

AREA CONTEXT /ZONING

APPLICANT: 11160 WOODBINE AVENUE AND
11258 WOODBINE AVENUE LTD.

FILE No: SU07128278(GD)



DEVELOPMENT SERVICES COMMISSION

DWN BY: DD

CHK BY: GD

SCALE 1:

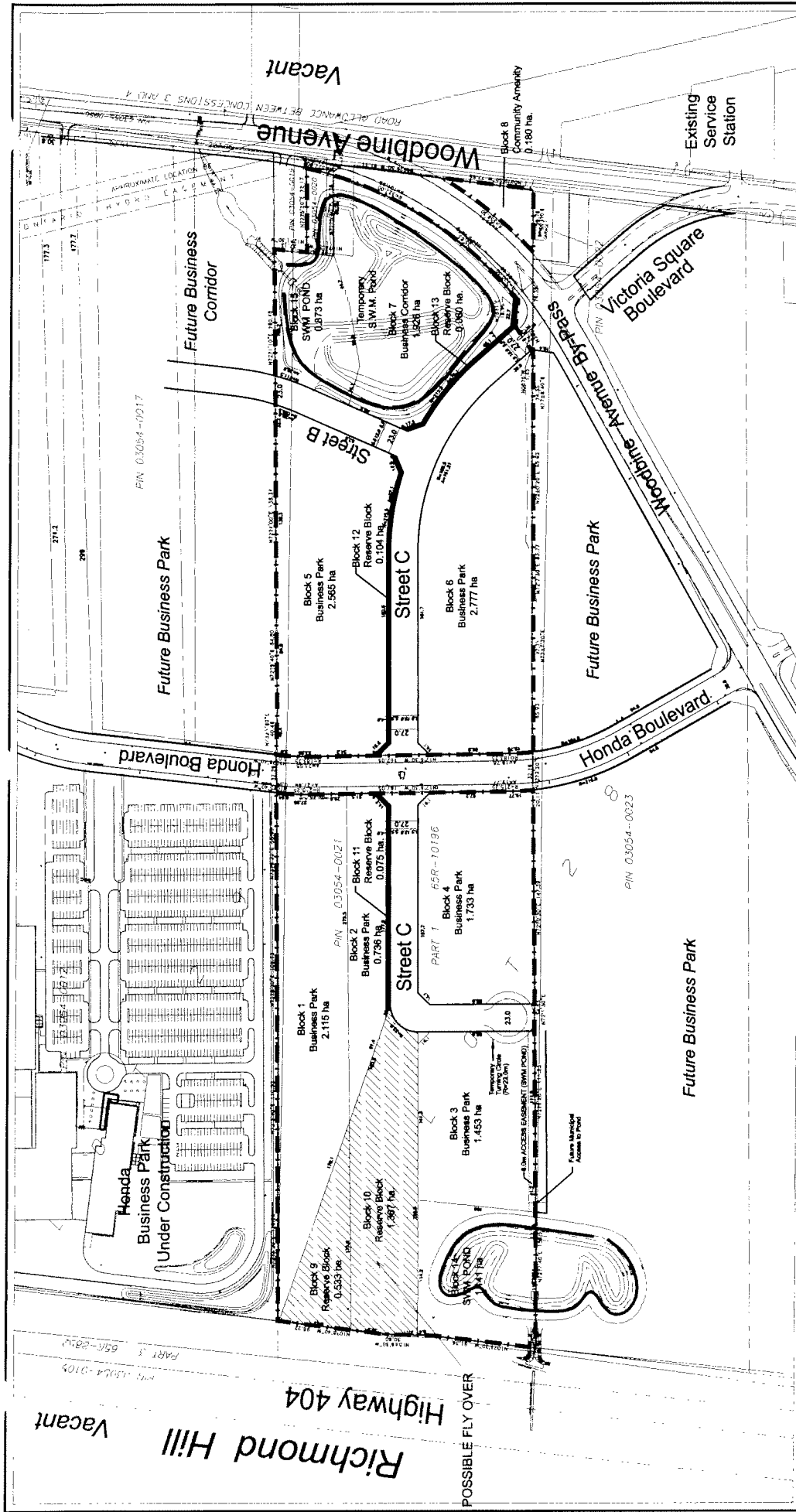


SUBJECT LANDS

DATE: 11/9/09

FIGURE No.2

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PROPOSED PLAN OF SUBDIVISION

APPLICANT: 11160 WOODBINE AVENUE AND 11258 WOODBINE AVENUE LTD.

FILE No: SU07128278(GD)



DEVELOPMENT SERVICES COMMISSION

SUBJECT LANDS

DATE: 11/9/09

DRAWN BY: PK CHECKED BY: GD SCALE: 1"

FIGURE No. 4

“THE CONDITIONS OF THE COUNCIL OF THE TOWN OF MARKHAM TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TM-07002 (11160 Woodbine and 11258 Woodbine Avenue Limited) ARE AS FOLLOWS”

1. General

- 1.1 Approval shall relate to Draft Plan of Subdivision 19TM-07002 prepared by Masongsong Associates Engineering Limited, identified as Project Number 07331 dated October 22, 2009.
- 1.2 The Owner acknowledges that revisions to the draft plan of subdivision may be required in order to meet the requirements of Condition 16 and 17, if necessary, to the satisfaction of the Region of York and the Toronto & Region Conservation Authority.
- 1.3
 - a) The Owner acknowledges and agrees that revisions to the draft plan of subdivision may be required to incorporate the need for property protection of a future Highway 404 crossing and widened Street ‘C’. These revisions shall be based on recommendations of approved studies to be prepared by the Region of York.
 - b) The Owner acknowledges and agrees that Blocks 9 to 13 inclusive, may not be released for registration until:

Either

- 1
 - i) A Feasibility Study/Class Environmental Assessment confirming the need and justification for the potential crossing of Highway 404 has been established and approved by the Region of York, the Town of Richmond Hill, the Town of Markham and the Ministry of the Environment and the appeal period has expired without a Part 2 Order (Bump-up);
 - ii) The preliminary alignment of the Highway 404 crossing and applicable right-of-way has been established by the Town of Markham in consultation with the Region of York;
 - iii) The draft plan of subdivision has been revised to incorporate any changes relating to the Highway 404 Flyover right-of-way and adjacent blocks resulting from the approved Class Environmental Assessment, to the Town’s satisfaction.

Or

- 2.
 - i) Written confirmation from the Region of York that the Feasibility Study/Class Environmental Assessment referred to Section 1.3.1.i) has not established the need and justification for a Highway 404 crossing in this location.

Or

3. i) Should the Feasibility Study/Class Environmental Assessment Study not be approved by December 31, 2011, the subject blocks may be released for registration.
 - 1.4 Prior to release for registration of the draft plan, the Owner shall submit a concept plan for the lands bounded by Woodbine By-Pass, Victoria Square Boulevard and Woodbine Avenue, and the lands adjacent to the east side of Woodbine Avenue to ensure orderly development of the land and adequate vehicular access, and shall make the necessary revisions to the draft plan, to the satisfaction of the Town.
 - 1.5 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 December 14, 2012, unless extended by the Town upon application by the Owner.
 - 1.6 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.
 - 1.7 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.
 - 1.8 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 to implement or integrate any recommendations resulting from studies required as a condition of draft approval.
2. Roads
- 2.1 The road allowances within the draft plan shall be named to the satisfaction of the Town and the Region of York.
 - 2.2 The road allowances, including Blocks 11-13 inclusive if required under condition 1.3, 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 Prior to release for registration of the draft plan, the Owner, in consultation with the adjacent land owner to the south, shall provide detailed design of the intersection at Woodbine By-Pass, Street C (23.0m ROW with 4.0m wide Reserve Block if required under condition 1.3) and Victoria Square Boulevard (23.0m ROW), to the satisfaction of the Director of Engineering.

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- 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 Director of Engineering.
- 2.5 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.
- 2.6 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.
- 2.7 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.
- 2.8 The Owner shall covenant and agree in the subdivision agreement that the Owner will make best efforts that no construction traffic shall be allowed through the intersection of Woodbine Avenue and Elgin Mills Road.
- 2.8 The Owner acknowledges and agrees that the road allowances and intersection configuration within the draft plan shall have right-of-way widths satisfactory to the Town in accordance with the Internal Traffic Impact Study.
- 2.9 The Owner covenants and agrees in the subdivision agreement that 86% of the cost of widening the Multi-Use-Pathway (from a 1.5m wide sidewalk to a 3.0m wide MUP) along the Woodbine By-Pass is to be funded by the owner to the satisfaction of the Director of Engineering.
- 2.10 The Owner covenants and agrees in the subdivision agreement to provide land for a permanent turning circle on Block 8 at the northern terminus of Old Woodbine Avenue if required, to the satisfaction of the Director of Engineering.

3. Tree Preservation Plan and Analysis Report

- 3.1 The Owner shall submit an overall tree preservation plan along with an analysis report, 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 site alteration approval. 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 and trees to be removed within 6.0m of property boundaries, existing elevations at the base of trees, location of protective hoarding, final grading, proposed municipal services and utilities, and conceptual building envelopes and driveway locations.

- 3.2 The Owner shall agree to identify all trees which are greater than 20cm with a tag number on the preservation plan and referenced to the Preservation and Analysis Report. Existing grades are required to be indicated at the base of trees. A corresponding identification chart with the tag number, species, size, condition rating, comments and recommendations should also be included.
- 3.3 The Owner shall covenant and agree in the subdivision agreement to provide a letter of credit to secure preservation of trees.
- 3.4 The Owner shall agree to replace trees to be removed at the site on the basis of the following:
 - 1) Trees between 20cm and 40cm shall be replaced at a ratio of 2:1.
 - 2) Trees over 40cm in Diameter at Breast Height (DBH) shall have an individual valuation submitted to the Town by an International Society of Arborists (ISA) certified Arborist in accordance with the Council of Tree and Landscape Appraisers (CTLA) Guide for Plant Appraisal (2000).
 - 3) Where a site does not allow for 2:1 replacement, the Town will require a credit for tree planting on alternate sites. Tree replacement must occur within 5 years of tree removal.
- 3.5 The Owner shall prepare and submit site specific 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.
- 3.6 The Owner shall 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.
- 3.7 Prior to registration of the first phase, the Owner shall provide documentation for the natural features identified by the town of Markham Official Plan amendment No. 52(Natural features). This documentation is to show the mapping of the drip line by survey, an assessment of the possible impacts from development of the lands surrounding the designated areas, preparation of a natural features management plan, safeguards to preserve the woodlot and valley land features and mitigating and restorative measures required as a result of the proposed development.

4 Streetscape and Landscape Plans

- 4.1 Prior to final approval of the draft plan, the Owner shall submit landscape plans based on the approved OPA 149 Open Space and Streetscape Master 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, with a maximum space of 10 metres between trees. The size, spacing and species selected shall be to the satisfaction of the Town (Commissioner of Development Services).
 - b) a second row of street trees is to be planted adjacent to the Honda Blvd. right-of-way on future privately owned lands. These trees will be required through future site plan agreements for these properties. This requirement should be included in future purchase and sale agreements for individual properties abutting Honda Blvd.
 - c) 1.5 metre high black vinyl chain link fencing where industrial blocks abut woodlots, open space blocks, storm water management ponds, agricultural lands and the Highway 404.
 - d) 1.8 metre high wood screen fence where industrial blocks abut existing residential or commercial lands.
 - iv) noise attenuation fencing in accordance with the approved noise study.
 - v) review of any parks and open space plans to be used for promotional purposes.
 - vi) 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 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, buffers, walkways and other landscaping requirements.

5. Parks and Open Space

- 5.1 The Owner shall convey blocks 14 and 15 to the Town for open space purposes, free of all costs and encumbrances, upon registration of the plan of subdivision. The Blocks shall be conveyed in a physical condition which is satisfactory to the Town.

- 5.2 Cash-in-lieu of parkland will be required and shall be based on 2% of the land area for this draft plan of subdivision. The value of cash-in-lieu will be based on an appraisal submitted by an accredited (AACI) appraiser with the Appraisal Institute of Canada.
- 5.3 Prior to the registration of the first phase, the Owner agrees to convey to the Town, free of all costs and encumbrances, the open space blocks 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.
- 5.4 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.
- 5.5 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.
- 5.6 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.
- 5.7 The owner agrees to construct a 3.0m wide trail around stormwater management pond located on Block 7 to the satisfaction of the Town.

6 Stormwater Management

- 6.1 The Owner shall incorporate the requirements and criteria of the approved Stormwater Management Study of 404 North Secondary Plan Area (OPA 149) prepared by SCS Consulting Group Ltd., into the draft plan and subdivision agreement.
- 6.2 The Owner acknowledges and agrees that the Master Environmental Servicing Plan (MESP) has not been approved by the Town and that the recommendations of the approved MESP shall be reflected in the Stormwater Management Study. The Owner further agrees to make any revisions to the draft plan that may be required to

- achieve the recommendations of the MESP and revised Stormwater Management Study.
- 6.3 Prior to release for registration of the draft plan, the Town and the Toronto and Region Conservation Authority shall approve a Stormwater Management Study, prepared by a qualified engineer on behalf of the Owner, detailing the provision of water quality and quantity management facilities, hydraulic grade lines, overland flow routes, and erosion and siltation controls for the draft plan. The Owner acknowledges and agrees that they will be required to construct the proposed stormwater management facilities and overland routes, provide any easements or lands both internal or external to the subdivision for stormwater and overland flow purposes, and to revise the draft plan accordingly, as may ultimately be required.
- 6.4 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.
- 6.5 Prior to registration of the plan of subdivision, the Owner shall make arrangements with the adjacent owner to the south to complete the construction of the stormwater management pond and to provide an easement to the stormwater management pond block to the south of Block 14, to the satisfaction of the Director of Engineering.
- 6.6 The Owner shall covenant and agree in the subdivision agreement that Block 7 shall not be released for registration and shall remain as a stormwater management pond until the permanent stormwater management pond has been constructed in a location as recommended by the approved MESP and accepted by the Director of Engineering. The Owner shall further agree in the subdivision agreement that a temporary easement be conveyed to the Town for Block 7 and will not be released until the permanent stormwater management pond has been constructed.
- 6.7 The Owner shall covenant and agree in the subdivision agreement to prepare a Watercourse Monitoring Program, as per the requirements of the Town's Watercourse Monitoring Master Plan, for review and acceptance by the Director of Engineering. The Owner shall implement the accepted Watercourse Monitoring Program and any subsequent addenda or reports accepted by the Director of Engineering. Notwithstanding the above provisions, the Owner has the option to pay a cash-in-lieu amount towards a Town wide monitoring program administered by the Town. If the Owner exercises this option, the Owner shall pay to the Town \$200 per gross area of the Plan of Subdivision in hectares, being one time payment for a Town wide monitoring program. The Owner shall implement, to the satisfaction of the Director of Engineering, the recommendations of the Final Report regardless of whether the Town or the Owner conducted the monitoring program.

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- 6.8 The Owner shall incorporate the requirements and criteria from the approved Water Balance Study into the draft plan and provide for same in the subdivision agreement.

7 Municipal Services

- 7.1 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 approved Master Servicing Plan for 404 North Secondary Plan Area (OPA 149) prepared by SCS Consulting Group Ltd., to determine the infrastructure required for all municipal services internal and external to the plan of subdivision, including but not limited to, 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.
- 7.2 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).
- 7.3 Prior to release for registration of the draft plan, detailed engineering drawings shall be provided by the Owner in accordance with all technical studies and submissions, 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, and any other plans as required to the satisfaction of the Director of Engineering.
- 7.4 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.
- 7.5 The Owner shall covenant and agree in the subdivision agreement 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.
- 7.6 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.

- 7.7 The Owner shall covenant and agree in the subdivision agreement that prior to any construction activities the Owner shall prepare a Well Monitoring Program and Mitigation Plan, as per the Town's requirements for review and acceptance by the Director of Engineering. The Owner shall implement the accepted Well Monitoring Program and Mitigation Plan and any subsequent addenda or reports accepted by the Director of Engineering. Prior to Acceptance for Maintenance, the Owner shall provide the findings and recommendations in the Final Report to the Director of Engineering for review and acceptance at the end of the monitoring period. Further, the Owner shall covenant and agree at the time of Subdivision Agreement to provide sufficient securities to the Town to ensure that the well monitoring and mitigation program is implemented to the satisfaction of the Director of Engineering.
- 7.8 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Services has been advised by the Fire Chief that adequate water supply for firefighting operations and acceptable access for fire fighting equipment are available.
- 7.9 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.
- 7.10 Prior to release for registration of the draft plan, 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.
- 7.11 The Owner covenants and agrees that no pre-servicing will occur until the engineering drawings are approved, a pre-servicing agreement is executed, the site alteration drawings have been approved, and the necessary securities are provided.

8 Community Design Plan

- 8.1 The Owner shall covenant and agree in the subdivision agreement to incorporate the requirements and criteria of the OPA 149 Open Space and Streetscape Master Plan into all municipal works, site plan and building permit applications within the plan of subdivision.

9 Traffic Impact Study

- 9.1 Prior to release for registration of the draft plan, the Owner shall prepare an Internal Functional Traffic Design Study for the proposed subdivision, in consultation with the owners of other lands within the 404 North Secondary Plan Area 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.

10 Easements

- 10.1 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.
- 10.2 The Owner shall covenant and agree to convey the lands required for a cul-de-sac on Woodbine Avenue within Block 8 to the satisfaction of Director of Engineering as identified by the concept plan required under condition 1.3.
- 10.3 The Owner shall covenant and agree in the subdivision agreement to provide an easement for the municipal access to stormwater management pond Block 14 to the satisfaction of the Director of Engineering.

11 Utilities

- 11.1 Prior to release for registration of the draft plan, the Owner shall prepare an overall utility distribution plan (Composite Utility Plan) to the satisfaction of the Town and authorized agencies.
- 11.2 The Owner shall covenant and agree in the subdivision agreement that hydro electric, telephone, gas and television cable services, and any other form of telecommunication services shall be constructed at no cost to the Town as underground facilities within the public road allowances or within other appropriate easements, as approved on the Composite Utility Plan, to the satisfaction of the Director of Engineering and authorized agencies.
- 11.3 The Owner shall covenant and agree in the subdivision agreement to enter into any agreement or agreements required by any applicable utility companies, including Powerstream, Enbridge, telecommunications companies, etc. in order to service the development.
- 11.4 The Owner shall covenant and agree in the subdivision agreement that it will permit any telephone or telecommunication service provider to locate its plant in a

common trench within the proposed subdivision prior to registration provided the telephone or telecommunications services provider has executed a Municipal Access Agreement with the Town. The Owner shall ensure that any such service provider will be permitted to install its plant so as to permit connection to commercial units within the subdivision as and when each unit is constructed.

- 11.5 The Owner shall covenant and agree in the subdivision agreement to advise all utility and telecommunication carriers that plans for medium or large size vaults are to be submitted to the Town for review and approval. Drawings are to be approved by the Commissioner of Development Services and are to include location, grading, fencing, landscaping, access, and elevations of structures, etc.

12 Development Charges

- 12.1 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.
- 12.2 The Owner covenants and agrees to pay all fees and development charges which will be finalized at the subdivision agreement stage.

13 Phase 1 Environmental Site Assessment

- 13.1 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.
- 13.2 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).

14. Heritage

- 14.1 Prior to final approval of the draft plan of subdivision or any phase thereof, the Owners shall carry out a cultural heritage resource assessment for the lands within the draft plan to ensure the assessment and identification of appropriate treatment of built heritage and archaeological resources, and further to mitigate any identified adverse impacts to significant heritage resources to the satisfaction of the Town (Commissioner of Development Services) and the Ministry of Culture. No demolition, grading, filling or any form of soil disturbances shall take place on the lands within the draft plan prior to the issuance of a letter from the Ministry of Culture to the Town indicating that all matters relating to heritage resources have been addressed in accordance with licensing and resource conservation requirements.
- 14.2 The Owner shall covenant and agree in the subdivision agreement to implement any measures recommended by the heritage resource assessment, to the satisfaction of the Town and the Ministry of Culture.

15. Other Town Requirements

- 15.1 Prior to release of registration of the draft plan or any phase thereof, the Owner shall enter into a Developers Group Agreement(s) to ensure the provision of community and common facilities such as school sites, municipal services, fire halls, police stations, parks and public roads in the Highway 404 North Planning District, 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.
- 15.2 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.
- 15.3 The Owner shall covenant and agree in the subdivision agreement to contribute a proportional share to the Victoria Square Streetscape Improvement Study.

16. Region of York

Region of York's conditions to be included when received

17. Toronto and Region Conservation Authority

TRCA's conditions to be included when received

18. Ministry of Transportation

18.1. Prior to final approval, 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.

18.2. Prior to final approval, the owner shall submit to the Ministry of Transportation for review and approval a copy of a Traffic Impact Study.

18.3. Prior to final approval, the owner shall submit to the Ministry of Transportation for review and approval a copy of a detailed calculation and illumination plan.

19. Canada Post

19.1 At the developer/owners expense, for buildings containing 3 or more units the developer/owner must supply, install and maintain a central mail facility to Canada Post specifications; ensure that all mail delivery equipment is installed in a location that is readily accessible to the occupants and Canada Post personnel; and, ensure that all mail is accessible by persons with physical disabilities.

19.2 For buildings with less than 3 units, the developer/owner is required to contact Canada Post in order to arrange mail delivery options.

External Clearances

20.1 Prior to release for registration of the draft plan of subdivision, clearance letters, containing a brief statement detailing how conditions have been met, will be required from authorized agencies as follows:

- (a) The Regional Municipality of York Planning Department shall advise that Condition 16 has been satisfied.
- (b) The Toronto and Region Conservation Authority shall advise that Condition 17 has been satisfied.
- (c) The Ministry of Culture shall advise that Condition 14 has been satisfied.
- (d) The Ministry of Transportation shall advise that Condition 18 has been satisfied.

ISSUED:

Biju Karumanchery, M.C.I.P., R.P.P.
Senior Development Manager
Planning and Urban Design

Appendix 'B'

EXPLANATORY NOTE

BY-LAW NO.

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

11160 Woodbine Avenue Limited and 11258 Woodbine Avenue Limited (Rice Group)

LANDS AFFECTED

This by-law amendment applies to a 19.519 ha (48.23 ac.) site located within the Highway 404 North Planning District, on the west side of Woodbine Avenue, north of the Cathedral Community and south of 19th Avenue and municipally known as 11160 Woodbine Avenue and 11258 Woodbine Avenue.

EXISTING ZONING

The lands subject to this By-law are presently zoned Agricultural (A1).

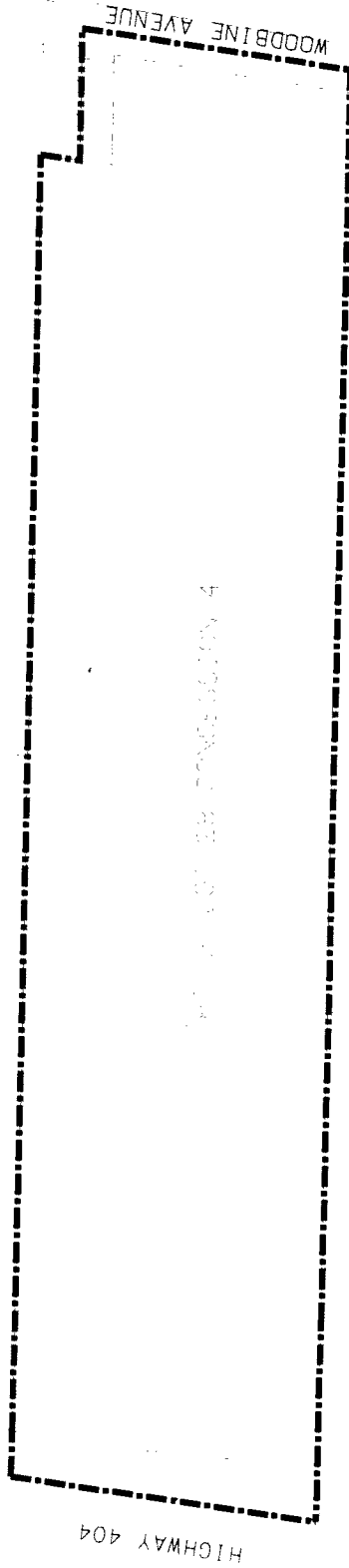
PURPOSE AND EFFECT

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 allow for an industrial plan of subdivision

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 2009-XX, amending By-law 177-96, as amended, comes into force and the subject lands of this by-law become incorporated into the designated area of By-law 177-96, as amended.
3. All other provisions of By-law 304-87, as amended, not inconsistent with the provisions of this by-law shall continue to apply.



DEVELOPMENT SERVICES COMMISSION

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

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

MAYOR

CLERK

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

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:

Appendix 'C'

EXPLANATORY NOTE

BY-LAW NO.

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

11160 Woodbine Avenue Limited and 11258 Woodbine Avenue Limited (Rice Group)

LANDS AFFECTED

This by-law amendment applies to a 19.519 ha (48.23 ac.) site located within the Highway 404 North Planning District, on the west side of Woodbine Avenue, north of the Cathedral Community and south of 19th Avenue and municipally known as 11160 Woodbine Avenue and 11258 Woodbine Avenue

EXISTING ZONING

The lands subject to this By-law are presently zoned Agricultural (A1).

PURPOSE AND EFFECT

The purpose of this by-law is to incorporate the lands into the appropriate Business Park (BP), Business Corridor (BC), Community Amenity Area (CA1) and Open Space (OS1) zones within By-law 177-96, as amended.

The effect would be to allow for an Industrial Draft Plan of Subdivision within the Highway 404 North Planning District.

HOLD PROVISIONS

The following are the conditions for lifting the Holding (H) Zone:

Either

1.
 - i) A Feasibility Study/Class Environmental Assessment confirming the need and justification for the potential crossing of Highway 404 has been established and approved by the Region of York, the Town of Richmond Hill, the Town of Markham and the Ministry of the Environment and the appeal period has expired without a Part 2 Order (Bump-up);
 - ii) The preliminary alignment of the Highway 404 crossing and applicable right-of-way has been established by the Town of Markham in consultation with the Region of York;
 - a. The draft plan of subdivision has been revised to incorporate any changes relating to the Highway 404 Flyover right-of-way and adjacent blocks resulting from the approved Class Environmental Assessment, to the Town's satisfaction.

Or

2. i) Written confirmation from the Region of York that the Feasibility Study/Class Environmental Assessment referred to Section 1.3.1.i) of this By-law has not established the need and justification for a Highway 404 crossing in this location.

Or

3. i) Should the Feasibility Study/Class Environmental Assessment Study not be approved by December 31, 2011, the subject blocks may be released for registration.

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

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

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

1.1 By expanding the designated area of By-law 177-96 to include those lands comprising Part of Lot 28, Concession 3, shown on Schedule 'A' attached hereto;

1.2 By zoning the lands:

Community Amenity Area One (CA1)
Business Park (BP)
Business Corridor (BC)
Business Park Hold [BP (H)]
Business Corridor Hold [BC (H)]
Open Space One (OS1)

1.3 HOLDING PROVISION

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

Only uses existing on the date of passing of this by-law shall be permitted until the Holding Provision (H) has been lifted.

No person shall hereafter erect or alter any building or structure on lands subject to '(H)' provisions for the purposes permitted under this By-law until amendments to this By-law to remove the letter '(H)' have 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:

Either

- 1 i) A Feasibility Study/Class Environmental Assessment confirming the need and justification for the potential crossing of Highway 404 has been established and approved by the Region of York, the Town of Richmond Hill, the Town of Markham and the Ministry of the Environment and the appeal period has expired without a Part 2 Order (Bump-up);

- ii) The preliminary alignment of the Highway 404 crossing and applicable right-of-way has been established by the Town of Markham in consultation with the Region of York;
- b. The draft plan of subdivision has been revised to incorporate any changes relating to the Highway 404 Flyover right-of-way and adjacent blocks resulting from the approved Class Environmental Assessment, to the Town's satisfaction.

Or

- 2. i) Written confirmation from the Region of York that the Feasibility Study/Class Environmental Assessment referred to Section 1.3.1.i) of this By-law has not established the need and justification for a Highway 404 crossing in this location.

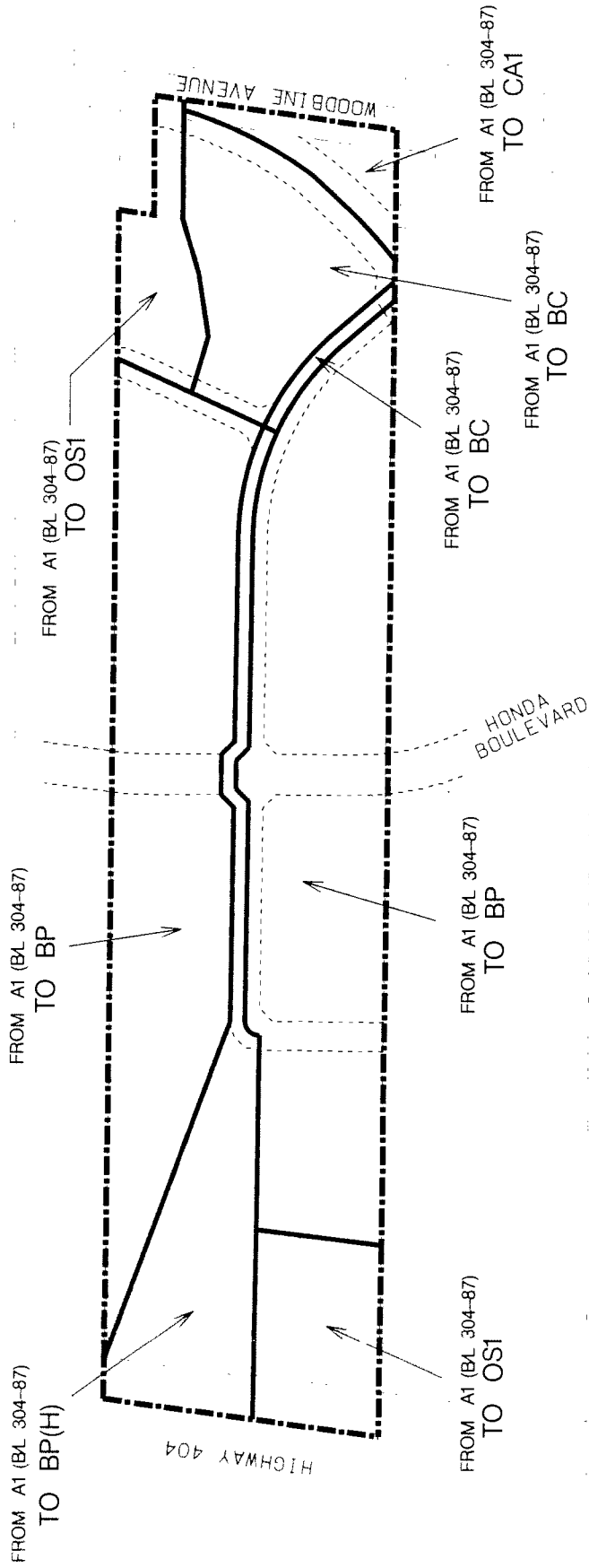
Or

- 3. i) Should the Feasibility Study/Class Environmental Assessment Study not be approved by December 31, 2011, the subject blocks may be released for registration.
2. All other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS __TH DAY OF DECEMBER 2009.

KIMBERLY KITTERINGHAM, TOWN CLERK

FRANK SCARPITTI, MAYOR



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

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

MAYOR
CLERK

BOUNDARY OF AREA COVERED BY THIS BY-LAW

ZONE BOUNDARY

A1	AGRICULTURE ONE	CA1	COMMUNITY AMENITY ONE
BP	BUSINESS PARK AREA	OS1	OPEN SPACE ONE
BC	BUSINESS CORRIDOR AREA	(H)	HOLDING PROVISION

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: