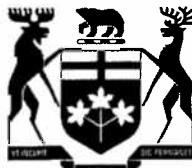


ISSUE DATE:

**Jan. 30, 2007**

DECISION/ORDER NO:

**0252**



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL060690

IN THE MATTER OF subsection 51(39) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: Ontario N30 Investment Inc.  
Subject: Proposed Plan of Subdivision  
Property: Part of Lot 25, Concession 3  
Address/Description:  
Municipality: Town of Markham  
Municipal File No.: 19T-95075  
OMB Case No.: PL060690  
OMB File No.: S060060

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: Ontario N30 Investment Inc.  
Subject: By-law No. 2006-181  
Municipality: Town of Markham  
OMB Case No.: PL060690  
OMB File No.: R060158

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: Ontario N30 Investment Inc.  
Subject: By-law No. 2006-180  
Municipality: Town of Markham  
OMB Case No.: PL060690  
OMB File No.: R060157

## APPEARANCES:

### Parties

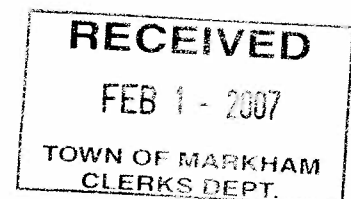
Ontario N30 Investments Ltd.

Town of Markham

### Counsel

R. Coburn

J. R. Boxma



**DECISION DELIVERED E. PENDERGRAST AND ORDER OF THE BOARD**

On July 11, 2006, Ontario N30 Investments Inc. (N30) appealed Draft Plan of Subdivision 19T-95075, and related Zoning By-laws 2006-180 and 2006-181, all of which apply to lands owned by Clera Holdings Limited (CHL), referred to as the Tuccieron Lands. N30 owns lands that abut the Tuccieron Lands.

In an effort to resolve the appeals and at the request of the parties, the Board conducted a series of mediation sessions with participation by representatives of N30, the Town of Markham, the Tuccieron family, the Toronto Region Conservation Authority (TRCA), and West Cathedral Management Inc. (WCM), the last named being the Landowners Group of which CLH is a member with respect to the Tuccieron Lands. Ultimately the mediation was successful and, at the request of the parties and with the consent of all counsel, the Board converted the final mediation session, held on December 18, 2006, into a settlement hearing.

At the December 18<sup>th</sup> settlement hearing, the Board heard from Stephen Kitagawa, a planner for the Town of Markham, who was qualified by the Board to give opinion evidence in land use planning. The Board also reviewed the Minutes of Settlement (Exhibit 1), and heard submissions from counsel for N30, CLH, WCM and the Town of Markham. Prior to the settlement hearing, the Board also heard from the TRCA, represented by Quentin Hanchard, regarding its objectives and concerns with respect to the appeals.

The Board, having accepted Mr. Kitagawa's uncontested evidence that the settlement achieved conforms to the Cathedral Community Secondary Plan and constitutes good planning, delivered an oral decision allowing the N30 appeal in part, in accordance with the Minutes of Settlement. It also directed that the Town of Markham is to have authority to clear the conditions of draft plan approval and to administer final approval of the plan of subdivision.

Having delivered its oral decision, the Board withheld its Order and delayed issuing a written decision, pending advice from Mr. Boxma, counsel for the Town, that all details of the settlement, which involves amendments to By-law 2006-181, the Draft Plan of Subdivision and the Conditions of Draft Approval, are in final written form, and also pending receipt of the final version of a letter from the TRCA confirming the future

location and establishment of an Open Space Corridor on lands owned by N30 and CHL.

The Board is now in receipt of the final versions of the necessary documents, and has received into evidence two letters from the TRCA, one dated December 22, 2006, and marked as Exhibit 2, and the other dated January 17, 2007, and marked as Exhibit 2a. It is therefore issuing this written Decision and Order.

The Board congratulates the parties and all other participants on their diligence and success in resolving the matters at issue among them.

### **Order**

The Board orders that the appeals are allowed in part, in accordance with the Minutes of Settlement filed as Exhibit 1, and, more specifically, that:

1. The appeal against By-law 2006-180, appended hereto as Attachment "A", is dismissed.
2. The appeal against By-law 2006-181 is allowed in part, and the By-law is amended as set out in Attachment "B" hereto.
3. The appeal against Draft Plan of Subdivision No. 19T-095075 is allowed in part, and the Draft Plan and related Conditions of Approval are amended as set out in Attachment "C" hereto.
4. Pursuant to subsection 51(56.1) of the *Planning Act*, the Town of Markham shall have the authority to clear the conditions of draft plan approval and to administer final approval of the plan of subdivision for the purposes of subsection 51(58) of the *Act*. In the event that there are any difficulties implementing any of the conditions of draft plan approval, or if any changes are required to be made to the draft plan, the Board may be spoken to.

"E. Pendergast"

E. PENDERGAST  
MEMBER



## **ATTACHMENT "A"**

### **EXPLANATORY NOTE**

#### **BY-LAW 2006 - 180**

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

Tucciarone Family  
19T-95075  
Part of Lot 25, Concession 3

#### **LANDS AFFECTED**

The by-law applies to a 11.30 hectare (27.92 ac) property, located on the south 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 Rural Residential Four (RR4) 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 47 single detached units, 38 semi-detached units and one block that will be combined with lands to the south to create 4 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.

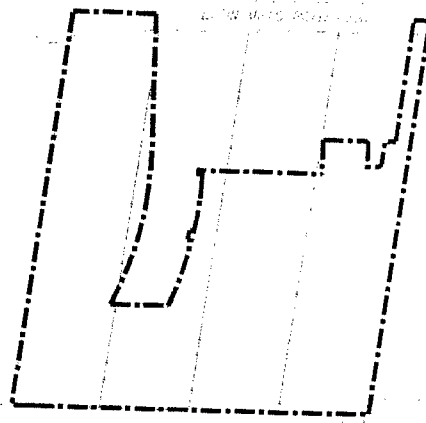
---

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

---

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 2006-181, 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.



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

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

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

S:\01110135.dgn 24/11/2006 11:15:00 AM





## **ATTACHMENT "B"**

### **EXPLANATORY NOTE**

#### **BY-LAW 2006 - 181**

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

Tucciarone Family  
19T-95075  
Part of Lot 25, Concession 3

#### **LANDS AFFECTED**

The by-law applies to a 11.30 hectares (27.92 ac) property, located on the south 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 Rural Residential Four (RR4) 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 designation is Residential Two (R2) which will permit the proposed 47 single detached units, 38 semi-detached units and one block, that will be combined with land to the south to create 4 units. The by-law deems the Woodbine Avenue By-pass as the front lot line for the employment lands located on the west side of the Woodbine Avenue By-pass, for the purposes of this by-law.

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 19T-95075 into the West Cathedral Community)

---

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 25, 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)
Business Corridor*309	BC*309
Open Space One	OS1
Open Space Two	OS2

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 the following new subsection to Section 7 – EXCEPTIONS to By-law 177-96:

7.309 South side of Elgin Mills, west of Woodbine Avenue – Tucciaronie

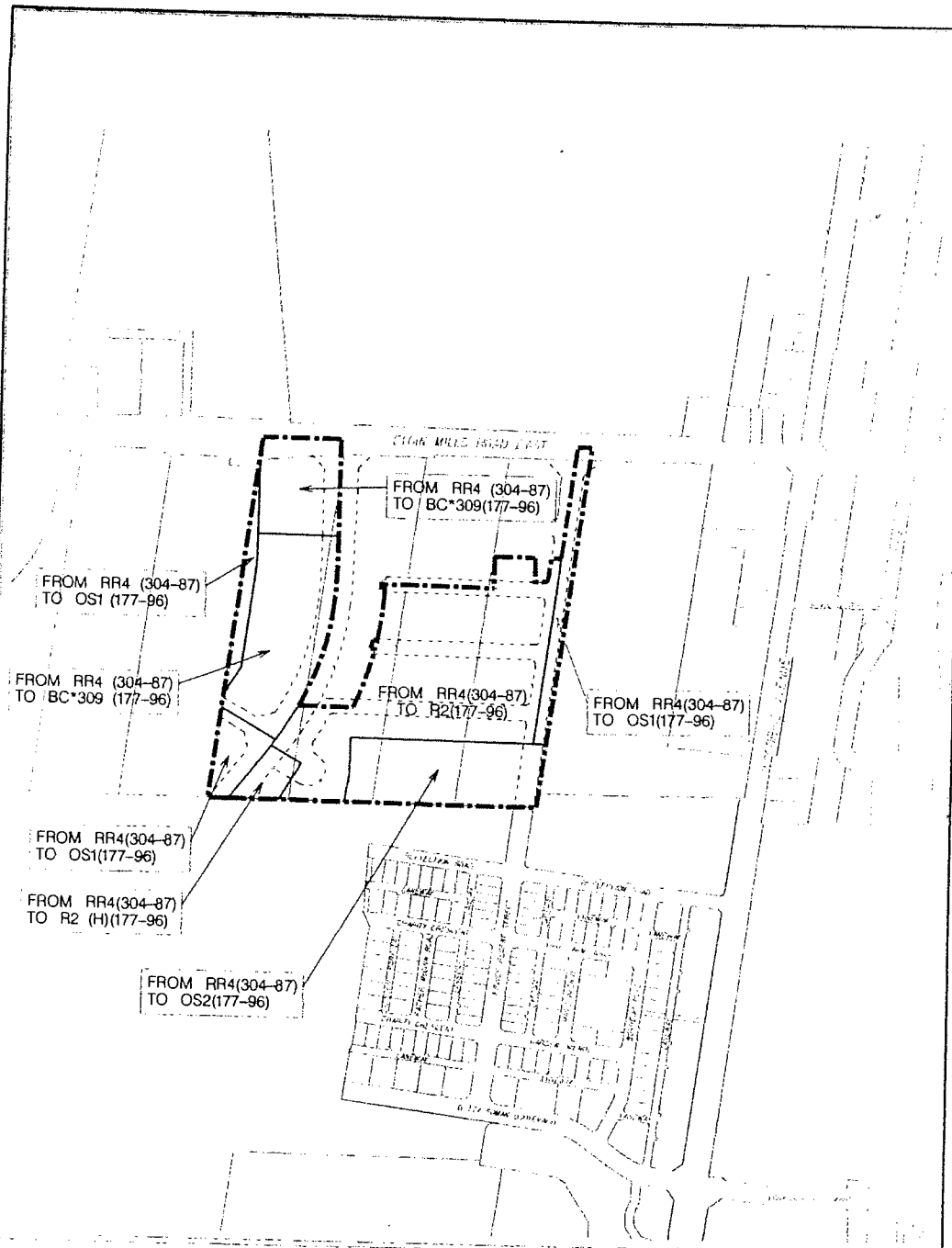
Notwithstanding any other provision of this By-law, the provisions in this section shall apply to those lands denoted by the symbol \*309 on the Schedules to this By-law. All other provisions of this By-law, unless specifically modified/amended by this section, continue to apply to the lands subject to this Section.

7.309.1 Special Site Provisions

The following specific zone standards apply:

a) For the purposes of this By-law, the *lot line* adjacent to the Woodbine Avenue By-pass shall be deemed to be the *front lot line*.

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

RR4 RURAL RESIDENTIAL  
R2 RESIDENTIAL TWO  
BC BUSINESS CORRIDOR

OS1 OPEN SPACE  
OS2 OPEN SPACE  
(H) HOLD

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

5001110135.dgn 24/11/2006 12:02:07 PM

**SCHEDULE OF LAND USE - PHASE 1**  
TOTAL AREA OF LAND TO BE SUBDIVIDED = 8.453346. (23.596364ac)  
LOW DENSITY  
DETACHED DWELLINGS -  
BLOODS LOTS      UNITS      #Hh.      SAc.

[illegible]

**SCHEDULE OF LAND USE - PHASE**  
TOTAL AREA OF LAND TO BE SUBMITTED - 3.4432HA. (8,557±sqm)  
**LOW DENSITY**

[illegible]

• - SUBJECT TO FINAL CALCULATION

NOTE - ELEVATIONS RELATED TO  
CANADIAN GEODETIC DATUM

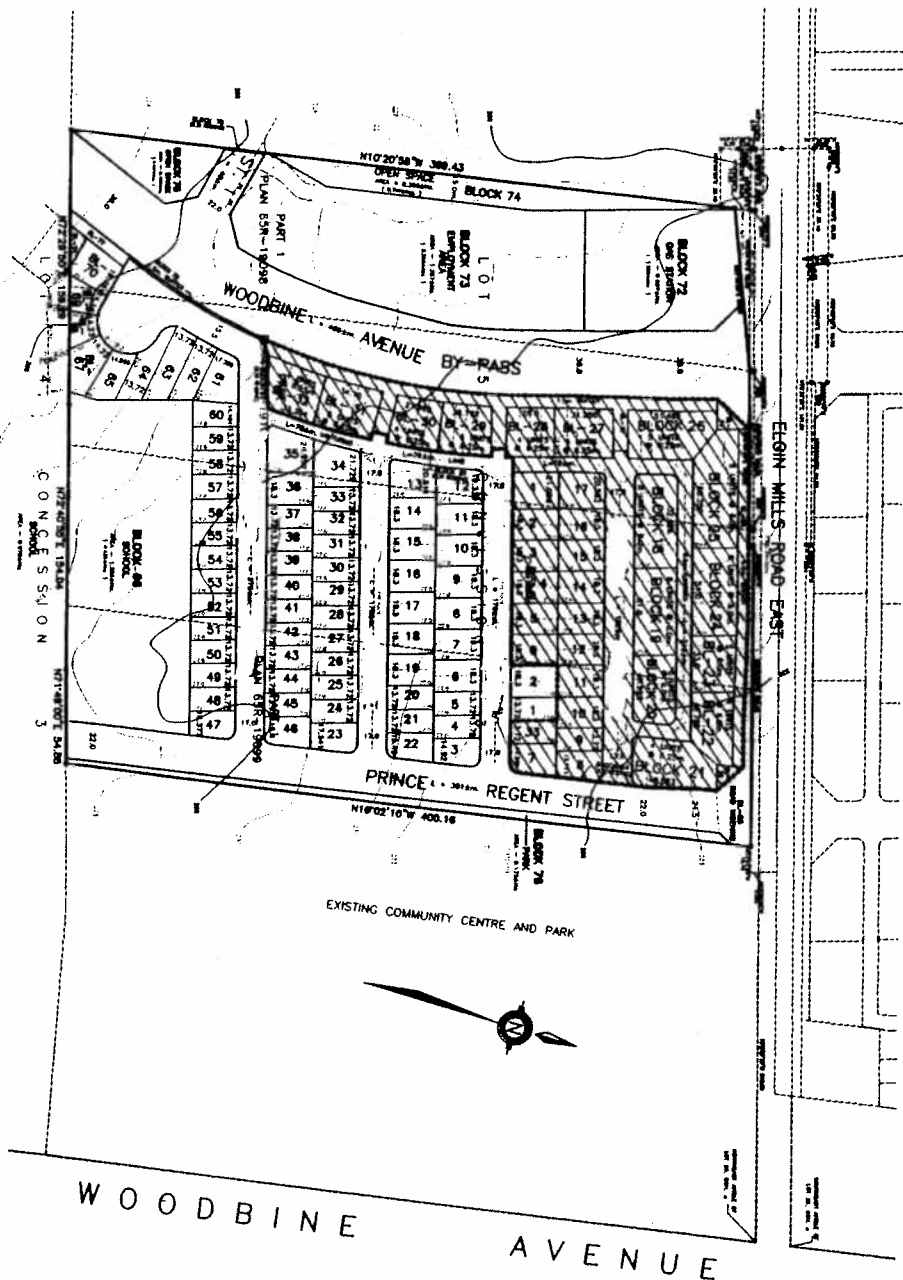
PROJECT No. P-10497

( 104DE529 ) X-REF: ( 104mead & 104mango ) NOV. 27, 2006

DWG. No. -06:16

**KLM** PLANNING PARTNERS INC  
URBAN PLANNERS AND DEVELOPMENT CONSULTANTS

84 JARDIN DRIVE UNIT 18 CONCORD, ONTARIO L4K 3P2  
TEL: (905) 886-4085 FAX: (905) 886-0087 [design@hymphreys.com](mailto:design@hymphreys.com)



**SECTION 51, PLANNING ACT,  
ADDITIONAL INFORMATION**

- A. AS SHOWN ON DWGT PLAN  
B. AS SHOWN ON DWGT PLAN  
C. AS SHOWN ON DWGT PLAN  
D. AS SHOWN ON DWGT PLAN  
E. SEE SCHEDULE OF LAND USE  
F. AS SHOWN ON DWGT PLAN  
G. AS SHOWN ON DWGT PLAN  
H. UNDEVELOPED, FENCED WATER AVAILABLE AT TIME OF DEVELOPMENT  
I. AS SHOWN ON DWGT PLAN  
J. SWATHED AND STOCKING STRIPS, BROWNE COLLECTION, TREE PROTECTION  
K. AS SHOWN ON DWGT PLAN
- SURVEYOR'S CERTIFICATE
- I HEREBY CERTIFY THAT THE DIMENSIONS OF THE LAND TO BE SUBDIVIDED ARE CORRECTLY SHOWN.
- Dated \_\_\_\_\_  
*[Signature]*

## OWNER'S CERTIFICATE

WE AUTHORIZE KLM PLANNING PARTNERS INC. TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBORDINATION TO THE TOWN OF MARSHFIELD FOR APPROVAL.

1696913 ONTARIO INC.

~~SECRET - TROJAN~~  
SECRET TROJAN

CLARA HOLDINGS LIMITED

**CLUBBING TUBERCULOSIS**

## KEY PLAN

SCALE 1236 0000

**DRAFT PLAN 19T-95075** REVERED  
NOV. 27, 2008



**APPENDIX 'B'**  
**RECOMMENDED CONDITIONS OF DRAFT APPROVAL**  
**PLAN OF SUBDIVISION 19T-95075**  
**(Tucciarone)**

**RECEIVED**  
**THE ONTARIO**  
**MUNICIPAL BOARD**

**JAN 24 2007**

**AM**  
**7,8,9,10,11,12,1,2,3,4,5,6** **PM**

1. General

- 1.1 Approval shall relate to a draft plan of subdivision prepared by KLM Planning Partners Inc., identified as Project Number P-10497, dated November 27, 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 landscape buffer (Block 77), and the residential lot (Block 70 and 71) 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 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,
    - iv) 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.
  - 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.
  - e) Woodbine Avenue By-Pass / Street "1" intersection: The Owner provide a 23.5 metre ROW for the west leg of the intersection. Should the ROW be less than 23.5 m, approval from the Region of York is required.

- 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 13, 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.
- 1.7 The Owner acknowledges that Part Block 67, 68, 69 and 70 will be shown as a single on the registered plan and will only be divided via part lot control once they are developed in conjunction with lands to the south.
- 1.8 The Owner acknowledges that the Cathedral West Landowners Group will 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 in Clause No. 3 in Report No. 2 of the Finance and Administration Committee Report titled "Woodbine Avenue By-pass Prepaid Development Charge Credit Agreement REVISED Principles" which was adopted by York Region Council at its meeting February 16, 2006;

## 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 Owners 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 the External Traffic Impact Study.
- 2.7 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. More specifically, the Owner shall covenant and agree in the subdivision agreement that no construction traffic shall be allowed through the intersection of Woodbine Avenue and Elgin Mills Road such that no construction traffic shall be allowed within the hamlet of Victoria Square.
- 2.8 The Owner shall covenant and agree in the subdivision agreement that construction access will be restricted to Prince Regent Street and Elgin Mills.

### 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 an environmental 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.

#### 5. Streetscape and Landscape Plans

- 5.1 Prior to final approval 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) streetscape plans, to meet the specification of the Region of York and the Town of Markham for the Woodbine Avenue By-Pass.

- c) detailed landscape plans for Open Space Blocks 74 and 75 and buffer blocks 77 and 78.
- d) 1.5 metre high black vinyl chain link fencing where residential lots abut the neighbourhood parks, open spaces, and woodlots. (The fence is to step down to 1.2m adjacent to front yard setbacks).
- e) noise attenuation fencing in accordance with the approved noise study
- f) 1.5 metre high black vinyl chain link fencing of the Separate Elementary School Block 66 where abutting residential lots.
- g) 1.8 metre high privacy fencing on exterior rear yards of residential units abutting roads and laneways
- h) 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, storm water 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 76 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 of "The Parks and Open Space Agreement" 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 Valley Blocks, Open Space Blocks, Walkway Blocks and Buffer Blocks 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 gradelines, 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 Prior to any construction activities, the Owner and the Cathedral Group shall submit a watercourse monitoring program to the Director of Engineering for approval. The purpose of the monitoring program is to ensure water quality, water quantity and sediment entering downstream creeks, (i.e. Carelton Creek, Berczy Creek and Bruce Creek) meet TRCA and the Town's requirements, and the watercourses are not adversely impacted. The program will include the following main items: the design of the monitoring program, acceptance criteria, response time, mitigation plan and methodology for any necessary clean up.
- 7.6 The Owner shall incorporate the requirements and criteria from the approved Water Balance Study into the detailed design plans for the draft plan 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 13.1), stormwater management detail plans, and any other infrastructure required to service 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 and the Cathedral Group shall submit a comprehensive well monitoring/mitigation program for the West Cathedral area to the Director of Engineering for approval. The program will include the following main items: monitoring and regular reporting to the Director of Engineering by one coordinating consultant, 24 hour contact for emergencies, response time to complaints and proactive mitigation plan. The monitoring program will start before any construction activities and remain in place either for a minimum of at least 1 year after all underground works, including construction of basements, have been completed or until the ground water table has rebounded, whichever is later. Further, the Owner with the Group shall covenant and agree to provide sufficient securities and implement safety procedures to ensure continuous supply of well water to the existing Victoria Square residents, to the satisfaction of the Director of Engineering.

The Owner shall submit the draft agreement between the Owner, the Cathedral Group and the coordinating consultant, for the well monitoring/mitigation program to the Director of Engineering for review and approval, and the agreement has to be executed prior to any construction activities.

- 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 is adequate water supply for firefighting operations and acceptable access for fire fighting equipment is 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 87 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 watermain, storm and sanitary sewers to outfall trunks and stormwater management facilities 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 all affected authorities.
- 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, 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 hall, police station, 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 shall covenant and agree in the subdivision agreement that the Town shall have first right of refusal to acquire all or part of the school sites within the draft plan of subdivision not required by either School Board and that such other government agencies or community groups that Council may identify shall have the second right of refusal.
- 18.4 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 22 for each phase.
- 18.5 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

18.6 The Owner shall covenant and agree in the subdivision agreement to contribute a proportional share to the Victoria Square Streetscape Improvement Study.

18.7 The Owner shall covenant and agree in the subdivision agreement to pay a proportional share for the design and construction of a combined bicycle and pedestrian path to be located generally within blocks fronting the east side of the Woodbine By-pass.

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 The Holding (h) provisions of Section 36 of the Ontario Planning Act shall be used in conjunction with any zone category to be applied to Block 70 and Block 71 in order to ensure that development of these blocks does not occur until such time as the Holding (h) symbol is removed in accordance with the provisions of the Ontario Planning Act. The Zoning By-law shall specify the terms under which Council may consider the removal of the Holding (h) symbol. Said terms shall include a minimum of the following:

- 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 Regional Prepaid Development Charge Credit Agreement respecting the Woodbine Avenue By-pass.

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 '5' 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 '5'. 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 centreline of construction of Elgin Mills Road;
- b) a 15.0 metre by 15.0 metre daylight triangle at the southeast and southwest corners of Prince Regent Street and Elgin Mills Road;
- c) a 20.0 metre by 20.0 metre daylight triangle at the southeast and southwest corners of Woodbine Avenue By-pass and Elgin Mills Road;
- d) a 15.0 metre by 15.0 metre daylight triangle at the northwest and southwest corners of Street '1' and Woodbine Avenue By-pass;
- e) an additional 2.0 metre widening, 40 metres in length, together with a 60 metre taper for the purpose of a eastbound right turn lane at the intersection of Elgin Mills Road and Woodbine Avenue By-pass;
- f) an additional 2.0 metre widening, 40 metres in length, together with a 60 metre taper for the purpose of an eastbound right turn lane at the intersection of Elgin Mills Road and Prince Regent Street;
- g) 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 Street '1';
- h) 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; and,
- i) 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.

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 No intersection or non-residential access shall be permitted on Prince Regent Street within 60.0 metres of the widened limit of Elgin Mills Road.
- 19.29 No intersection or non-residential access shall be permitted on Woodbine Avenue By-Pass within 60.0 metres of the widened limit of Elgin Mills Road.
- 19.30 Prince Regent Street shall be designed to intersect Elgin Mills Road at a right angle and directly opposite the Street on the north side of Elgin Mills Road within the Monarch Subdivision 19T-05006.M.
- 19.31 Street '1' shall be designed to intersect Woodbine Avenue By-pass at a right angle.
- 19.32 Woodbine Avenue By-Pass shall be designed to intersect Elgin Mills Road at a right angle and opposite Woodbine Avenue By-Pass on the north side.
- 19.33 The intersections of Woodbine Avenue By-pass at Elgin Mills Road, Prince Regent Street at Elgin Mills Road, Woodbine Avenue By-pass at Elgin Mills Road, and Street '1' at Woodbine Avenue By-pass 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.
- 19.34 If not already existing, 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 By-pass
- 19.35 Concrete pedestrian access shall be provided from Street '5' to Woodbine Avenue By-pass. 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.).

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

ON Street	AT Street	Location	Standard	Traffic Signal Request
Woodbine Avenue By-Pass	Elgin Mills Rd	SE corner	YRT-1.02 or YRT-1.03	Yes
Woodbine Avenue By-Pass	Street 1	NW corner	YRT-1.02 or YRT-1.03	
Woodbine Avenue By-Pass	Block 75	East side of By-Pass	YRT-1.02 or YRT-1.03	
Elgin Mills Rd	Woodbine Avenue By-Pass	SW corner	YRT-1.02 or YRT-1.03	Yes
Elgin Mills Rd	Prince Regent Street	SW 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.

- 19.37 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. 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. The consultant is to contact the YRT facilities supervisor - Ann Marie Carroll at (905)762-1282 ext. 5677 to confirm final details.

- 19.38 The owner shall submit to the York Region Transportation and Works Department, for review and comment, drawings showing the sidewalk locations, concrete pedestrian access, passenger standing areas and shelter pads.
- 19.39 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.

19.40 The owner shall agree in the subdivision agreement 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.

19.41 The owner shall agree in the subdivision agreement to not construct vertical traffic calming along roadways with existing or future planned transit services. 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.

19.42 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.

19.43 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. School Boards

20.1 Prior to final approval of the draft plan, the Owner shall have completed arrangements satisfactory to the Town and York Catholic District School Board respecting Block 72 and shall provide a signed copy of the subdivision agreement to the School Board, which agreement shall include all requirements of the Board as outlined in their comments to the Town dated June 22, 2005.

## 21. Toronto and Region Conservation Authority

21.1 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.

- 21.2 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.
- 21.3 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 166/06, 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.
    - vi. Plans detailing any proposed watercourse modifications or realignment, which shall incorporate natural channel design for the realignment or modifications, to enhance the form and function of the stream corridor.
    - vii. Plans illustrating proposed methods for treating road run-off, and

proposed locations for the stock-piling of snow.

- b. Overall grading plans for the subject lands.
  - c. 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.
  - d. A geotechnical assessment for all development and potential retaining walls that may be established adjacent to open space block 74.
- 21.4. 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.
- 21.5. That a comprehensive watercourse restoration and enhancement plan be submitted to the satisfaction of the TRCA, which details all works associated with the realignment of the intermittent watercourse on the subject property located within Blocks 74 and 75 on the draft plan and the related 10 m conservation easement to be established immediately to the east of Block 74 within Blocks 72 and 73.
- 21.6. That the implementing zoning by-law recognize all valleyland and watercourse corridor blocks (74 and 75) 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 will be established (rear and/or side yard) for all lots abutting the valley corridors or open space blocks on the subject property. The by-law must require that no buildings, accessory structures, paved/hardened surfaces or any other infrastructure are permitted within this setback area with the exception of any potential retaining wall on blocks 72 and 73 and a driveway located at the southwest portion of employment land Block 73 in order to accommodate an access location to the block from Street '1' as required by the Region of York Transportation Department.
- 21.7. That all watercourse corridor blocks be dedicated gratuitously to the Town of Markham in accordance with the Open Space Agreement.

- 21.8. That planting, restoration and enhancement plans be provided for both an interim and permanent basis for all disturbed areas adjacent to or within natural areas or stream corridors, in accordance with TRCA's planting guidelines.
- 21.9. 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 19.3;
  - 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 166/06 from the TRCA;
  - f. to erect a permanent fence along the boundary of all lots/blocks abutting the open space system to the satisfaction of the TRCA.
  - 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 obtain all necessary permits pursuant to Ontario Regulation 166/06 from the TRCA, in addition to all necessary approvals for external agencies, including but not necessarily limited to Fisheries and Oceans Canada, and the Ministry of Natural Resources;
  - k. to commit to provide appropriate information to all perspective buyers of lots

adjacent to Open Space (valley) blocks through all agreements for purchase and sale, sales information, and community maps to ensure that the land owners are well informed that private use and/or access to the Open Space block shall not be permitted, and reflect the intent of the following:

“The Open Space block adjacent to the subject property is considered to be part of the publically owned valley corridor and will be maintained for environmental protection, and public use purposes. Please note that uses such as unauthorized private picnics, barbeque or garden areas; and/or the dumping of refuse (e.g. grass/garden clippings, household compostable goods, garbage etc.) are not permitted on these lands. In addition, access to the valley corridor such as private rear yard gates and/or ladders are prohibited”.

- l) to commit to the establishment of a conservation easement in favour of TRCA within the meaning of the Conservation Land Act to be registered on title for those lands within Blocks 72 and 73 that form a 10 metre offset from the westerly lot line of Blocks 72 and 73 which tapers on the northwest and southwest portions of the block as conceptually shown on a plan entitled Sections & Details, prepared by Valdor Engineering Inc., drawing number FSP-3 and dated March 29, 2006. The conservation easement to be established is temporary and is to be released, abandoned, deleted and removed from title upon completion of the natural wildlife corridor to the satisfaction of the TRCA and the Town.

- 21.10. That all proposed crossings of watercourses must be sized appropriately to convey flood waters, and preserve the naturalizing form and function, and predicted meanderbelt of the watercourse.
- 21.11. That the applicant attain all necessary permits required under Ontario Regulation 166/06, in addition to all approvals from Fisheries and Oceans Canada, and the Ministry of Natural Resources, as required.
- 21.12. That the draft plan be red-lined revised in order to meet the requirements of the TRCA's conditions, if necessary.
- 21.13 That the owner agrees in the subdivision agreement that the natural wildlife corridor be constructed through the N30/ Tucciarone lands (with appropriate TRCA permits) prior to, or as a condition of site plan approval for Block 73 (or any portion thereof), to the satisfaction of the TRCA and the Town. And, that the owner agrees in the subdivision agreement to provide for securities (for the construction of the natural wildlife channel) to be held by the Town until such time as the construction of the natural wildlife corridor has been completed to the satisfaction of the Town and the TRCA, or, construction has been initiated by another party, with appropriate securities being otherwise secured.
- 21.14 That the Owner provide compensation to the TRCA, in the amount of \$20,300, in partial



compensation for the reduced natural wildlife corridor width, prior to the final registration of the plan of subdivision or any phases thereof.

22. Ministry of Transportation

- 22.1 Prior to release for registration, the Owner shall submit to the Ministry of Transportation for review and approval a copy of Stormwater Management Plan, Site Grading and Servicing Plan, addressing the intended treatment of the calculated runoff.
- 22.2 Prior to release for registration, the Owner shall submit to the Ministry of Transportation for review and approval a copy of a detailed Traffic Impact Study.

23. External Clearances

- 23.1 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 19.1 to 19.43, inclusive, have been satisfied.
  - (b) The Toronto and Region Conservation Authority shall advise that Conditions 6.1, 6.2 and 21.1 to 21.14 have been satisfied.
  - (c) The York Catholic District School Board shall advise that Condition 20 has been satisfied.
  - (d) The Ministry of Culture shall advise that Condition 17 has been satisfied.
  - (e) The Ministry of Transportation shall advise that Condition 22 have been satisfied.

