the Ontario Heritage Act;
 - d) The Owner is to provide a \$70,000 Letter of Credit for the Eckardt Log House and \$110,000 for the Beckett Farmhouse, to ensure the preservation of the existing buildings (total \$180,000). The letter of credit shall be retained for use by the Town 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 Town (Commissioner of Development Services),
 - the buildings have been connected to municipal services,
 - the exterior restoration of the Heritage Buildings is complete,
 - the buildings meet the basic standards of occupancy as confirmed by the Building Standards Department, and
 - all other heritage requirements of the Subdivision Agreement have been completed;
 - e) The Owner is to enter into a site plan agreement with the Town for each 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.
- 15.7 The owner shall covenant and agree in the subdivision agreement to preserve the Heritage Buildings through the following means:
- a) to provide and implement a traditional restoration plan for the Heritage Buildings, prepared by a qualified architect with demonstrated experience in heritage restoration projects, that would be reviewed and approved by the Town (Heritage Section). The restoration plan is to be included in a site plan agreement for each of the property;
 - b) to complete the exterior restoration of the Heritage Buildings, 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 Buildings is consistent with the existing historic grading of the Heritage Buildings;
- e) To ensure that the historic front of the Heritage Buildings retain a front yard appearance, the type of fencing should be limited to a low residential picket fence rather than privacy fencing;

15.8 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 Buildings will be marketed to prospective purchasers;

15.9 The Owner shall covenant and agree in the subdivision agreement to provide notice and commemoration of the Heritage Buildings through the following means:

- a) to provide and install at its cost, an interpretative baked enamel plaque for each 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 Town (Heritage Section);
- b) to include the following notice in each Offer of Purchase and Sale for the Heritage Buildings:

“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 Town 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 Town.”

15.10 Prior to final approval of the plan of subdivision or any phase thereof, the Manager of Heritage Planning shall advise that Conditions 15.1 to 15.8, inclusive, have been satisfied.

16. Other Town Requirements

16.1 Prior to final approval of the draft plan or any phase thereof, the Owner shall enter into a Developers Group Agreement(s) to ensure the provision of community and common facilities such as school sites, municipal services, parks and public roads in the Berczy Village Secondary Plan area, to the satisfaction of the Town (Commissioner of Development Services and Town Solicitor), and a certificate

confirming completion of such agreement(s) shall be provided to the Town by the Developers Group Trustee to the satisfaction of the Town Solicitor.

- 16.2 Prior to final approval, the Trustee of the Berczy Village Developers' Group agreement shall deliver a release to the Town indicating the Owner has satisfied all conditions of the Group agreement and the Trustee has no objection to the registration of this draft plan of subdivision.
- 16.3 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. 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.
- 16.4 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 Town's parking by-law requires a minimum of two parking spaces, one in the driveway and one in the garage
 - the Town's zoning by-law restricts the width of the driveway, this width does not allow two cars to park side by side
 - overnight street parking will not be permitted unless an overnight street parking permit system is implemented by the Town
- 16.5 The Owner shall covenant and agree in the subdivision agreement that Blocks 949 to 965, inclusive, may be developed only in conjunction with abutting lands and that no building permits will be issued for said blocks until combined with abutting lands to create building lots in conformity with the zoning by-law and until all applicable fees have been paid.
- 16.6 The Owner shall covenant and agree in the subdivision agreement that the Town shall have first right of refusal to acquire all or part of the school sites within the Draft Plan for municipal purposes should the sites not be required by either School Board.
- 16.7 The Owner shall provide and post display plans in all sales offices which clearly indicate the location of the following facilities in relation to the lot being purchased, prior to any Agreements of Purchase and Sale being executed by the Owner, a builder, or their real estate agents:

Parks by type, including Park and Open Space Concept Plans and Streetscape Plans; stormwater management ponds and related facilities; schools by type; place of worship sites; other institutional sites by type; commercial sites by type; other surrounding land uses and facilities as specified by the Town; existing or future: rail facilities, provincial highways, arterial and collector roads, transit routes and

stops; Town approved sidewalk, walkway and bike route locations; Town approved postal box and utility furniture locations or possible locations if prior to approval; Town lot grading standards.

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

- 16.8 The Owner shall convey Block 973 to the owners of the Bethesda Lutheran Cemetery, upon registration of the plan of subdivision.

17. Region of York

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.
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 Town 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.
3. The Owner shall agree in the subdivision agreement that the Owner shall save harmless the Town of Markham and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
4. Prior to the registration of any residential lands the following shall occur:
 - the Town 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 (6) months prior to the expected completion of the Southeast Collector Trunk Sewer; or,
 - the Regional Commissioner of Environmental Services confirms to the Town of Markham that the servicing allocation for this development is available in accordance with an executed tri-party agreement for the Inflow and Infiltration Reduction Pilot Project, as authorized by the Town of Markham Council on June 22, 2010 and York Region Council on September 23, 2010, and any letters of credit required by that agreement have been filed with the Region, and the Town has approved a transfer of servicing allocation to this development accordingly.
5. That all residentially zoned lands shall be placed under a holding symbol 'H' pursuant to the provisions of Section 36 of the Ontario Planning Act, which shall prohibit the development of the lands until the 'H' symbol has been lifted. The 'H' symbol will be lifted in phases based on the availability of water supply and

sanitary servicing allocation. The conditions for lifting the 'H' symbol on the phases shall include:

- the Town 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 (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 Council of the Town of Markham has allocated adequate water supply and sewage servicing capacity to the subject development.
6. The Owner shall agree in the subdivision agreement, to use new sewer design, inspection and commissioning standards developed by York Region in conjunction with the local municipalities, and that all works will be inspected in accordance with these standards.
 7. The Owner shall agree in the subdivision agreement, to implement sustainability measures including, but not limited to, water and energy conservation, indoor air quality, renewable energy, resource management and homeowner education, as identified in the Owner's letter to the Region dated October 20, 2010 (see attached). Such measures shall apply to a minimum of 19 lots within this development.
 8. Final approval of the plan of subdivision shall occur in phases, as identified in the traffic impact study, to the satisfaction of the Regional Infrastructure Planning Branch.
 9. Prior to final approval, the Owner shall provide a Travel Demand Management program for the proposed development, to the satisfaction of the Regional Infrastructure Planning Branch.
 10. Prior to final approval, the Owner shall have prepared to the satisfaction of the Region, by a qualified professional transportation consultant, a functional transportation report/plan outlining the required Regional road improvements, including intersection lane configurations, for this subdivision. The report/plan, shall be submitted to the Regional Transportation Services Department and the Regional Infrastructure Planning Branch for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues.
 11. Prior to final approval, the Owner shall provide a written undertaking and agree in the Subdivision Agreement, to the satisfaction of the Regional Transportation Services Department that the Owner agrees to implement the recommendations of the functional transportation report/plan, including intersection lane configurations, as approved by the Regional Transportation Services Department.

12. Prior to final approval, the Owner shall submit detailed engineering drawings, to the Regional Transportation Services Department for review and approval, that incorporate the recommendations of the functional transportation report/plan, including intersection lane configurations, as approved by the Regional Transportation Services Department. 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.
13. Prior to final approval, 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 MOE forms together with any supporting information, shall be submitted to the Regional Transportation Services Department, Attention: Mrs. Eva Pulnicki, P.Eng.
14. Prior to final approval, the location and design of the construction access for the subdivision work shall be completed to the satisfaction of the Regional Transportation Services Department and illustrated on the Engineering Drawings.
15. Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Regional Transportation Services Department, 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.
16. Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Regional Transportation Services Department, that elevations along the streetline shall be 0.3 metres above the centreline elevations of the York Region roadway, unless otherwise specified by the Regional Transportation Services Department.
17. Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Regional Transportation Services Department, that the Owner will provide the installation of visual screening between Kennedy Road and Street "M", consisting of either a screening fence or a combination of a berm and appropriate planting, to a minimum of 1.8 metres in height, to be located within the right-of-way of Street "M". The Owner shall submit to the Regional Transportation Services Department for review and approval, landscape plans showing the proposed planting for headlight screening purposes.
18. Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Regional Transportation Services Department, that the Owner will provide the installation of visual screening between 16th Avenue and Street "W", consisting of either a screening fence or a combination of a berm and appropriate planting, to a minimum of 1.8 metres in height, to be located within the right-of-way of Street

“W”. The Owner shall submit to the Regional Transportation Services Department for review and approval, landscape plans showing the proposed planting for headlight screening purposes.

19. Prior to final approval, 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's 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.

20. Prior to final approval, the Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of the Regional Transportation Services Department recommending noise attenuation features.
21. The Owner shall agree in the subdivision agreement, in wording satisfactory to the Regional Transportation Services Department, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of the Regional Transportation Services Department.
22. The Owner shall agree in the subdivision agreement, in wording satisfactory to the Regional Transportation Services Department, 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.

23. 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".
24. Where noise attenuation features will abut a York Region right-of-way, the Owner shall agree in the subdivision agreement, in wording satisfactory to the Regional Transportation Services Department, as follows:
- 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;
 - c) that maintenance of the noise barriers and fences bordering on York Region right-of-ways shall not be the responsibility of York Region; and
 - d) that any landscaping provided on York Region right-of-way by the Owner or the area municipality for aesthetic purposes must be approved by the Regional Transportation Services Department and shall be maintained by the area municipality with the exception of the usual grass maintenance.
25. Prior to final 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 16th Avenue of sufficient width to provide a minimum of 21.5 metres from the centreline of construction of 16th Avenue, and
 - b) a widening across the full frontage of the site where it abuts Kennedy Road of sufficient width to provide a minimum of 21.5 metres from the centreline of construction of Kennedy Road, and
 - c) a 15.0 metre by 15.0 metre daylight triangle at the intersection of 16th Avenue and Harbord Street, and
 - d) a 15.0 metre by 15.0 metre daylight triangle at the intersection of 16th Avenue and William Berczy Blvd., and
 - e) a 15.0 metre by 15.0 metre daylight triangle at the intersection of Kennedy Road and Beckett Ave., and

- f) a 15.0 metre by 15.0 metre daylight triangle at the intersections of Kennedy Road and Wilfred Murison Ave., and
 - g) an additional 2 metre widening, 40 metres in length, together with a 60 metre taper for the purpose of a northbound right turn lane at the intersections of Kennedy Road and Beckett Ave., and Wilfred Murison Ave, and
 - h) an additional 2 metre widening, 40 metres in length, together with a 60 metre taper for the purpose of a westbound right turn lane at the intersections of 16th Avenue and William Berczy Blvd. and Harbord Street, and
 - i) a 0.3 metre reserve across the full frontage of the site, except at the approved access location, where it abuts Kennedy Road and 16th Avenue adjacent to the above noted widenings, and
 - j) 15.0 metre by 15.0 metre daylight triangle at the intersection of 16th Avenue and Kennedy Road.
26. Prior to final approval, in order to determine the property dedications (if any) required to achieve the ultimate right-of-way width of Kennedy Road and 16th Avenue abutting the subject site, the applicant shall submit a recent plan of survey for the property that illustrates the existing centre line of construction of Kennedy Road and 16th Avenue.
27. 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.
28. Prior to final approval, York Region requires the Owner to submit to it, in 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), a Phase I environmental site assessment prepared and signed by a qualified professional, of the Owner's lands and more specifically of the lands to be conveyed to York Region (the "Assessment"). Based on the findings and results of the Assessment, York Region may require further study, investigation, assessment and delineation to determine whether any remedial or other action is required. The Assessment and any subsequent environmental reports or other documentation prepared in respect of the environmental condition of the lands to be conveyed must to be addressed to York Region, contain wording to the effect that York Region shall be entitled to rely on such reports or documentation in their entirety, and such reports or documentation shall be satisfactory to York Region.
29. Prior to final approval, the Owner shall certify, in wording satisfactory to the Regional Transportation Services Department, that no contaminant, pollutant, waste of any nature, hazardous substance, toxic substance, dangerous good, or other substance or material defined or regulated under applicable environmental laws is present at, on, in or under all lands to be conveyed to York Region (including soils, substrata, surface water and groundwater, as applicable): (i) at a

level or concentration that exceeds the *Environmental Protection Act* O. Reg. 153/04 full depth generic site condition standards applicable to the intended use that such lands will be put by York Region at the time of conveyance 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 emanating from such lands in such a way, that would result in liability under applicable environmental laws. The Assessment, any subsequent environmental reports or other documentation and the Owner's certification shall be done at no cost to York Region.

30. The Owner shall agree in the subdivision agreement, in wording satisfactory to the Regional 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.
31. The Owner shall agree prior to the development approval of any development blocks in this plan of subdivision, that direct vehicle access from any development lots or blocks to Kennedy Road or 16th Avenue except Block 975 will not be permitted. Access must be obtained through the internal road network.
32. Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Regional Transportation Services Department, that William Berczy Blvd. shall be designed to intersect 16th Avenue at right angle, or on a common tangent, and shall be located directly opposite Longwater Chase.
33. Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Regional Transportation Services Department that Harbord Street shall be designed to intersect 16th Avenue at a right angle, or on a common tangent, and shall be located directly opposite Longwater Chase.
34. Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Regional Transportation Services Department that Beckett Ave. shall be designed to intersect Kennedy Road at right angle, or on a common tangent.
35. Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Regional Transportation Services Department that Wilfred Murison Ave. shall be designed to intersect Kennedy Road at a right angle, or on a common tangent.
36. Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Regional Transportation Services, that no intersections or non-residential access have been situated within 60.0 metres of the widened limits of Kennedy Road and 16th Avenue, unless otherwise permitted by the Region. Any such permission may require these access points to be restricted to right-in/right-out movements only.
37. The Owner shall agree, prior to the development approval of Block 992, that access to/from Block 992 to/from Kennedy Road and 16th Avenue shall be restricted to right-in, right-out movements only.

38. Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Regional 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.
39. The Owner shall agree in the subdivision agreement, in wording satisfactory to the Regional 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.
40. Prior to final approval, the Owner shall satisfy the Regional 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 roadways that have/will have transit services.

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

- Kennedy Road

Future YRT/Viva transit services are planned for the following roadways or sections of:

- William Berczy Blvd.
- Wilfred Murison Ave.

41. The Owner shall satisfy the Regional Transportation Services Department that the services to be installed within or in conjunction with the Plan will provide passenger standing areas/shelter pads identified below and shall be installed to the satisfaction of the local municipality and York Region Transit. The Region confirms that all such passenger standing areas/shelter pads shall be owned and maintained by the Region and that the local municipality shall have no responsibility for those, notwithstanding that they may be included in the subdivision agreement.

Subject to approval by YRT, passenger standing areas and shelter pads shall be provided at the following locations:

- On 16th Avenue at William Berczy Blvd. (NE corner – (YRT 1.01))
- On William Berczy Blvd. at Street W (NW corner – (YRT 1.01))
- On William Berczy Blvd. Midblock between Street “R” and Street “G” (East side of the Roadway – (YRT 1.01))
- On William Berczy Blvd. Midblock between Street “R” and Street “H” (West side of the Roadway – (YRT 1.01))
- William Berczy Blvd. at Wilfred Murison Ave. (SE corner – (YRT 1.01))
- William Berczy Blvd. at Street “J” (NW corner – (YRT 1.01))
- Wilfred Murison Ave. at Street “E” (North side of the Roadway, opposite Lot 298 – YRT 1.02))

The passenger standing areas/shelter pads shall be provided at no cost to York Region and shall be provided concurrently with construction of necessary sidewalks. The Owner may apply for a development charge credit, in accordance with the York Region - Road Works development charge credit guideline for passenger standing areas and shelter pads.

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

The bus stop locations determined during the design phase are subject to change. Prior to construction of the passenger standing areas/shelter pads, the Owner/consultant shall confirm with YRT the final bus stop locations/requirements. The Owner/consultant is to contact YRT Facilities Supervisor (tel. 905-762-2111) to confirm final details.

42. Prior to final approval, the Owner shall submit drawings showing, as applicable, the sidewalk locations, concrete pedestrian access, passenger standing areas and shelter pads to the satisfaction of York Region.
43. William Berczy Blvd. and Wilfred Murison Ave. shall be designed to accommodate transit vehicles to the satisfaction of the area municipality and York Region Transit. The minimum pavement width for transit vehicles is 3.5 m. The minimum curb radius for transit vehicles is 15 m. These standards are according to the Canadian Transit Handbook and the Ontario Urban Transit Association.
44. The Owner shall agree in the Subdivision Agreement to advise all potential purchasers of the existing and future introduction of transit services in this development as identified in condition 40. This includes current and potential transit routes, bus stops and shelter locations. This shall be achieved through distribution of information/marketing materials (YRT route maps, Future Plan maps & providing YRT website contact information) at sales offices and

appropriate notification clauses in purchase agreements. The YRT route maps and the Future Plan maps are available from YRT upon request.

45. The Owner shall satisfy the Regional 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 or will have transit services, sidewalks, pedestrian access and bus stop locations.
46. 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.
47. 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 No. 2010-49.
48. The Region of York Planning and Development Services Department shall advise that Conditions 1 to 47 inclusive, have been satisfied.

18. TRCA

1. That prior to any grading, development, pre-servicing or site alteration, or registration of this plan or any phase thereof, the applicant submit and attain approval of the TRCA for:
 - a. A final consolidated Master Environmental Servicing Plan (MESP) – Upper Unionville Final Version, to the satisfaction of the TRCA.
 - b. A detailed engineering report that describes the storm drainage system (quantity and quality) for the proposed development of the subject lands, and how it will comply with all related master environmental servicing plan (MESP) and TRCA requirements. This report shall include:
 - i. plans illustrating how this drainage system will tie into surrounding drainage systems and storm water management techniques which may be required to control minor and/or major flows;
 - ii. appropriate Stormwater Management Practices (SWMPs) to be used to treat stormwater, to mitigate the impacts of development on the quality and quantity of ground and surface water resources, including how it relates to terrestrial and aquatic species and their habitat, in addition to natural features and systems;
 - iii. proposed methods for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction, in accordance with

the current Sediment and Erosion Control Guidelines utilized by the TRCA. ESC plans and a report addressing phasing and staging, consistent with TRCA's guidelines must be included, and approved by the TRCA;

- iv. location and description of all outlets and other facilities, grading, or site alterations on and off the property, which are required to service or facilitate the development of the subject lands, which may require a permit pursuant to Ontario Regulation 166/06, the Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, with all supporting technical information;
 - v. mapping of proposed stormwater management measures, with consideration for grade differentials and grading required through the pond design and location;
 - vi. the integration of low impact development (LID) measures and the employment of source and conveyance controls to mimic to the extent possible, pre-development hydrology to the satisfaction of the TRCA;
- c. A consolidated EIS to include a detailed report documenting the amphibian breeding population, using standard accepted monitoring protocols for the wetland, to be reviewed and approved to the satisfaction of the TRCA;
 - d. Overall grading plans for the subject lands to the satisfaction of the TRCA;
 - e. A detailed water balance implementation report that will identify measures that will be implemented to maintain ground water infiltration on-site, and a minimum on-site retention of the first 10mm of precipitation from impervious areas on lands impacting Burdenet Creek, and match pre-development with post development conditions for areas impacting Bruce Creek to the satisfaction of the TRCA. This study, which must provide detailed design of the system(s), implementation and monitoring information to determine the performance of these systems, along with an adaptive management plan to take corrective action as required;
 - f. A report detailing low impact development measures to be applied within the subdivision, including stormwater management best management practices, sustainable community design elements, and low impact development measures;
 - g. Written confirmation be provided with respect to whether permits and/or permissions are required from the Ministry of Natural Resources under the Endangered Species Act. Specific consideration of any potential impacts upon Redside Dace and Bobolink habitat must be included in this confirmation. The applicant attains all necessary approvals and permissions from the Ministry of Natural Resources that may be required for this development, its servicing, or any component thereof;

- h. That the applicant attain all Ontario Regulation 166/06 permits from the TRCA for works proposed on the subject property for which permits would be required, and those related to any associated infrastructure or stormwater management works required to support this development that may be located off of the subject property. No grading, pre-servicing or temporary stormwater management works be initiated until such time as a permit from the TRCA, and all requisite TRCA approvals are attained;
- i. That comprehensive restoration and enhancement plans be provided to the satisfaction of the TRCA for all stormwater management blocks and adjacent environmental buffer land areas;
- j. That all stormwater outfalls and outflow channels be naturalized, be designed to incorporate TRCA's design guidelines, and be designed to provide additional enhancements to water quality, quantity control, thermal impacts mitigation, and habitat. Off-line wetlands, riparian plantings, flow dispersal measures, micro-topography creation and similar measures shall be employed where feasible to achieve these objectives;
- k. A groundwater constraint assessment that will examine existing and proposed groundwater levels in relation to the proposed development and stormwater management infrastructure. Interactions between untreated (or insufficiently treated) surface and groundwater, shallow ground water, and dewatering requirements must be identified, with refinements and / or revisions made as necessary to the stormwater management system to mitigate against any groundwater or interflow associated with any component of this development shall be permitted. The need for liners associated with the stormwater management system shall be assessed, and suitable liners shall be provided where necessary. No permanent dewatering associated with any component of this development shall be permitted;
- l. That the implementing zoning by-law recognize all stormwater management and environmental buffer blocks in a suitable zoning category which has the affect of prohibiting development and structural encroachment, and ensuring the long term preservation of the lands in perpetuity, to the satisfaction of the TRCA;
- m. That the size and location of all proposed stormwater management blocks - to which the subject lands drain - be confirmed to the satisfaction of the TRCA. And that red-line revisions be made to the plan as required to accommodate the proposed stormwater management pond within the adjacent tableland portions of this plan, to meet the requirements of the TRCA;
- n. Prior to any grading, servicing or pre-servicing works being initiated within limits of the white cedar swamp and Stormwater Management Pond Block 974, that all required permits - pursuant to Ontario Regulation 166/06 be attained from the TRCA;

2. That the owner agree in the subdivision agreement, in wording acceptable to the TRCA:
- a. To carry out, or cause to be carried out, to the satisfaction of the TRCA, the recommendations of the technical report and plans referenced in TRCA's conditions;
 - b. To implement the requirements of the TRCA's conditions in wording acceptable to the TRCA;
 - c. To design and implement on-site erosion and sediment control in accordance with current TRCA standards;
 - d. To maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the TRCA;
 - e. To obtain all necessary permits pursuant to Ontario Regulation 166/06 from the TRCA, in addition to all permits and approvals from the Ministry of Natural Resources;
 - f. To design a monitoring protocol for the plan of subdivision for the duration beginning at construction until final municipal assumption of all subdivision phases, for the maintenance of the water balance and infiltration measures on this site and for the stormwater management system, to the satisfaction of the TRCA. Such measures may include, but are not limited to monitoring overland flows and correlate the information against existing water balance data to determine the effectiveness of the proposed infiltration measures.
 - g. To implement all water balance/infiltration measures identified in the water balance study that is to be completed for the subject property;
 - h. That a warning clause be included in all agreements of purchase and sale, and information is to be highlighted on all community information maps and promotional sales materials for lots or blocks on which infiltration related rear yard swales with catch basins are located which identifies the following:

"That rear yard catch basins are located on the subject property, which form an integral part of the stormwater management infrastructure for the community. It is the owner's responsibility to clean this system and to ensure that proper drainage is maintained. Grading within the rear yard, such as swales which convey stormwater to this system must remain in their original form. No alteration of grades, placement of ancillary or accessory structures shall be permitted within these areas."

- i. That where required to satisfy TRCA's conditions, development shall be phased within this Plan;
 - j. That prior to a request for registration of any phase of this subdivision in excess of three (3) years from the original issuance of Draft Plan Approval, that the owner provide monitoring information and consult with the TRCA with respect to whether the performance targets anticipated in the technical studies submitted in support of this development remain consistent with the monitoring data. Should monitoring demonstrate the performance targets have not been met, the owner shall implement an adaptive management plan, to the satisfaction of the TRCA;
 - k. To carry out, or cause to be carried out the cleaning-out and maintenance of all stormwater management infrastructure (including best management practice measures) prior to assumption of the subdivision by the Town of Markham. And, to include appropriate clauses in all agreements of purchase and sale, for lots or blocks on which infiltration related infrastructure is to be constructed, to identify the presence of such measures and to clearly identify the owners responsibilities for long-term maintenance and restrictions to uses on any portion of their property that may be required;
 - l. Detailed design of infiltration measures and stormwater best management practice with anticipated performance targets, maintenance requirements and a long term monitoring strategy to the satisfaction of the TRCA;
 - m. Not to sell any lots within 30 metres of the constraint limits of the white cedar swamp (as identified in the MESP) within Phase 2 of this plan of subdivision, including but not necessarily limited to Blocks and Lots 809-815 and 852-869 inclusive, until such time as the amphibian study has been completed to the satisfaction of the TRCA and the swamp is no longer required to be retained;
 - n. Not to initiate any grading, servicing or pre-servicing works including but not limited to the Phase 2 works associated with Street F, Street W, Street X, Street Y, Street Z and Blocks and Lots 809-815, 852-869, and Block 978 inclusive until such time as the amphibian study has been completed to the satisfaction of the TRCA and the swamp is no longer required to be retained;
 - o. That the owner agrees in the Subdivision Agreement to not pursue registration or make application for building permit for any or all of the lots noted above until such time as the Toronto Region Conservation Authority has satisfied itself with respect to the completion and approval of the amphibian study;
3. That a Holding provision ('H') be placed on the lands identified as Phase 2 (including pre-servicing works) until such time the TRCA has advised that the requisite study has been reviewed and approved, and confirms that the natural feature, identified as the White Cedar Swamp, does not require retention.

4. That the implementing zoning by-law include a rear yard setback, prohibiting ancillary or accessory structures within 1.2 metres of the rear property line, as not to obstruct the function of the rear yard stormwater infiltration trenches, where applicable.
5. Prior to any renewal of the conditions of draft plan of approval, the TRCA reserves the right to request studies to be updated and reviewed to meet current established standards in place as of the date of the renewal of the conditions of draft plan approval of the Plan or any phase thereof;
6. That the draft plan be red-lined revised, if necessary, in order to meet the requirements of TRCA's conditions.

19. York Region District School Board

- a) That prior to final approval, the owner shall have made Agreement satisfactory to the York Region District School Board for the transfer of one public elementary school site (Block 967). The public elementary school site shall contain not less than 2.425 hectares.
- b) That the owner shall agree in the Subdivision Agreement in wording satisfactory to the York Region District School Board:
 - i) to grade the school site and in doing so compact, fill with clean material, replace any topsoil disturbed in the grading process and at the same time sod/seed the same lands to specifications determined by the Board;
 - ii) to remove any buildings on school site;
 - iii) to remove trees, as required to accommodate school layout;
 - iv) to provide a letter of credit pertaining to stockpiling and removal of topsoil, by taking the volume of topsoil to be stored upon the school site and multiplying such volume by 150% of the current market prices for waste material disposal, as set forth in the latest version of Hanscomb's Yardsticks for Costing, Cost Data for the Canadian Construction Industry, to the satisfaction of the York region District School Board;
 - v) to remove stockpiled topsoil within 30 days of written notice by the Board and in doing so compact, fill with clean material, replace any topsoil disturbed in the grading process and at the same time sod/seed the same lands to specifications determined by the Board;
 - vi) to construct a galvanized chain link fence, Type II 1 ½ " mesh, 1.8 m high along all boundaries of the school blocks, including road frontage(s) at the discretion of the Board;
 - vii) to construct the fences prior to the issuance of building permits for Phase 1 of the subdivision;
 - viii) to erect and maintain a sign on the public school site at such time as the relevant access roads are constructed, indicating that the date has not been set for the construction of the school;

- ix) to provide the foregoing at no cost to the Board;
 - x) to provide a geotechnical investigation and Phase 1 and Phase 2 environmental site assessment conducted by a qualified engineer. For an elementary school site a minimum of eight boreholes shall be required and for a secondary school site a minimum of sixteen boreholes shall be required; and
 - xi) to assume any upstream and downstream charges for hydro, natural gas, sanitary and storm drainage, and water supply.
- c) That the owner shall submit to the York Region District School Board, at no cost to the Board, a report from a qualified consultant concerning:
- i) the suitability of the school site for school construction purposes, relating to soil bearing factors, surface drainage, topography and environmental contaminants; and
 - ii) the availability of natural gas, electrical, water, storm sewer and sanitary sewer services.
- d) That the owner shall agree in the Subdivision Agreement, in wording acceptable to the York Region District School Board, that the services referred to in Condition c) ii) shall be installed to the mid-point of the frontage of the elementary school site and positioned as designated by the Board, at no cost to the Board.
- e) That prior to final approval, the owner shall submit to the School Board an initial set of engineering plans for review and approval, and subsequently, a copy of the final engineering plans as approved by the Town of Markham which indicate the storm drainage system, utilities, and the overall grading plans for the complete subdivision area.
- f) That prior to final approval, the local hydro authority shall have confirmed in writing to the Board that adequate electrical capacity will be supplied to the school site frontage by the developer at no cost to the Board.
- g) That prior to final approval, the local hydro authority shall have confirmed in writing to the Board that they are satisfied that payment for any upstream and downstream charges will be made by the original developer.
- h) That the York Region District School Board shall advise that conditions a) to h) inclusive have been met to its satisfaction. The clearance letter shall include a brief statement detailing how each condition has been satisfied or carried out.
- i) That the subdivision agreement include warning clauses advising the Township, property owners and purchasers of lots within the draft plan that unless the provincial funding model provides sufficient funds to construct new schools, there can be no assurance as to the timing of new school construction nor a guarantee as to the timing of new school construction nor a guarantee that public school accommodation will be provided within the subject plan notwithstanding the designation of the school site.

20. York Catholic District School Board

1. That the Owner shall enter into an agreement satisfactory to the York Catholic District School Board for the transfer of Block 966 (2.24 ha.).
2. That the Owner shall agree in the subdivision agreement in wording satisfactory to the York Catholic District School Board that prior to final approval:
 - a. To grade the school site to conform to the overall grade plan of the subdivision and in doing so shall replace any topsoil (maximum 4 to 6 inches) disturbed in the grading process and at the same time sod/seed the same lands. If, in compliance with this clause, the addition of fill, the removal of existing soil, or, in any way, the alteration of existing grading results in increased costs of construction to the Board, then, and in that event, the Owner shall, upon demand, reimburse the Board for such additional costs.
 - b. To remove all trees and structures on Block 966, as determined by the Board.
 - c. There shall be no stockpiling of topsoil on Block 966.
 - d. The Owner will, at its expense:
 - i. Construct and maintain temporary post and wire fencing on all boundaries of the Lands no later than the date of application of the base coat of asphalt on such roads on which the Lands abut to the specifications outlined in "*Schedule B*";
 - ii. Prior to the occupancy of adjacent residential lands, replace the temporary post and wire fencing along the boundary between the Lands and such adjacent residential lands with a six (6) gauge galvanized chain link fence coated in black vinyl, one and eight-tenths (1.8) metres in height, the side of which fence facing such residential lands to be placed two (2") inches inside the Lands from the boundary thereof;
 - iii. Prior to Completion, replace the temporary post and wire fencing then remaining with a six (6) gauge galvanized chain link fence coated in black vinyl, one and eight-tenths (1.8) metres in height, the side of which fence facing such residential lands to be placed two (2") inches inside the Lands from the boundary thereof as the Board may, no less than 60 days prior to Completion, direct.
 - iv. The top of the fence should be knuckle-knuckle and the end post should be schedule 40 and the field posts should be 1.250 mm wall thickness.

- e. To erect on the school site at such time as the school access street is constructed a visible sign with the dimensions and containing the words in the order, form and configuration as duly required. (Please refer to the attached "*Schedule C*")
 - f. To post "*No Dumping*" signs along the perimeter fence as required by the Board.
 - g. To provide the foregoing at no cost to the Board.
3. That the Owner shall submit, at no cost to the Board, a report from a qualified consultant concerning:
- a. The suitability of Block 966 for construction purposes relating to soil bearing factors, surface drainage and topography and or grading plan. There shall be a minimum of 12 boreholes on the school site, in locations as approved by the Board.
 - b. Both Phase 1 and Phase 2 Environmental Testing reports for the school site to ensure the site is clear and free of all contaminants and unfit soil.
 - c. The availability of natural gas, electrical, water, storm sewer, sanitary sewer, telephone and cable television services in a location along the property line, as determined by the Board. All services must meet Board specifications and approval. (See appendix D for general requirements)
4. That the Owner shall submit, at no cost to the Board, a certificate from the Town of Markham confirming the following as they relate to a new school facility:
- a. The availability of a satisfactory water supply (both domestic and fire).
 - b. An acceptable method of sewage disposal.
 - c. Adequacy of electrical services.
 - d. The availability of a satisfactory natural gas supply.
 - e. That an adequate storm water management facility has been designed to accommodate a school site and ensure that water retention will not be required on this site.
5. The Owner shall supply the Board a certificate, from the local hydro authority, confirming an adequate capacity for a new school and that the Board will not incur future upstream costs.
6. That the Owner shall agree in words acceptable to the York Catholic District School Board, that the services referred to in Condition 4, complete with inspection manholes

shall be installed at the property line of said school site and positioned as designated by the Board, at no cost to the Board, allowing time for Board approval of the design of said services prior to the registration of the plan.

7. That the Owner covenants and agrees to insert in every Transfer of lands abutting the Lands a Restrictive Covenant running with the lands which prohibits the installation and use of any gate or access point from such abutting lands to the Lands;
8. That the Owner covenants and agrees that a clause will be inserted in all Agreements of Purchase and Sale of residential lots and units within the Subdivision a clause providing as follows: "The construction of a Catholic School on a designated site is not guaranteed. Purchasers are advised that sufficient accommodation may not be available for students residing in this area, and you are notified that students may be accommodated in temporary facilities and/or bussed to existing facilities outside the area. The Board will in it's discretion designate pick-up points for students who qualify for transportation";
9. That the Owner covenants and agrees that a clause will be inserted in all Agreements of Purchase and Sale for residential lots and units abutting the Lands stating that "temporary facilities/portables may be placed on the Lands in order to accommodate students in excess of the capacity of the school building".

21. MNR

- 21.1 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.

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, 7.1, 7.2, and 17 (1 to 48) have been satisfied.
 - b) The Toronto and Region Conservation Authority shall advise that Conditions 8.1, 8.2, 8.4, 8.5 and 18 have been satisfied.
 - c) The York Region District School Board shall advise that Condition 19 has been satisfied.
 - d) The York Catholic District School Board shall advise that Condition 20 has been satisfied.

- e) The Ministry of Culture (Heritage Branch) shall advise that Conditions 15.1 and 15.2 have been satisfied.