



TO: Mayor and Members of Council

FROM: Jim Baird, Commissioner of Development Services  
Valerie Shuttleworth, Director of Planning & Urban Design

PREPARED BY: Stephen Kitagawa  
Senior Planner, West District

DATE: May 23, 2006

Re: Monarch Corporation  
Applications for Draft Plan of Subdivision Approval and By-law  
Amendment  
North side of Elgin Mills, west side of Woodbine Avenue  
File: SU.05-010968 and ZA.05-010968

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The purpose of this memorandum is to provide an update to Committee of the Whole, and to present revised draft conditions (attached) reflecting direction given at the May 16, 2006, Development Services Committee and further discussions with the applicant and the Region.

The staff report to Development Services Committee dated May 16, 2006 included two recommended "pre-conditions" to be satisfied prior to draft approval of the Monarch Plan:

1. A "Tri-party Agreement" between the Cathedral Developers Group the Region and the Town, pertaining to the construction of the Woodbine By-pass, and
2. Monarch entering into a "no pre-sales" agreement with the Town pertaining to lots and blocks adjacent to the preferred route of the By-pass, to prevent sales until the By-pass routing is finalized.

Following a presentation by the Trustee for the Cathedral Developers Group, Development Services Committee changed these two requirements from "pre-conditions" to draft approval to "conditions" of draft approval – the key difference being that draft approval would be formally granted in advance of the necessary agreements. Committee also requested further information from staff regarding the originally recommended "pre-conditions" from the Region, following further consultation with the Region. A letter from the Region outlining the importance to the Region of both pre-conditions is attached (see Appendix "B").

With respect to the second proposed pre-condition, Monarch has provided a letter indicating no opposition to that pre-condition (see Appendix "C"). As well, this second pre-condition has already been applied to the Cathedral Town Phase II approval, and will be applied to additional draft plans in the Cathedral Planning District. This pre-condition ensures that lots or blocks abutting the Woodbine By-pass cannot be sold until the detailed design of the By-pass is

completed and any necessary adjustments to the lots or blocks abutting the By-pass have been made. Following consultation with Monarch and the Region, staff continue to recommend that this condition be retained as a pre-condition to be met prior to issuance of draft approval. This is reflected in the recommendation attached.

The following recommendation carries forward Committee's direction from May 16, 2006, revised to reflect Monarch's agreement to the second pre-condition. The first pre-condition (tri-party agreement between the Group, the Town and the Region) is moved to a condition of draft approval (see condition 1.2 of Appendix "A") as directed by Committee. However, as Monarch and the Developers Group have no objection to the second pre-condition, it is retained in the recommendation section.

**Recommendation:**

That the draft plan of subdivision 19TM-05006, prepared by Bousfields Inc., dated February 21, 2006, to permit 204 single detached lots, 66 lane base townhouse units and 5.65 hectares of employment lands, north side of Elgin Mills, west side of Woodbine Avenue, be approved subject to the conditions of draft plan approval as set out in Appendix 'A' to the staff memo dated May 23, 2006, and the following redline revisions:

- Woodbine Avenue (Existing) / Street B intersection, West leg: Provide 24.0m ROW for 45m in length. Remove 0.3m Reserve on both the north and south sides of the Street B within the 24m ROW.
- Woodbine By-Pass / Street A intersection (West Leg): Provide 26.5m ROW for 30.0m in length, and provide taper transition from 26.5m ROW to 22m for 30m in length.
- Woodbine By-Pass / Street B intersection (East Leg): Provide 26.5m ROW for 30.0m in length, and provide taper transition from 26.5m ROW to 22m for 30m in length.

That the application submitted by Monarch Corporation to amend Zoning By-laws 177-76 and 304-87, as amended, be approved, and the draft by-laws attached as Appendix 'B' to the staff report dated May 16, 2006, be enacted;

That the Director of Planning and Urban Design be directed to issue draft approval, when the following requirement has been complied with:

- the Owner shall enter into an agreement with the Town, applying specifically to Blocks 205 and 213 and lots 26 to 29, 88 to 91, 148, 149 and 204 of draft plan 19TM-05006, which agreement shall be registered on title, committing the Owner not to enter into any agreements of purchase and sale with anyone, including other developers or builders, for the subject blocks, until the following conditions have been met:
  1. The Town has completed a detailed design study for the Woodbine Avenue By-pass;

2. The Landowner's Group has prepared a survey plan of the proposed Woodbine Avenue By-pass right-of-way that reflects the recommendations of the detailed design study, to the satisfaction of the Town and the Region of York;
3. The Owner has conveyed to York Region, free of all costs and encumbrances, any land required for the Woodbine Avenue By-pass within the boundaries of the draft plan 19TM-05006 as identified by the above survey; and,
4. If required, the draft plan has been revised to reflect any changes to the Woodbine Avenue By-pass alignment and any associated changes to the configuration of the subject blocks and lots, resulting from the above survey.

That the applicant agree to pay their proportionate share of the Hwy. 48 flow control measures, to the satisfaction of the Director of Engineering;

That Monarch Corporation be granted a servicing allocation of 270 units, such allocation to be from the total allocation for the Cathedral community, in accordance with the February 15 and November 22, 2005, reports on servicing allocation;

That the Town reserves the right to revoke or reallocate the servicing allocation for this development;

That the Region of York be advised of the servicing allocation for this development;

That the Mayor and Clerk be authorized to execute a parkland agreement between the Town and the Cathedral West Landowners Group, in a form satisfactory to the Town Solicitor and the Commissioner of Development Services with respect to compensating the Cathedral West Landowners Group for the over-dedication of 0.702 hectares of park space that will result from the conveyance of the 4.89 hectare environmentally significant woodlot (Block 220) located at the northwest corner of the draft plan area. The basis for establishing the final value of the over-dedicated portion of the woodlot shall be based on a land appraisal, to the satisfaction of the Commissioner of Development Services. Payment to the West Cathedral Landowners for this over-dedication shall be from funds secured through previous cash-in-lieu of parkland contributions associated with subdivision approvals in the East Cathedral Community, specifically for the purpose of the acquiring the woodlot in the Monarch subdivision.

That the applicant provide the Town with the required payment of 30% subdivision processing fees in accordance with the Town's Fee By-law (By-law 2005-357);

And further that the draft plan approval for plan of subdivision 19TM-05006 will lapse after a period of three years commencing May 16, 2006, in the event that a subdivision agreement is not executed within that period.

Attach:



**APPENDIX 'A'**  
**RECOMMENDED CONDITIONS OF DRAFT APPROVAL**  
**PLAN OF SUBDIVISION 19TM-05006**  
**(Monarch Corporation)**

1. General

1.1 Approval shall relate to a draft plan of subdivision prepared by Bousfields Inc., identified as Project Number X-0374-38dp dated February 21, 2006, incorporating the following redline revisions:

- a) The Owner acknowledges that revisions to the draft plan of subdivision may be required as a result of: potential changes in the alignment of the Woodbine Avenue By-pass arising from the detailed design study to be undertaken by the Town of Markham; conveyance of the Woodbine By-pass right of way as shown in a plan of survey; and execution of the Tri-party Agreement.
- b) The Owner shall convey to the Region of York, in accordance with the Tri-party Agreement any portion of the Woodbine Avenue By-pass within the boundaries of the draft plan of subdivision, if required as a result of possible revisions set out in Condition 1.1 a).
- c) The residential lots 148, 149, 204 and townhouse Block 213 shall not be released for registration until:
  - i) the detailed design study for the Woodbine By-pass has been completed by the Town;
  - ii) the Landowners Group has prepared a survey plan of the proposed By-pass right of way that conforms to the recommendations of the detailed design study, to the satisfaction of the Town and the Region of York;
  - iii) the conveyances set out in Condition 1.1 b), if required, have been completed to the satisfaction of the Town of Markham and the Region of York.
  - iv) the redline revisions to the draft plan set out in Condition 1.1 a), if required, have been approved by the Town of Markham and the Region of York; and
- d) Revisions to the draft plan of subdivision in order to meet the requirements of Condition 21, if necessary, and to address any minor adjustments to the development limits associated with the Carlton Creek valley and associated environmental buffer, to the satisfaction of the TRCA.

1.2 That the Cathedral West Landowners Group enter into an agreement with York Region and the Town for the construction and completion of the Woodbine Avenue By-pass as outlined in Clause No.10 in report No. 6 of the Planning and Economic Development

Committee Report titled “Woodbine Avenue By-pass Construction and Prepaid Development Charge Credit Agreement Principles” which was adopted by York Region Council at its meeting on June 23, 2005 and February 16, 2006 (revised), and reflecting Town of Markham requirements as outlined in a report to Markham’s General Committee dated January 23, 2006.

- 1.3 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 June 6, 2009, unless extended by the Town upon application by the Owner.
- 1.4 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.
- 1.5 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.
- 1.6 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, TRCA and Region, (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 within the draft plan shall be dedicated as public highway, free of all costs and encumbrances to the satisfaction of the Town of Markham.
- 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 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 of Markham or other agencies free of all costs and encumbrances, to the satisfaction of the Town of Markham.
- 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 The Owner shall covenant and agree in the subdivision agreement that the Owner will make best efforts that no construction traffic shall be allowed through the intersection of Woodbine Avenue and Elgin Mills Road.
- 2.8 The Owner shall covenant and agree in the subdivision agreement that construction access will be restricted to Woodbine Avenue (north of Victoria Square) and Elgin Mills Road.
- 2.9 The Owner acknowledge and agree that the road allowances within the draft plan shall have right-of-way widths satisfactory to the Town in accordance with the Internal Traffic Impact Study and External Traffic Impact Study.
- 2.10 The Owner shall convey, upon registration of the plan of subdivision, adjustments to the road allowance in lanes to provide for space for utilities, etc.

### 3. Noise Impact Study

- 3.1 Prior to release of registration of the draft plan, the Owner shall submit a Noise Impact Study, prepared by a qualified noise consultant, recommending outdoor and indoor noise control measures for the proposed development, including specific details relating to the width of buffer blocks and height of noise fences, 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.
- 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 Town (Commissioner of Development Services), in consultation with the Region of York.
- 3.3 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.

### 4. Woodlot and Tree Preservation Plans

- 4.1 The Owner shall submit an overall tree inventory and preservation plan, which has been prepared by a qualified Landscape Architect in good standing with the O.A.L.A., or a certified Arborist, to the satisfaction of the Commissioner of Development Services, prior to the execution of a subdivision agreement for any portion of the draft plan of

subdivision. The tree preservation plan shall be based on information taken from a registered survey plan, showing the exact location of the trees to be preserved, location of protective hoarding, final grading, proposed municipal services and utilities, and conceptual building envelopes and driveway locations.

- 4.2 The Owner shall covenant and agree in the subdivision agreement that the Owner shall prepare and submit site grading/tree preservation plans, with respect to trees to be preserved on any portion of the plan of subdivision, showing the location of buildings and structures to be erected and proposed municipal services and utilities in that area, in accordance with the approved Tree Preservation Plan for the approval of the Town (Commissioner of Development Services) prior to the issuance of building permits.
- 4.3 The Owner shall covenant and agree in the subdivision agreement to obtain written approval of the Town prior to the removal of any trees within the area of the draft plan.
- 4.4 Prior to registration of the first phase, the Owner shall provide documentation for the natural features identified by the town of Markham Official Plan amendment No. 52(Natural features). This documentation is to show the mapping of the drip line by survey, an assessment of the possible impacts from development of the lands surrounding the designated areas, preparation of a natural features management plan, safeguards to preserve the woodlot and valley land features and mitigating and restorative measures required as a result of the proposed development.

## 5 Streetscape and Landscape Plans

- 5.1 Prior to release for registration of the draft plan, the Owner shall submit landscape plans based on the approved Cathedral Community Design Plan, to the satisfaction of the Town. These plans are to be prepared by a qualified landscape architect in good standing with the O.A.L.A. and shall include the following:
  - a) streetscape plans, including a minimum of one tree per residential lot with a maximum space of 12 metres between trees for local, arterial and collector roads. The size, spacing and species selected shall be to the satisfaction of the Town (Commissioner of Development Services).
  - b) detailed landscape plans for Open Space Blocks 218 and 219, Stormwater Block 217 and Buffer Blocks 222, 223 and 224.
  - c) planting and sidewalks for all walkway blocks, open space blocks, storm water management blocks and the buffer blocks abutting the Woodbine Avenue Diversion.
  - d) 1.5 metre high black vinyl chain link fencing where residential lots abut the neighbourhood parks, open spaces, and woodlots.



- e) 1.5 metre high black vinyl chain link fencing where industrial blocks abut the woodlot, open space blocks, storm water management ponds and adjacent agricultural land.
  - f) 1.8 metre high wood screen fence where industrial blocks abut existing residential or commercial lands.
  - g) 1.5 metre high black vinyl chain link fencing where storm water management ponds abut existing residential or commercial lands.
  - h) 1.8 metre high wood screen fence and/or buffer planting where proposed residential lots abut existing residential lots.
  - i) 1.8 metre high privacy fencing on exterior rear yards of residential units abutting roads and laneways.
  - j) noise attenuation fencing in accordance with the approved noise study.
  - k) landscape plans and landscape works for the storm water management ponds, including naturalized planting and pathways.
  - l) review of any parks and open space plans to be used for promotional purposes.
  - m) any other landscaping as determined by the Community Design Plan.
- 5.2 The Owner covenants and agrees that the detailed design and construction of all landscaping shall be at no cost to the Town and in accordance with the provisions of the approved landscape plans.
- 5.3 The Owner shall covenant and agree that provision shall be made in the subdivision agreement for a letter of credit, in an amount to be determined by the Town, to ensure compliance with applicable tree preservation, fencing, streetscape, stormwater management ponds, buffer walkway and other landscaping requirements.
- 5.4 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 above.
- 5.5 The Owner shall include in all agreements of purchase and sale the following clause:
- “PURCHASERS ARE ADVISED THAT AS A CONDITION OF APPROVAL OF THE SUBDIVISION WITHIN WHICH THIS LOT IS LOCATED, THE 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)**

- TREE PLANTING IN REAR YARDS ADJOINING THE LANES
  - NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY
  - FENCING OF SCHOOL BLOCKS
  - 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.”

6. Parks and Open Space

- 6.1 The Owner shall convey Block 220 to the Town for park purposes, free of all costs and encumbrances, as per the Parks Agreement, upon registration of the plan of subdivision. These Blocks shall be conveyed in a physical condition which is satisfactory to the Town.
- 6.2 The Owner covenants and agrees to work with the Developer’s Group to secure terms and conditions to the satisfaction of the Town which would guarantee, in perpetuity, the complete and unencumbered conveyance of all parkland as required within the Cathedral Secondary Plan Area as shown within the approved Cathedral Community Design Plan.
- 6.3 The Owner covenants and agrees that the subdivision agreement will not be executed until such time as the Landowners Group enters into a Parkland Conveyance Agreement with the Town of Markham to the satisfaction of the Commissioner of Development Services.
- 6.4 The Owner covenants and agrees that the plan of subdivision shall not be released for registration by the Town until the Trustee delivers a release to the Town stating that the Owner is in good standing and has complied with the terms of the Developer’s Group for provision of parkland that is satisfactory to the Town.
- 6.5 Prior to the registration of the first phase, the Owner agrees to convey to the Town, free of all costs and encumbrances, the Open Space Blocks, Buffer Blocks and Stormwater Management Block within this draft plan. The Owner acknowledges and understands that these conveyances shall not comprise part of the required dedication for park purposes. These Blocks shall be conveyed in a physical condition which is satisfactory to the Town.
- 6.6 The Owner shall covenant and agree to rough grade, topsoil, seed and maintain (free of stock piles and debris) all park blocks and vacant lands within the subdivision to the satisfaction of the Town. The park blocks shall be maintained until such time as the parks have been constructed and assumed by the town for maintenance. Other vacant blocks shall be maintained until such time as the ownership of the blocks has been transferred. No stockpiling of materials, including topsoil and fill, shall occur on any lands to be conveyed to the Town. Topsoil stockpiling shall be limited to areas in a second or subsequent phase of subdivision build-out.

- 6.7 The Owner acknowledges that should these works not be completed and maintained to the satisfaction of the Commissioner of Development Services, the Town will do the work as required and draw on the letters of credit for all costs so incurred plus 10% for contract administration.
- 6.8 The Owner shall covenant and agree that provision shall be made in the subdivision agreement to post approved copies of the Community Design Plan Open Space Plans, Park Development Concept Plans and the Conceptual Facility Fit Plan for the parks and school campus in all sales offices for dwelling units within the draft plan of subdivision.

## 7. Stormwater Management

- 7.1 The Owner shall incorporate the requirements and criteria of the Environmental and Stormwater Master Plan, by URS dated October 2005, into the draft approved plan and subdivision agreement. A report has been submitted and is under review.
- 7.2 Prior to release for registration of the draft plan, the Town and the Toronto and Region Conservation Authority shall approve a stormwater management study, prepared by a qualified engineer on behalf of the Owner, detailing the provision of water quality and quantity management facilities, hydraulic grade lines, overland flow routes, and erosion and siltation controls for the draft plan. 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 both internal or external to the subdivision for stormwater and overland flow purposes, and to revise the draft plan accordingly, as may ultimately be required.
- 7.3 Upon registration of the plan of subdivision, the Owner shall convey all necessary Blocks or transfer easements to the Town as determined by the Town for stormwater management purposes, including overland flow routes, free of all costs and encumbrances, in accordance with the recommendations of the Stormwater Management Study, to the satisfaction of the Town and the TRCA.
- 7.4 Prior to release for registration of the draft plan, the Owner shall submit a detailed design plan for all stormwater management Blocks, prepared by a qualified consultant, to the satisfaction of the Town.
- 7.5 The Owner shall covenant and agree to enter into a West Cathedral Developers Group Agreement to provide a Stormwater Monitoring Program currently undertaken by the Group. The Program is to ensure water quality, water quantity and sediment entering downstream creeks (i.e. Carlton Creek, Berczy Creek and Bruce Creek) and meet TRCA and Town requirements.
- 7.6 The Owner shall incorporate the requirements and criteria from the approved Water Balance Study into the detailed design plans for the draft plans and into the subdivision agreement.

## 8. Municipal Services

- 8.1 The Owner shall acknowledge and agree in the subdivision agreement that final approval of the draft plan shall be subject to the Town being satisfied that adequate water supply and sanitary sewer allocation is available to service the development in accordance with the November 29, 2005, Council resolution regarding community water supply allocations and sanitary sewage allocation.
- 8.2 Prior to release for registration of the draft plan, the Owner shall prepare, to the satisfaction of the Town, a Functional Servicing Report, in accordance with the as amended Master Servicing Plan, to determine the infrastructure required for all municipal services internal and external to the subdivision, including sewers, water mains, and roads. Any requirements resulting from this Report shall be incorporated into the draft plan and provided for in the subdivision agreement.
- 8.3 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued until the Director of Building Services has been advised by the Director of Engineering that water, sewage treatment, utilities and roads satisfactory to the Director of Engineering are available to the lands, except that building permits may be issued for model homes upon terms and conditions established by the Town (Commissioner of Development Services).
- 8.4 Prior to release for registration of the draft plan, detailed engineering drawings shall be provided by the Owner in accordance with the Functional Servicing Report, 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( condition 11.1) , stormwater management detail plans, and any other infrastructure required to secure the development etc. to the satisfaction of the Town.
- 8.5 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.
- 8.6 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 Town.
- 8.7 The Owner shall prepare and submit an analysis of water supply and pressures for the internal water system to the satisfaction of the Director of Engineering, and comply with any applicable requirements, conditions or assessed costs established by the Town, the

Region of York or any other authorized agencies prior to the registration of any portion of the draft approved plan.

- 8.8 Prior to any construction activities, the Owner shall enter into a West Cathedral Landowners Group Agreement to pay for and complete a well monitoring/mitigation program and implement the recommendations of this program to the satisfaction of the Director of Engineering. Prior to construction, the well monitoring/mitigation agreement and program shall be submitted to the Director of Engineering for review and approval. Principles of the program shall include having one coordinating consultant, 24 hour contact for emergencies, response time to complaints and proactive mitigation plans. Further, the West Cathedral Landowners Group shall covenant and agree to provide sufficient securities to the Town to ensure that the well monitoring and mitigation program is implemented to the satisfaction of the Director of Engineering.
- 8.9 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 adequate water supply for firefighting operations and acceptable access for fire fighting equipment are available.
- 8.10 The Owner shall covenant and agree in the subdivision agreement to pay \$100.00 per unit as their proportionate share for the cost of the Highway 48 Flow Control System which is required to create the sanitary sewer capacity for the project.
- 8.11 The Owner shall covenant and agree to pay for the relocation of existing service connections on abutting roads owned by the Town and for the relocation of any infrastructure within the abutting roads to the satisfaction of the Director of Engineering.
- 8.12 The Owner acknowledge and agrees that allocation for 270 units is granted in accordance with the servicing allocation reports dated February 2005 and November 2005 by the Town and direction received by the West Cathedral Developers Group Trustee.
- 8.13 Prior to registration of the subdivision agreement, the Owner shall prepare a Hydrogeological Study in accordance with the approved Water Balance Study, to determine the mitigation measures required for all municipal services internal and external to the subdivision including sewers, watermains, and roads. Any requirements resulting from this report shall be incorporated into the draft plan and provided in the subdivision agreement.
- 8.14 The Owner shall covenant and agree in the subdivision agreement that no pre-servicing will occur until the engineering drawings are approved, preservicing agreement is executed, the site alteration drawings have been approved, and the necessary securities are provided.

- 8.15 The Owner shall covenant and agree in the subdivision agreement to obtain approval of Erosion and Sediment Control Plans in accordance with the Town's Standards prior to proceeding with any on-site works and more particularly topsoil stripping.

9. Community Design Plan

- 9.1 The Owner shall covenant and agree in the subdivision agreement to incorporate the requirements and criteria of the Cathedral Community Design Plan into all municipal works, site plan and building permit applications within the plan of subdivision.

10. Architectural Control

- 10.1 The Owner shall retain a design consultant to prepare Architectural Design Guidelines for the Cathedral Community, in conjunction with the Developer's Group, to be submitted to the Town for approval, prior to final approval of the draft plan and shall covenant and agree in the subdivision agreement to implement the architectural control guidelines.
- 10.2 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. No permits shall be issued for model homes prior to the approval of the Town of the architectural control guidelines.
- 10.3 The Owner shall ensure that the design architect for any buildings within the plan of subdivision shall not assume the role of control architect for the plan of subdivision.

11. Traffic Impact Study

- 11.1 Prior to release for registration of the draft plan, the Owner shall prepare an Internal Traffic Impact Study for the West Cathedral Community, in consultation with the Owners of other lands within the West Cathedral Community to the satisfaction of the Town and the Region of York. The Owner shall incorporate the requirements and criteria of these studies into the Functional Servicing Report required in Condition 8.2, the draft approved plan and the subdivision agreement, to the satisfaction of the Director of Engineering.

12. Easements

- 12.1 The Owner shall grant required easements to the appropriate authority for public utilities, services, 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 and woodlot (Block 220) shall be satisfactory to, and dedicated to, the Town.

13. Utilities

- 13.1 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.
- 13.2 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 Director of Engineering and authorized agencies.
- 13.3 The Owner shall covenant and agree in the subdivision agreement to enter into any agreement or agreements required by any applicable utility companies, including Powerstream, Enbridge Consumers Gas, telecommunications companies, etc. in order to service the development.
- 13.4 The Owner covenants and agrees that hydro, cable and bell services will be located in the rear laneway road allowances for lane based product.
- 13.5 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 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.
- 13.6 The Owner covenants and agrees to advise all utility and telecommunication carriers that plans for medium or large size 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.
- 13.7 The Owner covenants and agrees to advise all utility and telecommunication carriers that plans for medium or large size vaults are to be submitted.

#### 14. Canada Post

- 14.1 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.

- 14.2 Prior to release for registration of the draft plan of subdivision, the Owner will consult with Canada Post Corporation to determine suitable locations for the placement of Community Mailboxes, and will indicate on the appropriate servicing plans:
- a) the locations of Community Mailboxes;
  - b) an appropriately sized section (concrete pad) as per municipal standards, to place the Community Mailboxes on;
  - c) any required walkways across the boulevard, as per municipal standards; and
  - d) any required curb depressions for wheelchair access to the satisfaction of the Commissioner of Development Services and Canada Post.
- 14.3 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.
- 14.4 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.
- 14.5 Standard Community Mailbox installations are to be done by Canada Post at locations approved by the municipality and shown on the Composite Utility Plan. Should the developer propose an enhanced Community Mailbox installation, any costs over and above the standard installation must be borne by the developer, and be subject to approval by the Town in consultation with Canada Post.

15. Development Charges

- 15.1 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.
- 15.2 The Owner covenants and agrees to pay all fees and development charges which will be finalized at the subdivision agreement stage.

16. Phase 1 Environmental Assessment

- 16.1 Prior to release for registration of the draft plan, the Owner shall submit,



- (i) environmental site assessment reports prepared by a Qualified Person in accordance with the Record of Site Condition Regulation (O. Reg. 153/04) for peer review and concurrence, to the satisfaction of the Director of Engineering for all lands to be conveyed to the Town.
- (ii) carry out all necessary site remediation to meet the provincial soil groundwater and sediment conditions.
- (iii) submit certificate from the Qualified Person that the necessary clean up has been done and the land is in an environmental condition satisfactory to the Town.
- (iv) Pay for all cost associated with the peer review service.

16.2 The Owners shall covenant and agree in the subdivision agreement that if during construction of any infrastructure or buildings within the subdivision contaminated soils are discovered, the Owners shall undertake, at their expense, the necessary measures to identify and deal with the contaminate, in accordance with the Record of Site Condition Regulation (O.Reg. 153/04).

## 17. Heritage

- 17.1 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 Citizenship, Culture and Recreation. 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 Citizenship, Culture and Recreation to the Town indicating that all matters relating to heritage resources have been addressed in accordance with licensing and resource conservation requirements.
- 17.2 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 Citizenship, Culture and Recreation.

## 18. Other Town Requirements

- 18.1 Prior to release of registration 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, fire halls, police stations, parks and public roads in the West Cathedral Community, 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.

- 18.2 The Owner acknowledges and agrees that firebreak lots within the draft plan shall be designated in the subdivision agreement, to the satisfaction of the Fire Chief. The Owner shall provide a letter of credit in an amount to be determined by the Fire Chief at the subdivision agreement stage to ensure compliance with this condition.
- 18.3 The Owner acknowledges and agrees that final approval of the draft plan of subdivision may be issued in phases provided that:
  - a) phasing is proposed in an orderly progression generally consistent with the phases identified in the approved Development Phasing Plan; and,
  - b) all concerned government agencies agree to registration by phases and provide the clearances as required in Condition 23 for each phase.
- 18.4 The Owner shall covenant and agree in the subdivision agreement to include warning clauses in agreements of purchase and sale for all units with single car garages advising purchasers of the following:
  - the 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 to a maximum of 3.5 metres, 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.
- 18.5 The Owner shall covenant and agree in the subdivision agreement to contribute a proportional share to the Victoria Square Streetscape Improvement Study.

## 19. Region of York

- 19.1 The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the area municipality and the Regional Planning and Development Services Department.
- 19.2 York Region shall confirm that adequate water supply capacity and sewage treatment 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.
- 19.3 Lots 148, 149 and 204 and Block 213 shall be placed under a holding zone provision. The following conditions for lifting the Holding Zone shall apply:

- the detailed design for the Woodbine Avenue By-pass (including the completion of the Reference Plan) has been completed; and,
  - a revised draft plan, if required, has been approved by the Town of Markham in consultation with York Region, which incorporates the detailed design of the Woodbine Avenue By-pass, as surveyed.
- 19.4 The Owner shall convey all lands required for the Woodbine Avenue By-pass in accordance with the terms of the Tri-Party Agreement with the Town, Region and West Cathedral Landowners Group.
  - 19.5 In order to determine the property dedications required to achieve the ultimate right-of-way width of the Woodbine Avenue By-pass abutting the subject site, the applicant shall submit to the Region for approval, a plan of survey for the property that illustrates the Woodbine Avenue By-pass lands which are to be conveyed.
  - 19.6 Prior to the Final Approval the engineering drawings for the Woodbine Avenue By-pass shall be approved by the Town of Markham to the satisfaction of the York Region Transportation and Works Department.
  - 19.7 The Owner shall have prepared, by a qualified professional transportation consultant, a functional transportation report/plan outlining the required York Region road improvements for this subdivision. The report/plan, to be submitted to the York Region Transportation and Works Department for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues.
  - 19.8 The Owner shall agree in the subdivision agreement, in wording satisfactory to the York Region Transportation and Works Department, to implement the recommendations of the functional transportation report/plan as approved by the York Region Transportation and Works Department.
  - 19.9 The Owner shall submit detailed engineering drawings, to the York Region Transportation and Works Department for review and approval, that incorporate the recommendations of the functional transportation report/plan as approved by the York Region Transportation and Works 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.
  - 19.10 Prior to Final Approval, the Owner shall provide a set of engineering drawings, approved by the area municipality, which indicates the storm drainage system, the overall grading plans and all proposed accesses onto York Region roads, for all lands within this plan of subdivision, to the York Region Transportation and Works Department for verification that all York Region's concerns have been satisfied.

- 19.11 Prior to Final Approval and concurrent with the submission of the subdivision servicing application (MOE) to the area municipality, the Owner shall provide a set of engineering drawings, for any works to be constructed on or adjacent to the Regional road, to the Roads Branch, Attention: Manager, Development Approvals, that includes the following drawings:
- a) Plan and Profile for the Regional road and intersections;
  - b) Grading and Servicing;
  - c) Intersection/Road Improvements, including the recommendations of the Traffic Report;
  - d) Construction Access Design;
  - e) Utility and underground services Location Plans;
  - f) Signalization and Illumination Designs;
  - g) Line Painting;
  - h) Traffic Control/Management Plans;
  - i) Erosion and Siltation Control Plans;
  - j) Landscaping Plans, including tree preservation, relocation and removals.
- 19.12 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 York Region Transportation and Works Department, Attention: Mrs. Eva Pulnicki, P.Eng.
- 19.13 The location and design of the construction access for the subdivision work shall be completed to the satisfaction of the York Region Transportation and Works Department and illustrated on the Engineering Drawings.
- 19.14 Any existing driveway(s) along York Region road frontage of this subdivision must be removed as part of the subdivision work, at no cost to York Region.
- 19.15 Elevations along the streetline shall be 0.3 metres above the centerline elevations of the Regional roadway.
- 19.16 The Owner shall agree in the subdivision agreement, in wording satisfactory to the York Region Transportation and Works Department, to provide for the installation of visual screening between Street 'D' and the Woodbine Avenue By-pass and Lane 'I' and the Woodbine Avenue By-pass, consisting of either a screening fence or a combination of a berm and planting, to a maximum of 1.8 metres in height, to be located within the right-of-way of Street 'D' and Lane 'I'. The Owner shall submit to the York Region Transportation and Works Department for review and approval, landscape plans showing the proposed planting for headlight screening purposes.

- 19.17 Prior to Final Approval the Owner shall provide a copy of the duly executed/approved local subdivision agreement to the York Region Transportation and Works Department, outlining all requirements of the York Region Transportation and Works Department.
- 19.18 The Owner shall submit drawings depicting the following to the satisfaction of York Region staff:
- a) All existing woody vegetation within the Regional Road right of way;
  - b) Tree protection measures to be implemented on and off the Regional Road right-of-way respecting vegetation identified for preservation;
  - c) Any woody vegetation within the Regional Road right of way that is proposed to be removed or relocated. However, it is to be noted that tree removal within Regional 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; and,
  - d) A planting plan for all new and relocated vegetation to be planted within the Regional 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 Regional 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, they will require the approval of the local municipality and be supported by a maintenance agreement between the municipality and York Region for area municipal maintenance of these features. In addition, the agreement should indicate that where the area municipality does not maintain the feature to the Region's satisfaction, the area municipality will be responsible for the cost of maintenance or removal undertaken by the Region.
- 19.19 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 York Region Transportation and Works Department recommending noise attenuation features and the Owner shall agree to implement these noise attenuation features to the satisfaction of the York Region Transportation and Works Department.
- 19.20 The Owner shall agree in the subdivision agreement, in wording satisfactory to the York Region Transportation and Works Department, that prior to the release of any security held by York Region in relation to this plan of subdivision, and 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.
- 19.21 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".

19.22 Where noise attenuation features will abut a Regional right-of-way, the Owner shall agree in the subdivision agreement, in wording satisfactory to the York Region Transportation and Works Department, as follows:

- a) that no part of any noise attenuation feature shall be constructed on or within the Regional 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 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-ways by the Owner or the area municipality for aesthetic purposes must be approved by the York Region Transportation and Works Department and shall be maintained by the area municipality with the exception of the usual grass maintenance.

19.23 The following lands shall be conveyed to York Region for public highway purposes, free of all costs and encumbrances:

- a) a widening across the full frontage of the site where it abuts Elgin Mills Road of sufficient width to provide a minimum of 18 metres from the centerline of construction of Elgin Mills Road;
- b) a 15.0 metre by 15.0 metre daylight triangle at the northwest and southwest corners of Woodbine Avenue By-pass and Street 'A';
- c) a 15.0 metre by 15.0 metre daylight triangle at the northeast and southeast corners of Woodbine Avenue By-pass and Street 'B';
- d) a 15.0 metre by 15.0 metre daylight triangle at the northeast and northwest corners of Elgin Mills Road and Street 'C';
- e) a 20.0 metre by 20.0 metre daylight triangle at the northeast and northwest corners of Woodbine Avenue By-pass and Elgin Mills Road;
- f) an additional 2.0 metre widening, 40 metres in length, together with a 60 metre taper for the purpose of a westbound right turn lane at the intersection of Elgin Mills Road and Woodbine Avenue By-pass;

- g) an additional 2.0 metre widening, 40 metres in length, together with a 60 metre taper for the purpose of a westbound right turn lane at the intersection of Elgin Mills Road and Street 'C';
- h) an additional 2.0 metre widening, 40 metres in length, together with a 60 metre taper for the purpose of a northbound right turn lane at the intersection of Street 'B' and Woodbine Avenue By-pass;
- i) an additional 2.0 metre widening, 40 metres in length, together with a 60 metre taper for the purpose of a southbound right turn lane at the intersection of Street 'A' and Woodbine Avenue By-pass;
- j) an additional 2.0 metre widening, 40 metres in length, together with a 60 metre taper for the purpose of a southbound right turn lane at the intersection of Woodbine Avenue By-Pass and Elgin Mills Road;
- k) a 0.3 metre reserve across the full frontage of the site where it abuts Woodbine Avenue By-pass and adjacent to the above noted widenings, except abutting dedicated green spaces, parks, ponds, and future Town owned roadways;
- l) a 0.3 metre reserve across the full frontage of the site where it abuts Elgin Mills Road and adjacent to the above noted widenings, except abutting dedicated green spaces, parks, ponds, and future Town owned roadways;
- m) an additional 2.0 metre widening, 40 metres in length, together with a 60 metre taper for the purpose of a southbound right turn lane at the intersection of Woodbine Avenue By-Pass and Elgin Mills Road.

The existing Woodbine Avenue is currently under Regional jurisdiction along the easterly boundary of this plan of subdivision. With the planned implementation of the Woodbine Avenue By-pass, this section of Woodbine Avenue will be transferred to the jurisdiction of the Town of Markham. Since Woodbine Avenue will be the Town of Markham's jurisdiction, any land conveyances along Woodbine Avenue that may be needed in the future should be required by the Town of Markham.

- 19.24 In order to determine the property dedications (if any) required to achieve the ultimate right-of-way width of Elgin Mills Road abutting the subject site, the applicant shall submit a recent plan of survey for the property that illustrates the existing centre line of Elgin Mills Road.
- 19.25 The Owner shall provide a solicitor's certificate of title in a form satisfactory to the York Region Solicitor, at no cost to York Region with respect to all lands to be conveyed to York Region.

- 19.26 York Region requires the Owner of the site to submit an environmental audit, prepared by a qualified professional, of all lands to be conveyed to York Region. The audit will contain the requirements of the Phase 1 Environmental Site Assessment, as per applicable Ontario standards, guidelines and regulations. Based on the findings of this assessment, York Region may require further study to determine any remedial action required to remove contaminants. The Owner shall agree in the subdivision agreement, in wording satisfactory to the Regional Transportation and Works Department, to certify that all lands to be conveyed to York Region are free of all noxious, deleterious materials on or under the surface. This certification shall be provided at no cost to York Region.
- 19.27 No direct access shall be permitted to Woodbine Avenue By-pass and Elgin Mills Road.
- 19.28 Street 'A' shall be designed to intersect Woodbine Avenue By-pass at a right angle and shall be located directly opposite Street 'B'.
- 19.29 Street 'C' shall be designed to intersect Elgin Mills Road at a right angle and shall be located directly opposite Prince Regent Street.
- 19.30 The intersections of Woodbine Avenue By-pass at Elgin Mills Road, Street 'C' at Elgin Mills Road, Street 'A' at Woodbine Avenue By-pass, Street 'B' at Woodbine Avenue By-pass, Street 'B' at Woodbine Avenue and Street 'G' at Woodbine Avenue shall be designed to the satisfaction of the York Region Transportation and Works Department with any interim or permanent intersection works including turning lanes, profile adjustments, illumination and/or signalization as deemed necessary by The York Region Transportation and Works Department.
- 19.31 The intersection of Street 'C' and Lane 'I' shall be restricted to right in/right out movements only by the construction of a median island at the centre of Street 'C' which shall be designed and constructed to the satisfaction of York Region.
- 19.32 The owner shall agree in the subdivision agreement to construct sidewalks along the subject lands' frontage onto roadways that will have transit services. Sidewalks shall be constructed on both sides of those roadways unless only one side of the street lies within the limits of the subject lands.

Future York Region Transit (YRT) services are planned for the following roadways:

- Elgin Mills Road
  - Woodbine Avenue
  - Woodbine Avenue By-pass
- 19.33 Concrete pedestrian access shall be provided from the internal roadways to Regional roadway as follows:
- From Street D to Woodbine Avenue By-pass (1 access near the north end of Street D & 1 access near the south end of Street D)



The concrete pedestrian access shall be provided at no cost to York Region and concurrent with construction of necessary sidewalks.

Sidewalks and concrete pedestrian access shall be provided in accordance with OPSD 310.010, 310.020, 310.030 and should be provided “at grade” (i.e. without stairs, inclines, etc.).

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

ON Street	AT Street	Location	Standard
Woodbine Avenue By-pass	Elgin Mills Road	NW corner	YRT-1.02 or YRT-1.03
Woodbine Avenue By-pass	Street A	NW corner	YRT-1.02 or YRT-1.03
Woodbine Avenue By-pass	Street B	SE corner	YRT-1.02 or YRT-1.03
Woodbine Avenue By-pass	Street F	SE corner	YRT-1.02 or YRT-1.03
Elgin Mills Road	Woodbine Avenue By-pass	NE corner	YRT-1.02 or YRT-1.03
Elgin Mills Road	Street C	NE corner	YRT-1.02 or YRT-1.03
Woodbine Avenue	Street B	NW corner	YRT-1.02 or YRT-1.03

The passenger standing areas/shelter pads shall be provided at no cost to York Region and concurrent with construction of necessary sidewalks.

- 19.35 The owner shall agree in the subdivision agreement that the required passenger standing areas/shelter pads shall be installed to the satisfaction of the area municipality and York Region Transit. Landscaping should not interfere with the bus stops, passenger standing areas, shelters or corner sightlines.

The bus stop locations determined during the design phase are subject to change. Prior to construction of the passenger standing areas/shelter pads, the consultant shall confirm with YRT the final bus stop locations/requirements. The consultant is to contact the YRT facilities supervisor - Ann Marie Carroll at (905)762-1282 ext. 5677 to confirm final details.

- 19.36 The owner shall submit drawings showing the sidewalk locations, concrete pedestrian access, passenger standing areas and shelter pads to the satisfaction of York Region.

- 19.37 Woodbine Avenue By-pass 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.
- 19.38 As part of the subdivision agreement, the owner shall agree to advise all potential purchasers of the possible future introduction of transit services in the development. This includes potential transit routes, bus-stops and shelter locations. This shall be achieved through the 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.
- 19.39 The owner shall agree in the subdivision agreement to not construct vertical traffic calming along Woodbine Avenue By-pass. YRT shall be consulted with respect to any alternate traffic calming features which may be considered.
- Transit services will not operate along streets with vertical traffic calming devices. YRT accepts the installation of horizontal obstacles where their design takes into account bus type used on that route, including their length, width and turning radius. Recommendations to implement new transit routes on roads which already have vertical traffic calming devices would be conditional upon the removal of these devices.
- 19.40 The owner shall agree in the subdivision agreement to the installation of illumination, in accordance with York Region and Municipal design standards, along all streets which will have transit services, sidewalks, pedestrian access and bus stop locations.
- 19.41 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-0005-2003-050.

## 20. Toronto and Region Conservation Authority

- 20.1 Prior to final approval of the draft plan, the owner shall complete any required studies, relating to matters under the jurisdiction of the Toronto and Region Conservation Authority (including but not limited to the establishment of limits of development and environmental buffer zones associated with valleylands, the design of crossings of valleylands and storm water management), to the satisfaction of the Authority. The owner acknowledges and agrees that requirements resulting from these studies shall be incorporated into the draft plan of subdivision and the subdivision agreement as required.

- 20.2 Prior to final approval of the draft plan, the owner shall provide a signed copy of the subdivision agreement to the TRCA, which agreement shall include all requirements of the TRCA as outlined in their comments to the Town dated April 7, 2006.
- 20.3. That prior to any grading, development, pre-servicing or site alteration, or registration of this plan or any phase thereof, the applicant submit for the review and approval of the TRCA:
- a. 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 the approved West Cathedral Community - Environmental and Stormwater Management Plan Report (ESMP). This report shall include:
    - i. plans illustrating how this drainage system will tie into surrounding drainage systems and storm water management techniques which may be required to control minor or major flows;
    - 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 as it relates to fish and their habitat;
    - iii. proposed method for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction;
    - iv. location and description of all outlets and other facilities which may require a permit pursuant to Ontario Regulation 158, the Authority's Fill, Construction and Alteration to Waterways Regulation.
    - v. development limit "constraint" mapping for areas adjacent to natural features, showing all of the following (both existing and proposed) that are applicable to the site: top of bank, stable slope line, floodlines, significant vegetation, and required buffers, with the draft plan of subdivision on the same plan.
  - b. Overall grading plans for the subject lands.
  - c. As TRCA policy requirements regarding buffers from natural features have not been met, where Block 215 (Employment Area) directly abuts the adjacent woodlot feature (Block 220), plans illustrating that the works, including all grading, site alterations, or materials associated with these activities, will not encroach or be placed within these adjacent features must be submitted.
  - d. A comprehensive water balance strategy be submitted to the satisfaction of

the TRCA and Town of Markham staff, which identifies how ground water infiltration will be maintained on the site, and provides detailed design of the system, and implementation and monitoring information. The requirements for this strategy may be lessened if a more comprehensive analysis has been completed and approved, for the larger Cathedral West Community, in which case, the above noted study must provide for implementation of the larger plan.

- 20.4. That all construction activities be undertaken in accordance with the findings and recommendations of the West Cathedral Environmental Impact Assessment (prepared by Gartner Lee Limited), and as stated in the approved MESP.
- 20.5. That a comprehensive woodland edge management plan be submitted to the satisfaction of the TRCA.
- 20.6. That the implementing zoning by-law recognize Block 220 in an open space or other suitable zoning category which has the affect of prohibiting structural encroachment and ensuring the long term preservation of the lands in perpetuity, to the satisfaction of the TRCA. In addition, the noted zoning by-law(s) must stipulate the following:
  - a) a minimum 7.5 metre structural setback (rear yard) for all lots abutting the woodlot Block 220 on the subject property. Please note that no buildings and accessory structures will be permitted within the setback area.
- 20.7. That all blocks including natural features (Blocks 217, 218 and 219) (including but not necessarily limited to Block 220) be dedicated gratuitously to the Town of Markham and in accordance with the Open Space Agreement.
- 20.8. That planting, restoration and enhancement plans be provided for all disturbed areas adjacent to or within natural areas or stream corridors, in accordance with TRCA's planting guidelines.
- 20.9. That the Owner shall covenant and 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 referenced in Condition 21.1;
  - b. To agree to, and 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;

- 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 158 from the TRCA;
- f. to erect a permanent fence to the satisfaction of the TRCA, subject to the Woodlot Management Plan, for lots and blocks abutting Block 220.
- g. To provide the requisite funding, or contribute to a cost-sharing fund to provide for the long-term monitoring and maintenance of the water balance and infiltration measures on this site, or as part of the larger Cathedral West Community, to the satisfaction of the TRCA.
- h. To implement all water balance/infiltration measures identified in the water balance study that is to be completed for the subject property.
- i. To provide for planting, restoration and enhancement of all disturbed areas adjacent to or within natural areas to the satisfaction of TRCA staff. And, that monitoring and replanting of these areas be completed for period of a minimum of 2 years, with sufficient funds be secured through this period through a letter of credit or other appropriate measure.
- j. To agree to notify all perspective purchasers of lands adjacent to Woodlot Block 220, through agreements of purchase and sale, of the natural condition of this feature, and that no encroachment of uses or storage onto these lands shall be permitted. This notification shall also identify that no access from the rear of the lots in the woodlot, that has not been authorized by the TRCA and Town of Markham, shall be permitted.

20.10. That the draft plan be red-lined revised in order to meet the requirements of the TRCA's conditions, if necessary.

## 21 Ministry of Transportation

- 21.1 That prior to registration, the Owner shall submit to the Ministry Transportation, a copy of a traffic impact study addressing the anticipated traffic volumes and their impact upon Highway 404 and Elgin Mills Interchange.
- 21.2 That prior to registration, the Owner shall submit to the Ministry of Transportation, a copy of a Stormwater Management Report and grading/servicing plan indicating the intended treatment of the calculated runoff.

- 21.3 Access to Blocks 214, 216 and 217 shall be via the Woodbine Avenue By-pass. Access will not be permitted via Elgin Mills.

22. External Clearances

- 22.1 Prior to release for registration 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, 10.1 and 19.1 to 19.11, inclusive, have been satisfied.
  - (b) The Toronto and Region Conservation Authority shall advise that Conditions 6.1, 6.2 and 20 have been satisfied.
  - (c) The Ministry of Culture shall advise that Conditions 15.1 and 15.2 have been satisfied.
  - (d) The Ministry of Transportation shall advise that Condition 21 have been satisfied.



May 23, 2006

Mr. Jim Baird  
Commissioner of Planning  
Town of Markham  
101 Town Centre Boulevard  
Markham, Ontario, L3R 9W3

**SENT BY FAX**

Dear Mr. Baird:

**Re: Proposed Draft Approval of Plan 19TM-05006  
Recommended by Markham Development Services Committee at its meeting on May 17<sup>th</sup>,  
2006 – preconditions for draft plan approval**

We are writing to emphasize the importance of achieving the Woodbine By-pass as an integral part of the Cathedral Community Plan. The pre-conditions outlined in the Region's submission of draft approval conditions on April 25, 2006 ensure this is achieved and both the Regional and Town interests are maintained.

As you are aware, Regional Council approval of the principles of the agreement for the Woodbine By-pass on February 16, 2006 was based in part on the agreement being in place *prior* to draft approval. This is implicit in the adopted principles which state that in November 2005, Markham Council allocated a total of 1,100 units to the West Cathedral Community *subject to...the Developer Group entering into a Pre-paid Development Charge Credit Agreement.*

The pre-conditions that remain important to safeguarding both the Town's and the Region's interests are as follows:

- i) The Cathedral West Landowners Group enter into an agreement with York Region and the Town for the construction and completion of the Woodbine Avenue By-pass
- ii) The Owner shall enter into an agreement with the Town, applying specifically to those lots abutting the proposed route of the Woodbine Avenue By-Pass committing the Owner not to enter into any agreements of purchase and sale for those lots until certain conditions have been met.

These preconditions with delegation of approval authority to staff will ensure that the appropriate detailed design is achieved, the appropriate land is acquired and the funding for the By-pass is secured.

Furthermore, since the *Planning Act* permits owners to sell lots immediately upon draft approval, it is very important that the "no-presales agreements" are in place. If draft approval is given

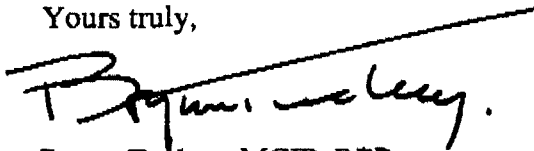
prior to the "no-presale agreements" referred to in the Markham staff report to Markham Development Service Committee, the ability of the Town and the Region to ensure that the by-pass is detailed to Regional specifications may be compromised. The detailed design has just been initiated and the intent of no-presales pre-condition was to ensure that the lots abutting the by-pass right of way would not be sold until the full extent of the alignment was confirmed and the appropriate lot lines settled.

As the Woodbine Avenue By-Pass is a fundamental requirement of the Cathedral Community Plan, the Region is hopeful that the Agreement can be successfully concluded in a timely manner. However, Regional conditions of draft approval that were forwarded to the Town on April 25<sup>th</sup>, 2006 were predicated on the agreement being in place prior to draft approval. If draft approval proceeds without the pre-conditions and the agreements are not executed, it may be necessary for the Region to consider all available options including appealing to the Ontario Municipal Board to ensure its interests are maintained.

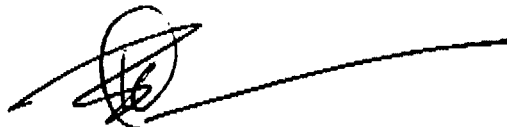
The Region is hopeful that the agreement can be concluded in a timely manner. It may be appropriate to forward this information to your Council upon consideration of this matter at the May 23<sup>rd</sup> Markham Council meeting this afternoon.

Please feel free to contact either of the undersigned should you have any questions.

Yours truly,



Bryan Tuckey, MCIP, RPP  
Commissioner of Planning  
and Development Services



Bruce Macgregor, P. Eng  
Commissioner of Transportation and  
Works

c.c: Bill Fisch, Regional Chair and CEO





**Monarch**  
by Taylor Woodrow

May 23, 2006

Town of Markham  
Planning Department  
101 Town Centre Boulevard  
Markham, Ontario L3R 9W3

Attention: Mr. Jim Baird  
Commissioner of Development Services  
Fax 905-479-7768

Dear Mr. Baird:

Re: **Draft Plan Pre-Condition for a "No Pre-Sales Agreement"**  
**Roamin Stables Draft Plan 19M-05006**  
**Monarch Corporation**

We are writing on behalf of Monarch Corporation with respect to the Town's Draft Plan Pre-Condition requiring that a "No Pre-Sales Agreement" be entered into with the Town of Markham for the lands abutting the Woodbine By-Pass.

I am writing to confirm that Monarch is prepared to enter into a "No Pre-Sales Agreement" as per the terms outlined in Monarch's conditions of draft plan approval. It is understood that the Town of Markham staff will prepare and administer this agreement on an expedited basis.

If there is any information we can provide to aid in the process, please do not hesitate to contact the undersigned.

Sincerely,

Monarch Corporation

Elizabeth Sawicki  
Vice President  
Land Development and Planning

ES/dg

c.c. Sheila Birrell, Town of Markham Clerk, 905-479-7771  
Val Shuttleworth, Director of Planning & Urban Design, 905-479-7768  
Mac Cosburn, Stantec Consulting Ltd., 905-474-9889  
Julie Bottos, Stantec Consulting Ltd., 905-474-9889

## **EXPLANATORY NOTE**

### **BY-LAW 2005 -**

#### **A by-law to amend By-law 304-87, as amended**

Monarch Corporation  
19TM-05006  
Part of Lot 26, Concession 3

### **LANDS AFFECTED**

The by-law applies to a 0.623 hectare (1.54 ac) building materials, window and balcony configurations, building entrance locations and ensure that coordination has occurred with the landscape plans property, located on the north side of Elgin Mills Road, west of Woodbine Avenue, in the Cathedral Secondary Plan Area.

### **EXISTING ZONING**

The lands subject to this By-law are presently zoned Agriculture One (A1) by By-law 304-87, as amended.

### **PURPOSE AND EFFECT**

The purpose and effect of this By-law is to permit a sales pavilion within the plan of subdivision for three (3) years from the date of its passing by the Council of the Corporation of the Town of Markham in accordance with the provisions of Section 38 of the Planning Act, 1983.

A by-law to amend By-law 304-87, as amended being a by-law to regulate the use of land and the erection or use of land and the erection or use of buildings or structures and to regulate the type of construction and the height, bulk, location, size, floor area, spacing, external design, character and use of buildings or structures in a defined area of the Town of Markham  
*To permit a temporary sales pavilion  
office for a period of three (3) years*

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THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM  
HEREBY ENACTS AS FOLLOWS:

1. By-law 304-87, as amended, is hereby further amended as follows:
  - 1.1 By adding to Section 13 – EXCEPTIONS, the following new subsection:
    - 13.79 North of Elgin Mills, west of Woodbine Avenue – Monarch Corporation  
  
Notwithstanding any other provision of this By-law, the provisions in this section shall apply to those lands shown on Schedule 'A' of By-law 2006-XX, attached thereto. All other provisions of this by-law, unless specifically modified/amended by this section, continue to apply to the lands subject to this Section.
      - 13.79.1 Only Uses Permitted  
  
The following uses are the only uses permitted:
        - a) a temporary sales pavilion/office for the sale of new homes.
      - 13.79.2 Zone Standards  
  
The following specific zone standards apply:
        - a) minimum 1.2 m setback from any property line.
  2. All other provisions of By-law 304-87, as amended, not inconsistent with the provisions of this by-law shall continue to apply.
  3. This By-law shall expire three (3) years from the date of its passing by the Council of the Corporation of the Town of Markham, in accordance with the provisions of Section 39 of the Planning Act R.S.O. 1990.



ELGIN MILLS ROAD EAST

WOODBINE AVENUE



DEVELOPMENT SERVICES COMMISSION

# A BY-LAW TO AMEND BY-LAW 304-87

## SCHEDULE 13.79

--- BOUNDARY OF AREA COVERED BY THIS BY-LAW

SECTION 13.79 OF BY-LAW 304-87

THIS IS SCHEDULE 'A' TO BY-LAW .....  
PASSED THIS ..... DAY .....

..... MAYOR

..... CLERK

NOTE: 1) DIMENSIONS ARE IN METRES  
2) REFERENCE SHOULD BE MADE TO  
THE ORIGINAL BY-LAW LODGED IN  
THE OFFICE OF THE CLERK

SCALE 1: 2000

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## **EXPLANATORY NOTE**

### **BY-LAW 2005 -**

#### **A by-law to amend By-law 304-87, as amended**

Monarch Corporation  
19TM-05006  
Part of Lot 26, Concession 3

### **LANDS AFFECTED**

The by-law applies to a 30.52 hectares (75.41 ac) property, located on the north side of Elgin Mills Road, west of Woodbine Avenue, in the Cathedral Secondary Plan Area.

### **EXISTING ZONING**

The lands subject to this By-law are presently zoned Agriculture One (A1) by By-law 304-87, as amended.

### **PURPOSE AND EFFECT**

The purpose and effect of this by-law is to delete the lands from By-law 304-87, as amended, so that they may be incorporated into By-law 177-96, as amended, to permit 204 single detached units and 66 townhouse units. By-law 304-87 is the Town's rural area by-law. By-law 177-96 is the Town's expansion area by-law.

A by-law to amend By-law 304-87, as amended

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THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM  
HEREBY ENACTS AS FOLLOWS:

1. By-law 304-87, as amended, be and the same is hereby further amended by deleting the lands outlined on Schedule 'A' hereto from the designated area of By-law 304-87, as amended.
2. This By-law shall not come into force until By-law 2006-XX, amending By-law 177-96, as amended, comes into force and the subject lands of this by-law become incorporated into the designated area of By-law 177-96, as amended.
3. All other provisions of By-law 304-87, as amended, not inconsistent with the provisions of this by-law shall continue to apply.



## **EXPLANATORY NOTE**

### **BY-LAW 2005 -**

#### **A by-law to amend By-law 177-96, as amended**

Monarch Corporation  
19T-05006  
Part of Lot 25, Concession 3

### **LANDS AFFECTED**

The by-law applies to a 30.52 (75.41 ac) property, located on the north side of Elgin Mills Road, west of Woodbine Avenue, in the Cathedral Secondary Plan Area.

### **EXISTING ZONING**

The lands subject to this By-law are presently zoned Agriculture One (A1) by By-law 304-87, as amended.

### **PURPOSE AND EFFECT**

The purpose and effect of this by-law is to incorporate the lands into appropriate residential zone categories within By-law 177-96, as amended. The proposed zoning designations are Residential Two (R2), which will permit the proposed 204 single detached units and Residential Two – Lane Access (R2-LA), which will permit the proposed 66 townhouse units.

Exceptions have been incorporated into the amendment to permit attached garages for the lots zoned Residential Two – Lane Access (R2-LA) and to permit a reduced rear yard setback for 16 units with the exception number \*310.

The following are the conditions for lifting the Holding Zone:

- a) The detailed design for the Woodbine Avenue By-pass (including the completion of the Reference Plan) has been completed to the satisfaction of the Town; and,
- b) A revised draft plan, if required, has been approved by the Town of Markham in consultation with York Region, which incorporates the detailed design of the Woodbine Avenue By-pass.



A by-law to amend Urban Expansion Area Zoning By-law 177-96, as amended (To incorporate Draft Plan 19TM-05006 into the West Cathedral Community)

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THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM  
HEREBY ENACTS AS FOLLOWS:

1. By-law # 177-96, as amended is hereby further amended as follows:

1.1 By expanding the designated area of the By-law to include those lands comprising Part of Lot 26, Concession 3 as more particularly outlined on Schedule 'A' attached hereto.

1.2 By zoning the lands

Residential Two	R2
Residential Two (Hold)	R2(H)
Residential Two*310	R2*310
Residential Two*310(Hold)	R2*310(H)
Residential Two – Lane Access*307*316	R2-LA*307*316
Residential Two – Lane Access*307*316(Hold)	R2-LA*307*316(H)
Business Park	BP
Business Corridor	BC
Open Space One	OS1

1.3 HOLDING PROVISION

For the purpose of this By-law, a Holding (H) *zone* is hereby established and is identified on Schedule 'A' attached hereto by the letter (H) in parenthesis following the zoning symbol.

No person shall hereafter *erect* or *alter* any *building* or *structure* on lands subject to a '(H)' provision for the purpose permitted under this By-law until an amendment to this By-law to remove the letter '(H)' has come into effect pursuant to the provisions of Section 36 of the Planning Act.

Prior to removing the '(H)' Holding provision, the following conditions must be met to the satisfaction of the Town of Markham:

- a) The detailed design for the Woodbine Avenue By-pass (including the completion of the Reference Plan) has been completed;
- b) A revised draft plan, if required, has been approved by the Town of Markham in consultation with York Region, which incorporates the detailed design of the Woodbine Avenue By-pass, as surveyed.

1.4 By adding Section 7.307 as follows:

"7.307 North side of Elgin Mills, west of Woodbine Avenue – Monarch Corporation, West Cathedral Community.

Notwithstanding any other provision of this By-law, the provisions in this section shall apply to those lands denoted by the symbol \*307 on the Schedules to this By-law. All other provisions of this By-law, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

#### 7.307.1 Only Uses Permitted

The following are the only uses permitted:

- a) *Townhouse dwellings*

#### 7.307.2 Zone Standards

The following specific zone standards apply:

- a) *A private garage may be attached to the main building.*
- b) *Rear yard provision for main building with attached private garage:*
  - i) Minimum required rear yard – 6.0
- c) *Provisions for Outdoor amenity space:*
  - i) Minimum area of *outdoor amenity space* – 35 m<sup>2</sup>.
  - ii) A flat roof of an attached private garage may be used as the *outdoor amenity space*.

#### 7.307.3 Special Site Provisions

The following provisions shall apply:

- a) *A deck and associated stairs is permitted to encroach into the outdoor amenity space.”*

#### 1.5 By adding Section 7.310 as follows:

“7.310 North side of Elgin Mills, west of Woodbine Avenue – Monarch Corporation, West Cathedral Community.

Notwithstanding any other provision of this By-law, the provisions in this section shall apply to those lands denoted by the symbol \*310 on the Schedules to this By-law. All other provisions of this By-law, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

#### 7.310.1 Zone Standards

The following specific zone standards apply:

- a) Minimum *rear yard* setback – 6.5 m

#### 1.6 By adding SECTION 7.316 as follows:

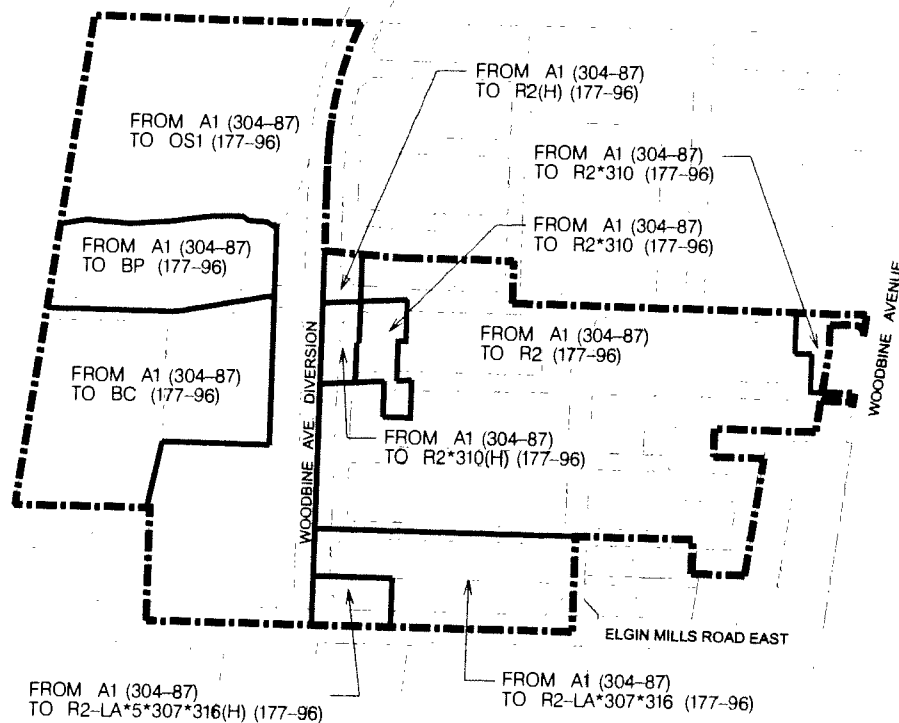
7.316 North side of Elgin Mills, west of Woodbine Avenue – Monarch Corporation, West Cathedral Community.

Notwithstanding any other provision of this By-law, the provisions in this section shall apply to those lands denoted by the symbol \*316 on the Schedules to this By-law. All other provisions of this By-law, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

#### 7.316.1 Zone Standards

The following specific zone standards apply:

- a) Minimum *rear yard* setback – 11.35 m
  - b) Maximum detached *garage coverage* – 23%
  - c) Minimum distance from detached *garage* to main building – 5.0 m
  - d) Minimum *outdoor amenity space* – 30 sq. m.
2. All other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this by-law shall continue to apply.



DEVELOPMENT SERVICES COMMISSION

## A BY-LAW TO AMEND BY-LAW 177-96

--- BOUNDARY OF AREA COVERED BY THIS BY-LAW      — ZONE BOUNDARY

A1	AGRICULTURE ONE	R2-LA	RESIDENTIAL TWO-LANE ACC
BP	BUSINESS PARK	OS1	OPEN SPACE ONE
BC	BUSINESS CORRIDOR	(H)	HOLDING PROVISION
R2	RESIDENTIAL TWO	*No.	EXCEPTION SECTION NUMBER

THIS IS SCHEDULE 'A' TO BY-LAW .....  
PASSED THIS ..... DAY .....

..... MAYOR

..... CLERK

NOTE: 1) DIMENSIONS ARE IN METRES  
2) REFERENCE SHOULD BE MADE TO  
THE ORIGINAL BY-LAW LODGED IN  
THE OFFICE OF THE CLERK

SCALE 1: 6000

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