

APPENDIX ‘A’
RECOMMENDED CONDITIONS OF DRAFT APPROVAL
PLAN OF SUBDIVISION 19TM-030012 (Phase 2)
(Box Grove Centre Inc., Box Grove Hill Developments Inc., Box Grove North Inc.)

1. General

- 1.1 Approval shall relate to a draft plan of subdivision prepared by KLM Planning Partners Inc., identified as Project Number P-218, dated December 16, 2004 and with a last revision date of March 27, 2006 incorporating the following redline revisions:
- Any changes to the Plan required to address alignment changes to Street “1” through the finalization of the EA Study for the Markham By-Pass or as a result of obligations set out in the Phasing Agreement for the Box Grove area;
 - Any changes to the Plan resulting from any study required as a condition of draft plan approval;
 - Any changes to the Plan required as a result of the Region of York’s conditions of draft plan approval.
- 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 June 13, 2009 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 shall covenant and agree in the subdivision agreement that the Holding Zoning (H) provision shall not be removed by the Town, and that building permits shall not be sought or issued for any dwelling units within the draft plan for which a water supply allocation has not been confirmed by the Developers Group Trustee and the Town.
- 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.
- 1.7 The Owner, along with other Box Grove Participating Landowners, shall commit to deliver all required municipal infrastructure and road improvements as defined in the June 13, 2002, Box Grove Community Memorandum of Understanding (MOU) signed by the Land Owners, the Regional Municipality of York and the Town of Markham

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.
- 2.3 The Owner shall covenant and agree in the subdivision agreement that the public highways shall be designed and constructed in accordance with established municipal standards to the satisfaction of the Town (Commissioner of Development Services).
- 2.4 The Owner shall convey 0.3m reserves at the two ends of Street 1 and at the east end of Street “16” to the Town, free of all costs and encumbrances, upon registration of the plan of subdivision.
- 2.5 The Owner shall covenant and agree in the subdivision agreement to provide temporary turning circles where required at their cost and remove 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 satisfy its obligations towards the construction of Street “1” (Town Arterial Road as an interim or permanent road) in accordance with the provisions of the Phasing Agreement for the area between the Box Grove developers and the Town, dated June 30, 2005, to the satisfaction of the Town and the Region of York.
- 2.7 The Owner shall covenant and agree in the subdivision agreement that construction of Streets “2” and “11” over the valley lands will require approvals from the Town and the TRCA.
- 2.8 The flare for Street “16” at the intersection with Street “1” shall be increased from 23 metres to 30 metres right-of-way for a length of 60 metres.
- 2.9 The Owner shall covenant and agree in the subdivision agreement to construct the Town Arterial Road over non-participating owner’s lands subject to the acquisition of such lands by the Town and that any front ending costs incurred by the Town for the said acquisition would be recouped with interest charges through Town-wide Development Charges.
- 2.10 The Owner shall dedicate to the Town the road allowance of a portion of Street “1”(Town Arterial Road) or any road allowance required for a realignment of the Town Arterial

Road, if such realignment is required, and design and construct the road within their draft plan. Prior to such construction the necessary approvals will have to be obtained from both the Town and the Region of York.

- 2.11 Prior to registration of a sales trailer or model agreement, the Owner shall provide the Town with a Sidewalk and Transit Route Plan, in accordance with the Town Engineering Standards, to be approved by the Town and the Region of York. The Sidewalk and Transit Route Plan shall show sidewalk and pedestrian walkway connections that provide pedestrians with safe and efficient access to future transit services and bus stop and standing area location.
- 2.12 The Owner shall covenant and agree in the subdivision agreement to post the approved Sidewalk and Transit Route Plans in all sales offices for dwelling units within the draft plan.

3. Noise Impact Study

- 3.1 Prior to final approval of the draft plan, the Owner shall submit a Noise and Vibration Impact Study, prepared by a qualified noise consultant, with recommended mitigation measures for noise generated by road traffic on Markham By-Pass Link, HWY 407 and rail traffic on CP rail line 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 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.

4. Tree Preservation and Landscaping

- 4.1 Prior to final approval of the draft plan, the Owner shall submit landscape plans based on the approved Box Grove 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. 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 468 and 469, Buffer Blocks 461 to 465 inclusive, Storm Water Management Pond Block 466 and the valleyland

pedestrian bridge and trail crossing of Tributary 'B', which reflects approvals and or requirements of the TRCA.

- c) planting and sidewalks for all walkway blocks, open space blocks and the buffer blocks abutting the Business collector and the Markham Rd By-Pass.
- d) 1.5 metre high black vinyl chain link fencing where residential lots abut the neighbourhood parks, open spaces, and valleylands
- e) noise attenuation fencing in accordance with the approved noise study
- f) 1.5 metre high privacy fencing on exterior rear side yards of residential units abutting roads and laneways
- g) partial decorative wood fencing along the length of private driveways and along buffer strips of the window streets
- h) landscape works for the storm water management ponds, including naturalized planting and pathways
- i) review of all community display plans for Park Block 467, being used for promotional purposes
- j) any other landscaping as determined by the Community Design Plan

4.2 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.

4.3 The Owner shall submit an update to the overall tree inventory and preservation plan to reflect lot grading impacts along Trib 'B', 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.

4.4 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.

- 4.5 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.
- 4.6 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, buffer, walkway and other landscaping requirements.
- 4.7 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.
- 4.8 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)
- 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 AND PARK 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.”

5. Parks, Open Space and Valleyland Preservation

- 5.1 The Owner shall convey Block 467 (with associated road access and servicing) to the Town for park purposes, free of all costs and encumbrances, upon registration of the plan of subdivision. This Block shall be conveyed in a physical condition which is satisfactory to the Town. 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.

- 5.2 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 within the limits of this draft plan of subdivision as required within the Box Grove Secondary Plan Area.
- 5.3 The Owner covenants and agrees that should the terms and conditions as set out in the Developer's Group Agreement for the guaranteed conveyance of all the required parkland within the Box Grove Secondary Plan Area, not be satisfactory to the Town, then provision shall be made for lands at a location acceptable to the Town within Phase 2 equivalent to the Owner's pro rata share of the deficiency of the overall parkland for Box Grove or a letter of credit, in an escalating amount tied to the value of the land. These lands or the letter of credit will be held by the Town until all the required parkland is conveyed to the Town.
- 5.4 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.
- 5.5 The Owner agrees to convey to the Town, free of all costs and encumbrances, the Open Space Blocks 468, 469 and all Landscape Buffer Blocks 461, 462, 463, 464, and 465, and Block 466 for stormwater management purposes 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.
- 5.6 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, for the owners pro rata share of overall parkland in Box Grove to be returned upon conveyance of the required parkland to the satisfaction of the Town.
- 5.7 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.
- 5.8 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.

- 5.9 Prior to final approval of the draft plan, the Owner shall prepare and submit a Conceptual Facility Fit Plan for Block 467 to the satisfaction of the Town based on the approved Community Facilities Fit plan prepared by NAK in the Box grove Community Design Plan if requested to do so in writing by the Town.
- 5.10 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.
- 5.11 That the valleyland/tree protection/siltation fence must be installed prior to the beginning of any movement of soil on the site. The Town shall require notification, in writing, that this fencing has been installed to the Town's satisfaction and we shall inspect the fencing prior to the start of any grading or soil disturbances.
- 5.12 Prior to final plan approval, a detailed investigation is required for the wetland area in the Tributary B valley in the vicinity of lots 271-274. Where wetlands are present within the said lots the subdivision agreement shall contain appropriate restrictive covenants to be registered on title prohibiting the placement of fill and the installation of swimming pools in the affected areas of the lots as determined by the detailed investigation.

6. Stormwater Management

- 6.1 Prior to final approval of the draft plan, the Owner shall submit a stormwater management study, prepared by a qualified engineer, detailing the provision of water quality and quantity management facilities, hydraulic gradelines, overland flow routes, and erosion and siltation controls for the draft plan for approval by the Town and the Toronto and Region Conservation Authority. 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.
- 6.2 The Owner shall covenant and agree in the subdivision agreement to undertake the monitoring of watercourse temperatures which may be affected by storm drainage from its development, subject to consultation with, and to the satisfaction of the Town.
- 6.3 The Owner shall covenant and agree in the subdivision agreement to obtain approval of Site Alteration Plans in accordance with the Town's Standards prior to proceeding with any on-site works and more particularly topsoil stripping.

7. Municipal Services

- 7.1 The Owner shall acknowledge and agree in the subdivision agreement that final approval of the draft plan shall be subject to adequate sanitary sewer capacity and water supply being allocated to the subdivision by the Town.
- 7.2 Prior to final approval of the draft plan, the Owner shall prepare, to the satisfaction of the Town (Commissioner of Development Services), a Functional Servicing Report to determine the infrastructure required for all municipal services internal to the subdivision. Any requirements resulting from this Report shall be incorporated into the draft plan and provided for in the subdivision agreement.
- 7.3 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).
- 7.4 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 (Commissioner of Development Services).
- 7.5 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 (Commissioner of Development Services).
- 7.6 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Services has been advised by the Fire Chief that there is an adequate water supply for firefighting operations and acceptable access for firefighting equipment is available.

8. Community Design Plan

- 8.1 The Owner shall covenant and agree in the subdivision agreement to incorporate the requirements and criteria of the Box Grove Community Design Plan into all municipal works, site plan and building permit applications within the plan of subdivision.
- 8.2 The Owner shall retain a design consultant to formulate architectural control guidelines to be submitted to the Town for approval prior to final approval of the plan.

- 8.3 The Owner shall covenant and agree in the subdivision agreement to implement the approved Architectural Control Guidelines for the Box Grove Community.
- 8.4 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. No permits shall be issued for model homes prior to the approval of the Town of the architectural control guidelines.
- 8.5 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.

9. Development Phasing Plan

- 9.1 The Owner shall covenant and agree in the subdivision agreement that in accordance with the Phasing Agreement between the Box Grove developers and the Town dated June 30, 2006, the Phasing Plan will be updated, when required by the Town, to reflect any changes resulting from the approval of Plan 19TM-030012.

10. Traffic Impact Study

- 10.1 Prior to final approval of Lots 292 to 455 inclusive, the Owner shall revise and update the existing Traffic Impact Study and Internal Functional Traffic Design Study, submitted earlier for Phase 1, to the satisfaction of the Town and the Region of York. The Owner shall covenant and agree in the subdivision agreement to incorporate the requirements and criteria of the Traffic Impact Study and Internal Functional Traffic Design Study. The Owner further agrees to make any revisions to the draft plan that may be required to achieve the recommendation of the two Studies.

11. Easements

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

12. Utilities

- 12.1 The Owner shall covenant and agree in the subdivision agreement that hydro electric, telephone, gas and television cable services, and any other form of telecommunication services shall be constructed at no cost to the 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.

- 12.2 The Owner shall covenant and agree in the subdivision agreement to enter into any agreement or agreements required by any applicable utility companies, including Markham Hydro, Consumers Gas, telecommunications companies, etc.
- 12.3 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.
- 12.4 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.
- 12.5 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.
- 12.6 Standard Community Mailbox installations are to be done by Canada Post at locations approved by the municipality and shown on the Composite Utility Plan. Should the developer propose an enhanced Community Mailbox installation, any costs over and above the standard installation must be borne by the developer, and be subject to approval by the Town in consultation with Canada Post.
- 12.7 The Owner covenants and agrees that it will permit any telephone or telecommunication service provider to locate its plant in a common trench within the proposed subdivision prior to registration provided the telephone or telecommunications services provider has executed a Municipal Access Agreement with the 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. 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 agree in the subdivision agreement to pay for applicable ASDC as per area 44B (By-law # 2004-244). The financial contribution will not be eligible for credits toward development charges. Should the final ASDC charge be higher than the Local Service Contribution, the Owner shall be responsible for paying any difference in the Local Service Contribution and the final ASDC amount.

14. Phase 1 Environmental Assessment

- 14.1 Prior to any land conveyance to the Town and execution of the agreement, the Owner shall:
- i. submit environmental site assessment reports prepared by a Qualified Person in accordance with the Record of Site Condition Regulation (O. Reg. 153/04) describing the current conditions of the land to be conveyed to the Town and any proposed remedial action plan, for peer review and concurrence;
 - ii. at the completion of any necessary site remediation process, submit certification from the Qualified Person that the necessary clean up has been carried out and that the land to be conveyed to the Town meets the Site Condition Standards of the intended land use;
 - iii. file a Record of Site Condition on the Provincial Environmental Site Registry for the land to be conveyed to the Town; and
 - iv. pay all costs associated with the Town retaining a third-party reviewer for the peer review service.
- 14.2. The Owner shall covenant and agree in the subdivision agreement that if during construction of any infrastructure or building within the subdivision contaminated soils are discovered, the Owner shall submit a further remedial action plan to the Town for peer review and concurrence prior to carrying out the clean up, to the satisfaction of the Director of Engineering.

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 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.

- 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 Citizenship, Culture and Recreation.

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 Box Grove 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 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.
- 16.3 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 20 for each phase.
- 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 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
- 16.5 The Owner shall covenant and agree in the subdivision agreement that construction access will be restricted to Copper Creek Drive and 14th Avenue.

17. Region of York

- 17.1 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.
- 17.2 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.
- 17.3 A right-of-way for the Markham Bypass extension as defined through York Region “Individual Environmental Assessment for Transportation Improvements in the Markham Bypass Corridor South of Highway 407” (Markham Bypass EA) shall be protected until the Markham Bypass EA is approved by the Ministry of the Environment. Once approved, the right-of-way shall be conveyed to York Region free of all encumbrances for public highway purposes. The right-of-way shall consist of a minimum basic 36 metre width plus additional right-of-way as required for intersection improvements, day lighting triangles at intersections and any cut/fill slopes. Compensation for lands shall be in accordance with the Box Grove Community Memorandum of Understanding dated, June 13, 2002. The Owner is advised that property requirements in excess of the standard minimum 36 metre right-of-way for grading may be reduced or eliminated where the adjacent land development is graded to match the proposed boulevard grade as determined by the Markham Bypass EA.
- 17.4 The Owner shall convey sufficient property at the southeast corner of the subject lands to provide for a future grade separation of 14th Avenue over the Markham Bypass and CP Rail Line, free of all costs and encumbrances, to the satisfaction of York Region. The limits of the lands to be conveyed shall be determined through the Markham Bypass EA.
- 17.5 The following warning clause shall be included in a registered portion of the subdivision with respect to the lots or blocks affected:

“Purchasers are advised of a future grade separation of 14th Avenue over the Markham ByPass Extension and CP Rail Line as protected for in York Region *Individual Environmental Assessment for Transportation Improvements in the Markham Bypass Corridor South of Highway 407* (Markham Bypass EA)”.
- 17.6 Lots 343, 359, 378, 395 and 410 shall be placed under a holding zone provision. The following conditions for lifting the Holding Zone shall apply:
 - the detailed design for the Markham 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 Markham By-pass, as surveyed.

- 17.7 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 14th Avenue, of sufficient width to provide a minimum of 18 metres from the centreline of construction of 14th Avenue;
 - b) 15 metre daylight triangles at the northwest and southwest corners of the intersection of Streets “1” and “2”;
 - c) 15 metre daylight triangles at the northeast and southeast corners of the intersection Streets “1” and “16”;
 - d) an additional 2 metre wide widening, 60 metres in length, together with a 60 metre taper for the purpose of a southbound right turn lane at the intersection of Street “1” and Street “2”;
 - e) an additional 2 metre wide widenings, 60 metres in length, together with a 60 metre taper for the purpose of a northbound right turn lane at the intersection of Streets “1” and “16” intersection;
 - f) a 0.3 metre reserve across the full frontage of the site where it abuts 14th Avenue and adjacent to the above noted widenings; and,
 - g) a 0.3 metre reserve across the full frontage of the site where it abuts Street “1”.
- 17.8 The applicant is required to submit a draft reference plan illustrating all required property dedications and reserves to the satisfaction of the York Region Transportation and Works Department.
- 17.9 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.
- 17.10 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 York Region 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 done at no cost to York Region.
- 17.11 The Owner shall agree in the subdivision agreement to submit to York Region a certificate from the Owner's qualified consultant, identifying the source of any fill material that will be used on and/or adjacent to York Region's existing and proposed right-of-ways, including a soil testing certificate of analysis indicating that the fill material is free of any contamination and in accordance with all applicable Ontario standards, guidelines and regulations. If during the course of construction the source of

fill is to be changed, then the Owner hereby agrees to ensure that the above certification is submitted to the Region for any new source of fill.

- 17.12 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, 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.
- 17.13 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.
- 17.14 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.
- 17.15 The Owner shall agree in the subdivision agreement that direct access from BL-458 employment lands to Street 1 (Markham By-pass) shall not be permitted. Access to BL-458 must be gained from the internal road network.
- 17.16 Direct vehicle access to 14th Avenue from any development blocks abutting 14th Avenue will not be permitted. Access must be obtained through the internal road network.
- 17.17 Direct vehicle access to Street "1" from any development blocks abutting Street "1" will not be permitted. Access must be obtained through the internal road network.
- 17.18 Any existing driveway(s) along York Region road frontage in this subdivision must be removed as part of the subdivision work, at no cost to York Region.
- 17.19 The right-of-way width of Street 16 shall be subject to the recommendations of the approved Traffic Impact Study.
- 17.20 Streets 2 and 16 shall be designed to intersect Street 1 (Markham By-pass) at 90 degrees \pm 4 degrees.
- 17.21 The intersection of Street "1" and Streets "2 and 16", 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.

- 17.22 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.
- 17.23 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 “1” and Streets “12, 13, and 14”, 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 local streets. 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.
- 17.24 The Owner shall submit drawings depicting the following to the satisfaction of York Region staff:
 - a) All existing woody vegetation within Regional Road right-of-ways;
 - 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-ways that is proposed to be removed or relocated. However, it is to be noted that tree removal within Regional Road right-of-ways 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 Regional Road right-of-ways, 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.
- 17.25 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.

17.26 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.

17.27 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".

17.28 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 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-way 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.

17.29 The owner shall agree in the subdivision agreement to construct sidewalks along the roads/streets that will have transit services. Sidewalks shall be constructed on both sides of the 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 or sections of:

- Street 1
- Street 2
- Street 7

17.30 The Owner shall agree in the subdivision agreement to provide concrete pedestrian access from the internal roadways to Regional/Local roadways as follows:

- From Street 4 to Street 2, from Street 9 to Street 2, from Street 12 to Street 1, from Street 13 to Street 1 and from Street 14 to Street 1

The concrete pedestrian access shall be provided at no cost to Regional Municipality of York 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.).

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

- On Street 2 at Street 3 - (North side of Street 2)
- On Street 2 at Street 3 - (SW corner)
- On Street 2 at Street 7 - (North side of Street 2)
- On Street 2 at Street 7 - (SW corner)
- On Street 7 at Street 2 - (SE corner)
- On Street 2 at Street 9 (east section) - (North side of Street 2)
- On Street 2 at Street 9 (east section) - (South side of Street 2)
- On Street 2 at Street 11 - (SW corner)
- On Street 2 at Block – 457 (opposite Street 11) - (North side of Street 2)
- On Street 2 at Street 1 - (SW corner)
- On Street 1 at Street 2 - (NW corner)
- On Street 1 at Street 16 - (SE corner)
- On Street 1 at Street 13 - (At pedestrian access)
- On Street 1 at Block 458 - (East side of Street 1)
- On Street 1 at Block -457 (opposite block 458) - (West side of Street 1)

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

17.32 The owner shall agree in the subdivision agreement that the passenger standing areas/shelter pads identified in the above noted Condition 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. Bus stops 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 consultant shall confirm with YRT the final bus stop locations/requirements. In this regard, the consultant shall contact the YRT facilities supervisor - Ann Marie Carroll at (905)762-1282 ext. 5677 to confirm final details.

- 17.33 The owner shall submit drawings showing the sidewalk locations, concrete pedestrian access, passenger standing areas and shelter pads to the York Region Transportation and Works Department for review and comments.
- 17.34 Streets 1, 2 and 7 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.
- 17.35 The owner shall agree in the subdivision agreement to advise all potential purchasers of the possible future introduction of transit services in this development. This includes 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.
- 17.36 The owner shall agree in the subdivision agreement to not construct vertical traffic calming along the streets identified to have future transit service. YRT shall be consulted with respect to any alternate traffic calming features which may be considered for those streets.
- 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.
- 17.37 The owner shall agree in the subdivision agreement that illumination must be installed, in accordance with York Region and Municipal design standards, along all streets which will have transit services, sidewalks, pedestrian access and bus stop locations.
- 17.38 Prior to Final Approval the Owner shall provide a duly executed/signed copy of the subdivision agreement to the Regional Transportation and Works Department, outlining all requirements of the Regional Transportation and Works Department.
- 17.39 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.
- 17.40 The Region of York Planning and Development Services Department shall advise that Conditions 1 to 39 inclusive, have been satisfied.

18. Toronto and Region Conservation Authority

- 18.1 That the applicant submit a detailed engineering report for the review and approval of the TRCA that describes the storm drainage system (quantity and quality) for the proposed development of the subject lands. This report shall include:
- plans illustrating how this drainage system will tie into surrounding drainage systems, i.e., is it part of an overall drainage scheme? How will external flows be accommodated? What is the design capacity of the receiving system?;
 - stormwater management techniques which may be required to control minor or major flows;
 - 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;
 - proposed method for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction;
 - 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;
 - overall grading plans for the subject lands.
- 18.2 That this draft plan of subdivision be subject to red-line revision in order to meet the requirements of Condition 18.1, if necessary.
- 18.3 That Blocks 467 & 468 (Vista Parkette Blocks) be set aside for acquisition or dedication to either the TRCA or the Town of Markham, free of all charges and encumbrances.
- 18.4 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 referenced in Condition 18.
 - b. to maintain all stormwater management and erosion and sediment control structures operating and in good repair during the construction period, in a manner satisfactory to the TRCA;
 - c. to obtain all necessary permits pursuant to Ontario Regulation 158 from the TRCA;
 - d. to erect a permanent 1.8 m high black-vinyl chain link fence at the rear lot lines for Lots 1 - 14 inclusive, Lots 254 - 280 inclusive, Lots 293 - 333 inclusive and the side yard lot line for Blocks 456 & 457 (Employment Blocks), to the satisfaction of the TRCA.

- 18.5 That a copy of the executed subdivision agreement be provided to the TRCA, in order to expedite clearance of conditions of draft approval.
- 18.6 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 11, 2006.

19. Ministry of Transportation

- 19.1 Prior to final approval, the Owner shall submit to the Ministry of Transportation for review and approval, a copy of the stormwater management report indicating the intended treatment of the calculated runoff.
- 19.2 Prior to final approval, the Owner shall submit to the Ministry of Transportation for review and approval, a Traffic Impact Study indicating the effect of the proposed development on the existing and future ramps and mainlines of Highway 407. The Study must address the impacts on the future Transitway Station that is proposed for the southwest quadrant of Highway 407 and 9th Line.

20. Canadian Pacific Railway

- 20.1 Dwellings must be constructed such that the interior noise levels meet the criteria of the appropriate Ministry. Prior to final approval of the draft plan or any phase thereof, the Owner shall prepare a noise study to be carried out by a professional noise consultant to determine what impact, if any, railway noise would have on residents of the proposed subdivision and to recommend mitigation measures if required. The Railway may consider other measures recommended by the study.
- 20.2 The Owner covenants and agrees in the subdivision agreement to include a clause in all Offers of Purchase and Sale and/or Lease and in the title deed or lease of each dwelling within 300 metre of the railway right-of-way; the possibility of alterations including the possibility that the Railway may expand its operations, which expansion may affect the living environment of the resident notwithstanding the inclusion of noise and vibration attenuating measures in the design of the subdivision and individual units, and that the Railway will not be responsible for complaints or claims arising from the use of its facilities and/or operations.

21. External Clearances

- 20.1 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, 10.1 and 17.1 to 17.40, inclusive, have been satisfied.
- (b) The Toronto and Region Conservation Authority shall advise that Conditions 18.1 to 18.6, inclusive, 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 Conditions 19.1 and 19.2 have been satisfied.
- (e) Canadian Pacific Railway shall advise that Conditions 20.1 and 20.2 have been satisfied.