



Council Meeting Agenda

Meeting No. 9 | July 8, 2025 | 1:00 PM | Live streamed

Members of the public have the option to attend either remotely via Zoom or in-person in the Council Chamber at the Civic Centre

Members of the public can participate by:

1. VIEWING THE ONLINE LIVESTREAM:

Council meetings are video and audio streamed at: <https://pub-markham.escribemeetings.com/>

2. EMAILING A WRITTEN SUBMISSION:

Members of the public may submit written deputations by email to clerkspublic@markham.ca.

Written submissions must be received by 10:00 a.m. the morning of the meeting.

If the deadline for written submission has passed, you may:

Email your written submission directly to [Members of Council](#); or

Make a deputation at the meeting by completing and submitting an online [Request to Speak Form](#)

If the deadline for written submission has passed **and** Council has finished debate on the item at the meeting, you may email your written submission directly to [Members of Council](#).

3. REQUEST TO SPEAK / DEPUTATION:

Members of the public who wish to make a deputation, please register prior to the start of the meeting by:

Completing an online [Request to Speak Form](#), or,

E-mail clerkspublic@markham.ca providing full name, contact information and item they wish to speak on.

If you do not have access to email, contact the Clerk's office at **905-479-7760** on the day of the meeting.

*If Council or Committee has finished debate at the meeting on the item, you may email your written submission directly to [Members of Council](#).

The list of [Members of Council is available online at this link](#).

Alternate formats for this document are available upon request.

Closed captioning during the video stream may be turned on by clicking the [cc] icon located at the lower right corner of the video screen.

Note: As per Section 7.1(h) of the Council Procedural By-Law, Council will take a ten minute recess after two hours have passed since the last break.

1. CALL TO ORDER

INDIGENOUS LAND ACKNOWLEDGEMENT

We begin today by acknowledging the traditional territories of Indigenous peoples and their commitment to stewardship of the land. We acknowledge the communities in circle. The North, West, South and Eastern directions, and Haudenosaunee, Huron-Wendat, Anishnabeg, Seneca, Chippewa, and the Mississaugas of the Credit peoples. We share the responsibility with the caretakers of this land to ensure the dish is never empty and to restore relationships that are based on peace, friendship, and trust. We are committed to reconciliation, partnership and enhanced understanding.

2. DISCLOSURE OF PECUNIARY INTEREST

3. APPROVAL OF PREVIOUS MINUTES

3.1 COUNCIL MINUTES - JUNE 24, 2025

Note: Attachment to be added when available

4. PRESENTATIONS

5. DEPUTATIONS

6. COMMUNICATIONS

**6.1 LIQUOR LICENCE APPLICATION - FUJI SAN JAPANESE RESTAURANT
- (WARD 4) (3.21)**

9

(New Liquor Licence for an outdoor area)

That the request for the City of Markham to complete the Municipal Information Form be received for information and be processed accordingly.

7. REPORT OF STANDING COMMITTEE

7.1 REPORT NO. 18 DEVELOPMENT SERVICES MEETING (JULY 8, 2025)

Please refer to your July 8, 2025 Development Services Meeting Agenda for reports.

That the report of the Development Services Public Meeting be received & adopted. (Items 1 to 8):

7.1.1 RECOMMENDATION REPORT, HERITAGE EASEMENT AGREEMENT FOR THE HERITAGE PROPERTY TAX REDUCTION PROGRAM, 7822 HIGHWAY 7 EAST, LOCUST HILL, WARD 5 (16.11.3) 27

(By-law 2025-53)

1. That the July 8, 2025, Staff report titled “Recommendation Report: Heritage Easement Agreement for the Heritage Property Tax Reduction Program, 7822 Highway 7 East, Locust Hill, Ward 5”, be received; and,
2. That a by-law be passed to authorize the Mayor and Clerk to execute a Heritage Easement Agreement with the property owner(s) of 7822 Highway 7 East, and any other documents required to give effect thereto, in a form satisfactory to the City Solicitor; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

7.1.2 CLASS 4 AREA DESIGNATION PURSUANT TO MECP NPC-300 OF THE SUBJECT LANDS FOURO TOWERS BUILDERS LTD., 9331-9399 MARKHAM ROAD, FILE NO.: ZA 18 140091 AND SPC 22 114181 (WARD 4) (10.0) 34

1. That the Report titled, “Class 4 Area Designation pursuant to MECP NPC-300 of the Subject Lands, Fouro Towers Builders Ltd., 9331-9399 Markham Road, File SPC 22 114181, (Ward 4)”, be received; and,
2. That 9331-9399 Markham Road (Fouro Towers) be classified as a Class 4 area pursuant to NPC-300 “Ministry of the Environment, Conservation and Parks Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning”; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

7.1.3 RECOMMENDATION REPORT, OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT, AND DRAFT PLAN OF SUBDIVISION APPLICATIONS,

40

SUBMITTED BY KLM PLANNING PARTNERS INC. (C/O GLENDOWER PROPERTIES INC.) TO FACILITATE A RESIDENTIAL COMMUNITY WITH APPROXIMATELY 217 DETACHED, TOWNHOUSE, AND MID-RISE APARTMENT UNITS, INCLUDING PARTIAL DETACHED LOTS, PUBLIC PARKETTE, NEW PUBLIC ROADS, AND A NATURAL HERITAGE BLOCK, ON LANDS MUNICIPALLY KNOWN AS 11139 VICTORIA SQUARE BOULEVARD AND 11251 WOODBINE AVENUE (WARD 2), FILE PLAN 23 121495 (10.3, 10.5, 10.7)

1. That the report titled, “RECOMMENDATION REPORT, Official Plan and Zoning By-law Amendment, and Draft Plan of Subdivision Applications, submitted by KLM Planning Partners Inc. (c/o Glendower Properties Inc.) to facilitate a residential community with approximately 217 detached, townhouse, and mid-rise apartment units, including partial detached lots, public parkette, new public roads, and a natural heritage block, on lands municipally known as 11139 Victoria Square Boulevard and 11251 Woodbine Avenue, on lands municipally known as 11139 Victoria Square Boulevard and 11251 Woodbine Avenue (Ward 2), PLAN 23 121495, dated July 8, 2025, be received; and,
2. That the Official Plan Amendment application submitted by Glendower Properties Inc. to amend the City’s 2014 Official Plan be approved in principle by Council and the draft Official Plan Amendment, attached as Appendix ‘A’, be finalized and brought forward to a future Council meeting to be enacted without further notice; and,
3. That the Zoning By-law Amendment application submitted by Glendower Properties Inc. to amend Zoning By-law 304-87, as amended, be approved in principle by Council and the draft site-specific Zoning By-law Amendment, attached as Appendix ‘B’, be finalized and brought forward to a future Council meeting to be enacted without further notice; and,
4. That the Draft Plan of Subdivision 19TM-23004 be endorsed in principle, subject to the draft conditions, attached as Appendix ‘C’, be brought forward to a future Council meeting once all outstanding matters have been resolved to

the satisfaction of the Director, Planning and Urban Design;
and,

5. That the Director of Planning and Urban Design, or designate, be delegated authority to issue Draft Plan Approval, subject to the draft conditions set out in Appendix 'C', as may be amended by the Director of Planning and Urban Design, or designate; and,
6. That Draft Plan Approval for Draft Plan of Subdivision 19TM-23004 will lapse after a period of three (3) years from the date of Council approval in the event that a Subdivision Agreement is not executed within that period; and,
7. That servicing allocation for 217 units be assigned to Draft Plan of Subdivision 19TM-23004; and,
8. That the servicing allocation will be revoke or reallocated after a period of three (3) years from the date of Council approval should the development not proceed in a timely manner; and further,
9. That Staff be authorized and directed to do all things necessary to give effect to these resolutions.

7.1.4 RECOMMENDATION REPORT, TRANSMARK DEVELOPMENTS LTD., APPLICATIONS FOR OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT TO PERMIT

105

A 30- AND 35-STOREY MIXED USE DEVELOPMENT WITH 864 RESIDENTIAL UNITS AT 4216 HIGHWAY 7 EAST (WARD 3) FILE PLAN 25 110915 (10.3, 10.5)

1. That the July 8, 2025, report titled, "RECOMMENDATION REPORT, Transmark Developments Ltd., Applications for Official Plan and Zoning By-law Amendment to permit a 30- and 35-storey mixed use development with 864 residential units at 4216 Highway 7 East (Ward 3), File PLAN 25 110915", be received; and,
2. That the Applications for Official Plan and Zoning By-law Amendment, submitted by Transmark Developments Ltd., under File PLAN 25 110915, to amend the City of Markham Official Plan and Zoning By-laws 122-72 and 2004-196, as amended, be refused without further notice; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

7.1.5 PUBLIC MEETING INFORMATION REPORT, CITY OF MARKHAM (CITY-WIDE), APPLICATION FOR ZONING BY-LAW AMENDMENT TO

130

PERMIT OUTDOOR STORAGE ON CITY-OWNED LANDS, OUTSIDE OF LANDS DESIGNATED GREENWAY OR WITHIN ANY FLOOD REGULATED AREAS OR HAZARDOUS LANDS, AS DEFINED BY THE TORONTO AND REGION CONSERVATION AUTHORITY AND IDENTIFIED IN THE 2014 OFFICIAL PLAN (CITY-WIDE), FILE NO. PLAN PR 25 124252 (10.5)

(By-law 2025-56)

1. That the Public Meeting Information Report that proposes a City-initiated Zoning By-law Amendment (PR 25 124252) to permit outdoor storage on city-owned lands, outside of lands designated Greenway or within any flood regulated areas or hazardous lands, as defined by the Toronto and Region Conservation Authority and identified in the 2014 Official Plan, be received; and,
2. That the record of the Statutory Meeting held on July 8, 2025, with respect to the proposed City-initiated Zoning By-law Amendment to By-laws 2237, 2053, 1767, 2150, 2151, 1229, 122-72, 88-76, 163-78, 184-78, 118-79, 153-80, 165-80, 90-81, 47-85, 304-87, 19-94, 177-96, 2004-196 and 2024-19, as amended, be received; and,
3. That the City-initiated Zoning By-law Amendment, be finalized and brought forward to the July 8, 2025, Council meeting to be enacted without further notice; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

7.1.6 RECOMMENDATION REPORT, PARKLAND DEDICATION BY-LAW UPDATE

137

(By-law 2025-58)

1. That the July 8, 2025 report titled 'Parkland Dedication By-law Update' be received; and,
2. That Council approve the corresponding by-law 'Parkland Conveyance By-law' at the July 8, 2025 Council meeting; and further,
3. That staff be authorized and directed to do all things

necessary to give effect to this resolution.

7.1.7 MEMORANDUM, FIRA ROBO WORLD CUP 2025 DAEGU,
SOUTH KOREA - FLAG CEREMONY TO HANDOVER TO
MARKHAM 2026

158

1. That the Memorandum titled, "FIRA Robo World Cup 2025 Daegu, South Korea - Flag Ceremony to handover to Markham 2026", be received; and,
2. That Council approve two representatives from the City of Markham to participate in the 2025 FIRA Robo World Cup in Daegu, Aug 8-19, 2025, to receive the flag in support of Markham hosting the FIRA 2026 Robo World Cup & Summit; and,
3. That the allocation of \$23,036 from Economic Development budget to cover costs related to travel and programming be approved; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

7.1.8 DEVELOPMENT CHARGES DEFERRAL POLICY UPDATE

1. That the July 8, 2025 presentation titled "Development Charges Deferral Policy Update" be received; and,
2. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8. MOTIONS

9. NOTICE OF MOTION TO RECONSIDER

10. NEW/OTHER BUSINESS

*As per Section 2 of the Council Procedural By-Law, "New/Other Business would generally apply to an item that is to be added to the **Agenda** due to an urgent statutory time requirement, or an emergency, or time sensitivity".*

11. ANNOUNCEMENTS

12. BY-LAWS - THREE READINGS

That By-laws 2025-53 to 2025-58 be given three readings and enacted.

Three Readings

12.1 BY-LAW 2025-53, BEING A BY-LAW TO AUTHORIZE THE

161

**EXECUTION OF A HERITAGE EASEMENT AGREEMENT - 7822
HIGHWAY 7 EAST**

Being a By-law to execute a Heritage Easement Agreement (“HEA”) necessary for the owner of 7822 Highway 7 East to participate in the Heritage Property Tax Reduction Program.

(Item 7.1.1)

- 12.2 BY-LAW 2025-54, A BY-LAW TO AMEND BY-LAW 2012-27, BEING A BY-LAW TO REGULATE CROSS CONNECTIONS AND BACKFLOW PREVENTION IN A PRIVATE PLUMBING SYSTEM TO INCLUDE AMPS PENALTY PROVISIONS** 163

Being a By-law that includes an amendment to By-law 2012-27, a By-law to regulate cross connections and backflow prevention in private plumbing systems to include AMPS penalty provisions.

- 12.3 BY-LAW 2025-55, A BY-LAW TO AMEND THE AMPS BY-LAW FOR CONTRAVENTIONS OF DESIGNATED BY-LAWS IN THE CITY OF MARKHAM TO INCLUDE CROSS CONNECTIONS & BACKFLOW PREVENTION** 165

Being a By-law to amend By-law 2024-137, being a by-law to establish an administrative monetary penalty system (AMPS) for contraventions of designated by-laws in the City of Markham to include cross connections & backflow prevention.

- 12.4 BY-LAW 2025-56, A BY-LAW TO PERMIT OUTDOOR STORAGE ON CITY-OWNED LANDS** 168

Being a By-law to permit outdoor storage on lands under By-laws 2237, 2053, 1767, 2150, 2151, 1229, 122-72, 88-76, 163-78, 184-78, 118-79, 153-80, 165-80, 90-81, 47-85, 304-87, 19-94, 177-96, 2004-196 and 2024-19, as amended and owned by the City of Markham.

(Item 7.1.5)

- 12.5 BY-LAW 2025-57, A BY-LAW TO DESIGNATE PART OF A CERTAIN PLAN OF SUBDIVISION NOT SUBJECT TO PART LOT CONTROL (MINTO COMMUNITIES)** 172

Being a By-law to exempt the subject blocks from the part-lot control provisions. The By-law is to facilitate the conveyance of 21 traditional condo townhouses. (Minto Communities Canada, Kennedy Road, south of Major Mackenzie Drive East. Blocks 124 to 136, inclusive, Plan 65M-4808)

- 12.6 BY-LAW 2025-58, PARKLAND DEDICATION BY-LAW** 174

Being a By-law to require the conveyance of land for park or other public recreation purposes as a condition of the development or redevelopment of land within the City of Markham or the payment of money in lieu of such conveyance, pursuant to the Planning Act. (Parkland Dedication By-law) (Item 7.1.6)

13. CONFIDENTIAL ITEMS

That, in accordance with Section 239 (2) of the *Municipal Act*, Council resolve into a private session to discuss the following confidential matters:

13.1 DEVELOPMENT SERVICES COMMITTEE - JULY 8, 2025

13.1.1 UPDATE REQUEST FOR DIRECTION – ONTARIO LAND TRIBUNAL APPEAL BY NEWDEV INVESTMENTS LTD. AND 1375920 ONTARIO LIMITED

OF THE OFFICIAL PLAN AMENDMENT, ZONING BY-LAW AMENDMENT, AND SITE PLAN APPLICATIONS AT 5305 AND 5307 HIGHWAY 7 EAST (WARD 4) (WARD 4)

(LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD;) [MUNICIPAL ACT, 2001, SECTION 239 (2) (e)] (10.3, 10.5, 10.6)

14. CONFIRMATORY BY-LAW - THREE READINGS

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That By-law 2025-52 be given three readings and enacted.

Three Readings

BY-LAW 2025-52- A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF JULY 8, 2025.

15. ADJOURNMENT



Alcohol and Gaming Commission of Ontario
 90 Sheppard Avenue East, Suite 200
 Toronto ON M2N 0A4
 Tel.: 416-326-8700 • Fax: 416-326-8711
 Toll free in Ontario: 1-800-522-2876
 Inquiries: www.agco.ca/iagco
 Website: www.agco.ca

Municipal Information for Liquor Sales Licences (including Tied House)

The information requested below is required in support of all applications for a new Liquor Sales Licence (including Tied House) or areas being added to an existing Liquor Sales Licence.

Section 1 – Application Details

Premises Name

Fuji San Japanese Restaurant

Premises Phone Number (include area code)

905 201 6218

Premises Address

144 Main St. N Unit 2

City/Town

Markham

Province

ON

Postal Code

L3P 5T3

Contact Name

Yicheng Zhang

Contact's Phone Number (include area code and extension)

647 292 8299

Contact's Email Address

mike.zhang66@hotmail.com

Does the application for a Liquor Sales Licence (including Tied House) include indoor areas and/or outdoor areas?

Indoor Areas Outdoor Areas

Section 2 – Municipal Clerk's Official Notice of Application for a Liquor Sales Licence (including Tied House) in your Municipality.

Municipal Clerk:

Please confirm the "wet/damp/dry" status below.

Name of village, town, township or city where taxes are paid.

(If the area where the establishment is located was annexed or amalgamated, provide the name that the village, town, township or city was known as.)

Is the area where the establishment is located "wet", "damp" or "dry"? Please select one.

Wet (for spirits, beer, wine) Damp (for beer and wine only) Dry

Note: Specific concerns regarding zoning or non-compliance with by-laws must be clearly outlined in a separate submission or letter within 30 days of this notification.

Address of Municipal Office

Name of Municipal Official

Title

Date (dd/mm/yyyy)

Telephone number

Email Address

Signature of Municipal Official

Clear Form



Liquor Licence Questionnaire

The Corporation of the City of Markham

To evaluate your Liquor Licence Application, you are required to complete this Questionnaire.

Submit the all required documentation to the Clerk's Office by mail or in-person to the address below.

City of Markham
 Clerk's Office
 Legislative Services Department
 101 Town Centre Boulevard
 Markham, Ontario
 L3R 9W3

Attention: Public Services Assistant

If you have any questions about this Questionnaire, please call 905-477-7000 ext. 2366.

Liquor Licence Questionnaire Checklist

The following items **must** be submitted with this completed Questionnaire to the Clerk's Office:

- ✓ Applicable fee;
- ✓ A sample menu; and,
- ✓ Copy of the floor plan showing the layout, areas that require licensing, seating arrangements, washrooms (show fixtures) and exits.

Applicant Contact Information

| | | | |
|-----------------------|-------------------------------|-----------------------------------|---------------------|
| First Name Yicheng | | Last Name Zhang | |
| Street Number 48 | Street Name Skywood Dr. | | Suite/Unit Number |
| City Richmond Hill | | Postal Code L4E 4L1 | Province Ontario |
| Telephone Number | Mobile Number 647 292 8299 | Email mike.zhang66@hotmail.com | |

Restaurant Information

| | | | |
|--|---------------------------|------------------------|------------------------|
| Name of Restaurant Fuji San Japanese Restaurant | | | |
| Street Number 144 | Street Name Main St. N | | Suite/Unit Number 2 |
| City Markham | | Postal Code L3P 5T3 | Province Ontario |

Page 1 of 2

Rev. Jan/17

Information on this form is collected under the authority of Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended and Section 12 of the Liquor Licence Act, R.S.O. 1990, Chapter L.19, as amended. The information you have provided will be used to contact you and process your Liquor Licence Application. If you have questions about this collection contact the Access & Privacy Manager, Legislative Services Development, 101 Town Centre Boulevard, Markham, Ontario, L3R 9W3, 905-477-5530.

| | |
|--|---|
| What is the closest major intersection to the restaurant? Main Street and Highway 7 | What is the distance between the restaurant and the closest residential area? (in kilometres) 0.4 Km |
| Does the restaurant have a valid Business Licence issued by the City of Markham? <input checked="" type="radio"/> Yes <input type="radio"/> No Business Licence Number: 25 116290 EE If no, please note that a Business Licence is required. | Does the restaurant have a working Fire Alarm System? <input checked="" type="radio"/> Yes <input type="radio"/> No |
| Type of restaurant (select one) <input type="checkbox"/> Family <input type="checkbox"/> Roadhouse <input type="checkbox"/> Sports Bar <input checked="" type="checkbox"/> Fine Dining <input type="checkbox"/> Take Out <input type="checkbox"/> Cafe | |
| What, if any, entertainment or amusements will be provided in the restaurant? (select all that apply) <input type="checkbox"/> Karaoke <input type="checkbox"/> Live Entertainment <input type="checkbox"/> Casino <input type="checkbox"/> Off-Track Betting <input type="checkbox"/> Arcade | |
| Is the liquor licence application for an expansion of the existing operations? <input type="radio"/> Yes <input checked="" type="radio"/> No If yes, please provide the <u>current</u> existing maximum seating capacity: _____ If no, please provide the <u>planned</u> existing maximum seating capacity: <u>85</u> | |
| Location History | |
| Has a Building Permit been applied for or obtained for this location? <input type="radio"/> Yes Building Permit Number: _____ <input checked="" type="radio"/> No | |
| Was the location previously used as a restaurant? <input checked="" type="radio"/> Yes <input type="radio"/> No If no, a Building Permit is required. Contact Building Services at 905-477-7000 ext. 4870 for more information. | |
| If the location was previously used as a restaurant, has construction or alteration been proposed? <input type="radio"/> Yes <input checked="" type="radio"/> No If yes, please provide Alteration Permit Number: _____ | |

Yicheng Zhang Digitally signed by Yicheng Zhang
Date: 2025.06.20 11:00:27 -04'00'

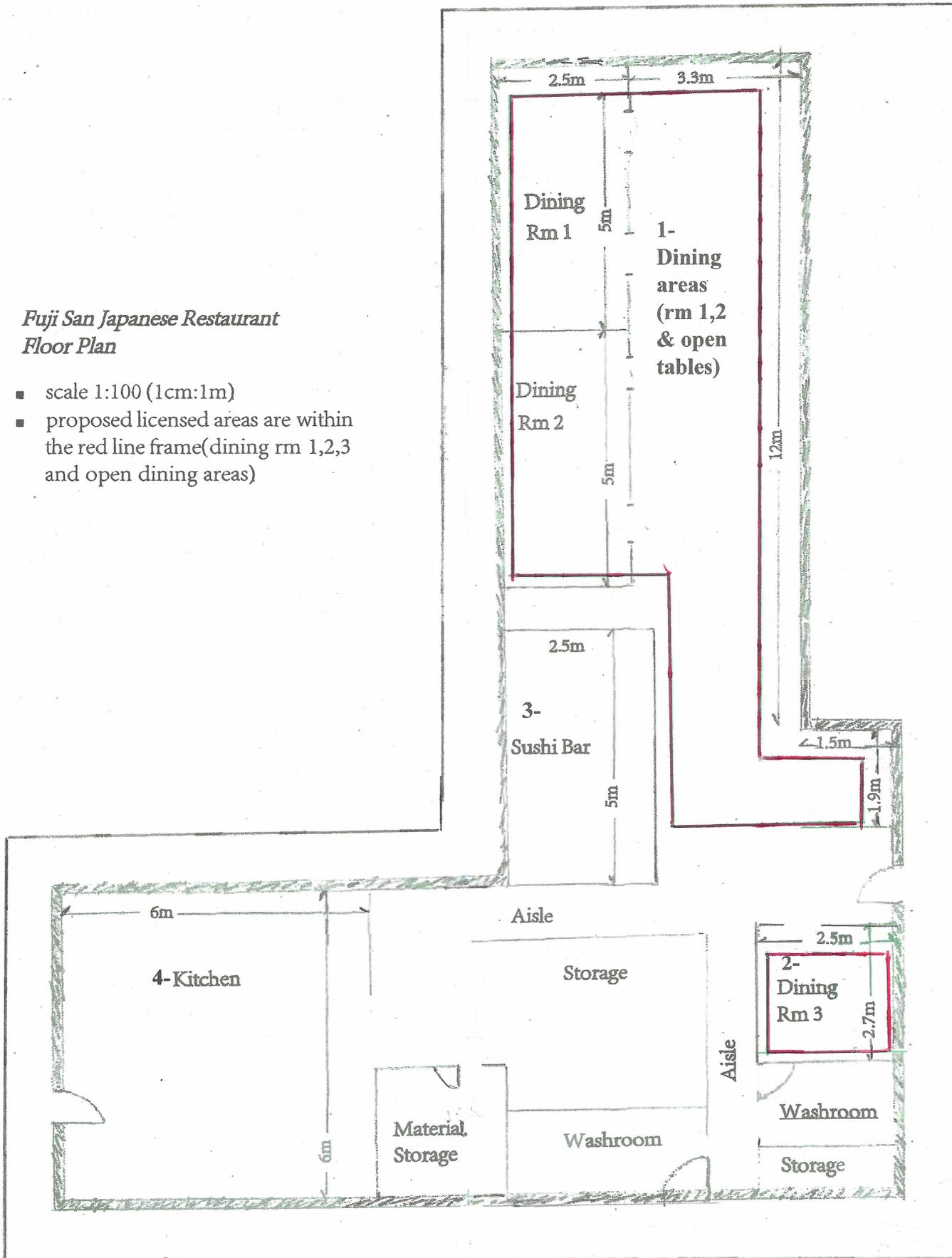
Applicant's Signature

June 20, 2025

Date

*Fuji San Japanese Restaurant
Floor Plan*

- scale 1:100 (1cm:1m)
- proposed licensed areas are within the red line frame(dining rm 1,2,3 and open dining areas)



| スープ Soup | | 寿司ピザ Sushi Pizza | |
|---|-------|--|-------|
| Miso Soup | 1.99 | Uni, Avocado & Unagi  | 21.99 |
| Lobster Soup  | 16.99 | Eel Fish Sauce & Sea Urchin, Salted Egg Yolk Sauce | |
| サラダ Salad | | Truffle, Salmon & Tobiko  | 19.99 |
| Fuji Salad | 18.99 | House Salad Sauce | |
| Sea Urchin, Salmon, Avocado, Gold Flakes & Salmon Roe | | タタキ Tataki | |
| Sashimi Salad | 6.99 | Beef   | 18.99 |
| 前菜おいしい | | Bluefin Tuna | 18.99 |
| Garlic Butter Scallop (Teppan-Yaki)    | 22.99 | A p p e t i z e r s | |
| Grilled Black Cod Misozuke    | 15.99 | | |
| Grilled Salmon Belly | 12.99 | | |
| Grilled Hamachi Kama  | 24.99 | | |
| Baked Seafood Avocado    | 15.99 | | |
| Tako Yaki | 6.99 | | |
| Ika Yaki | 13.99 | | |
| Soft Shell Crab    | 16.99 | | |
| Deep Fried Oysters | 16.99 | | |
| Teppan-Yaki Foie Gras With Scallop (5Pcs)   | 58.99 | | |
| Lobster Tempura (Lobster 1 Tail & 6Pcs Veggies) | 28.99 | | |
| Jumbo Tiger Shrimp Tempura 2Pcs & 4 Pcs Mix Veggies | 15.99 | | |
| Jumbo Tiger Shrimps Tempura (4 Pcs) | 18.99 | | |
| Assorted Veggies Tempura (6 Pcs) | 14.99 | | |
| Age-Dashi Tofu  | 6.99 | | |
| Grilled Eggplant | 9.99 | | |
| Edamame | 4.99 | | |
| Japan A5 Wagyu Beef (Tappan-Yaki 100g)  | 59.99 | | |
| Australia Grilled Rack Of Lamb    | 39.99 | | |
| Grilled Beef Short Ribs  | 16.99 | | |
| Garlic Chicken Karaage   | 7.99 | | |



 = Good
 = Spicy

トーチの火の選択 Torch fire selection

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--------|------|---------------|------|------------|------|--------------------------|-------|------------------------|-------|--|--|-------------------------|-------|---|--|--------------|------|--------------------|-------|------------|------|-------------|------|---------------|------|-----------|-------|---------------|-------|--|----------------|-------|--------|-------|--------------|-------|-----------------|-------|-----------------------|-------|---------------|-------|---------------------------|-------|-----|------|---------------------------------|--|-----|------|-------------------------------------|--|-------|-------|---|--|
| <p style="color: green; font-weight: bold;">トーチライスボール Torch Rice Ball</p> <table border="0" style="width: 100%;"> <tr><td>Salmon</td><td style="text-align: right;">8.99</td></tr> <tr><td>Unagi Avocado</td><td style="text-align: right;">9.99</td></tr> <tr><td>Vegetables</td><td style="text-align: right;">8.99</td></tr> <tr><td>Uni, Quail Egg, Jalapeno</td><td style="text-align: right;">16.99</td></tr> </table> <p style="color: green; font-weight: bold;">トーチ寿司ロール Torch Sushi Rolls</p> <table border="0" style="width: 100%;"> <tr> <td>Fire Salmon Loong Roll </td><td style="text-align: right; vertical-align: top;">19.99</td></tr> <tr><td colspan="2" style="font-size: small;">Unagi (Eel) & Avocado w/On Top Spicy House Sauce</td></tr> <tr> <td>Fire Salmon Dragon Roll </td><td style="text-align: right; vertical-align: top;">22.99</td></tr> <tr><td colspan="2" style="font-size: small;">2 Tempura Shrimp, Crab Meat, Avocado, Cucumber w/On Top House Sauce</td></tr> </table> <p style="color: green; font-weight: bold;">トーチ寿司2貫 Torch Sushi 2pcs</p> <table border="0" style="width: 100%;"> <tr><td>Torch Salmon</td><td style="text-align: right;">8.99</td></tr> <tr><td>Torch Bluefin Tuna</td><td style="text-align: right;">11.99</td></tr> <tr><td>Torch Saba</td><td style="text-align: right;">8.99</td></tr> <tr><td>Torch Unagi</td><td style="text-align: right;">9.99</td></tr> <tr><td>Torch Scallop</td><td style="text-align: right;">9.99</td></tr> <tr><td>Foie Gras</td><td style="text-align: right;">18.99</td></tr> <tr><td>A5 Wagyu Beef</td><td style="text-align: right;">23.99</td></tr> </table> | Salmon | 8.99 | Unagi Avocado | 9.99 | Vegetables | 8.99 | Uni, Quail Egg, Jalapeno | 16.99 | Fire Salmon Loong Roll | 19.99 | Unagi (Eel) & Avocado w/On Top Spicy House Sauce | | Fire Salmon Dragon Roll | 22.99 | 2 Tempura Shrimp, Crab Meat, Avocado, Cucumber w/On Top House Sauce | | Torch Salmon | 8.99 | Torch Bluefin Tuna | 11.99 | Torch Saba | 8.99 | Torch Unagi | 9.99 | Torch Scallop | 9.99 | Foie Gras | 18.99 | A5 Wagyu Beef | 23.99 | <p style="color: green; font-weight: bold;">たいまつ押し寿司 8貫 Torch Pressed Sushi 8pcs</p> <table border="0" style="width: 100%;"> <tr><td>Salmon Avocado </td><td style="text-align: right;">24.99</td></tr> <tr><td>Salmon</td><td style="text-align: right;">23.99</td></tr> <tr><td>Bluefin Tuna</td><td style="text-align: right;">27.99</td></tr> <tr><td>Saba (Mackerel) </td><td style="text-align: right;">24.99</td></tr> <tr><td>Unagi (Eel) & Avocado</td><td style="text-align: right;">26.99</td></tr> <tr><td>A5 Wagyu Beef</td><td style="text-align: right;">79.99</td></tr> <tr><td>A5 Wagyu Beef & Foie Gras </td><td style="text-align: right;">89.99</td></tr> </table> <p style="color: green; font-weight: bold;">寿司 ドーナツ 三兄弟 Sushi Donuts Three Brother</p> <table border="0" style="width: 100%;"> <tr> <td>Ryu </td><td style="text-align: right; vertical-align: top;">8.99</td></tr> <tr><td colspan="2" style="font-size: small;">Grilled Beef w/Wasabi Soy Sauce</td></tr> <tr> <td>Ken</td><td style="text-align: right; vertical-align: top;">8.99</td></tr> <tr><td colspan="2" style="font-size: small;">Salmon Avocado Tempura w/Mayo Sauce</td></tr> <tr> <td>Gouki </td><td style="text-align: right; vertical-align: top;">10.99</td></tr> <tr><td colspan="2" style="font-size: small;">Mix Seafood With Deep-fried Wooden Fish Flower Spicy w/Cheese</td></tr> </table> | Salmon Avocado | 24.99 | Salmon | 23.99 | Bluefin Tuna | 27.99 | Saba (Mackerel) | 24.99 | Unagi (Eel) & Avocado | 26.99 | A5 Wagyu Beef | 79.99 | A5 Wagyu Beef & Foie Gras | 89.99 | Ryu | 8.99 | Grilled Beef w/Wasabi Soy Sauce | | Ken | 8.99 | Salmon Avocado Tempura w/Mayo Sauce | | Gouki | 10.99 | Mix Seafood With Deep-fried Wooden Fish Flower Spicy w/Cheese | |
| Salmon | 8.99 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Unagi Avocado | 9.99 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Vegetables | 8.99 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Uni, Quail Egg, Jalapeno | 16.99 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Fire Salmon Loong Roll | 19.99 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Unagi (Eel) & Avocado w/On Top Spicy House Sauce | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Fire Salmon Dragon Roll | 22.99 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 Tempura Shrimp, Crab Meat, Avocado, Cucumber w/On Top House Sauce | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Torch Salmon | 8.99 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Torch Bluefin Tuna | 11.99 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Torch Saba | 8.99 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Torch Unagi | 9.99 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Torch Scallop | 9.99 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Foie Gras | 18.99 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A5 Wagyu Beef | 23.99 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Salmon Avocado | 24.99 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Salmon | 23.99 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bluefin Tuna | 27.99 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Saba (Mackerel) | 24.99 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Unagi (Eel) & Avocado | 26.99 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A5 Wagyu Beef | 79.99 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A5 Wagyu Beef & Foie Gras | 89.99 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ryu | 8.99 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Grilled Beef w/Wasabi Soy Sauce | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ken | 8.99 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Salmon Avocado Tempura w/Mayo Sauce | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Gouki | 10.99 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mix Seafood With Deep-fried Wooden Fish Flower Spicy w/Cheese | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

= Good
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HOT DONBURI

Served with miso soup, green salad & sushi rice

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|---|---|--------------|
| Chicken Teriyaki Don | (Teppan-Yaki Chicken w/Egg) | 19.99 |
| Salmon Teriyaki Don | (Teppan-Yaki Salmon w/Egg) | 19.99 |
| Beef Teriyaki Don | (Teppan-Yaki Sliced Beef w/Egg) | 22.99 |
| Shrimp Teriyaki Don | (Teppan-Yaki Shrimp 6Pcs w/Egg) | 23.99 |
| Black Cod Don | (Teppan-Yaki 2 Pcs Black Cod w/Egg) 🍷 | 36.99 |
| Berkshire Pork Don | (Japan Berkshire Pork w/Egg) 🍷🍷 | 28.99 |
| Tempura Don | (Jumbo Tiger Shrimp 2Pcs & Vegetables 4Pcs) | 23.99 |
| Unagi Don | (Grilled Bbq Eel Fish) | 24.99 |
| Garlic Butter Scallop Don | (Teppan-Yaki Scallop 6Pcs) 🍷🍷 | 28.99 |
| Soft-Shell Crab Don | (Deef Fried Whole Crab) 🍷🍷 | 22.99 |
| A5 Wagyu Beef Don | (100g Kobe A5 Wagyu Beef Steak w/Egg) | 72.99 |
| Australia Grilled Rack Of Lamb Don | (3Pcs Lamb Rack w/Egg) 🍷🍷 | 49.99 |
| Tofu Steak Don | (Teppan-Yaki Tofu 8Pcs Steak w/Egg) | 17.99 |
| Vegetable Don | (Teppan-Yaki Salt, Pepper, Garlic & Butter Mix Vegetable) | 22.99 |
| Vegetable Tempura Don | (Teppan-Yaki Mix Vegetable 6Pcs) | 18.99 |



Please let us know if you have any food allergies or dietary restrictions Image shown is for illustration purposes only. Actual product may vary.

シェフスペシャル Chef Special

Salmon Skin Chips 🍷🍷 5.99

Yellowtail Jalapeno w/ Cook Oil 🍷🍷 23.99

Dragon's Nest 🍷🍷 39.99
Chopped Toro Green Onion, Scallop, Sea Urchin, Grapefruit Sauce w/Caviar & Gold Flakes On Top

UFO 🍷🍷 16.99
Spicy Salmon w/Cucumber, Spicy Salmon w/Jalapeno & Garlic, Green Onion & Flying Fish Roe On Top

Lobster Sashimi 58.99
The Lobster Hand & Head Grilled w/Cheese

Cow Bone w/Cookie 🍷🍷 24.99
Add Whisky on fire \$5

A5 Wagyu Beef Mini Burger 🍷🍷 32.99

A5 Wagyu Beef Japanese french fries 🍷 22.99

Salmon Lover
サーモン愛好家

- Sashimi 4 | Sushi 4
- Spicy Salmon Roll 6

Served with miso soup & green salad 23.99

Sushi | Roll

26 Pcs 45.99
Sushi 10 | Roll 16

52 Pcs 78.99
Sushi 20 | Roll 32

Sashimi | Sushi | Roll

34 Pcs 68.99
Sashimi 8 | Sushi 10 | Roll 16

68 Pcs 🍷 111.99
Sashimi 20 | Sushi 24 | Roll 24

92 Pcs 🍷 172.99
Sashimi 40 | Sushi 28 | Roll 24

Sushi Set

6 Pcs 17.99

10 Pcs 29.99

20 Pcs 58.99

Sashimi Set

12 Pcs 34.99

24 Pcs 68.99

40 Pcs 🍷 89.99

Fujisan Dinner

富士山夕食 For 2

- Sashimi | Sushi 6/6 Each
- Salmon & Avocado Roll
- Fire Dragon Roll
- Shrimp & Veggie Tempura 4/4
- CHICKEN TERIYAKI DON
- Fly Sky Salmon Ramen
- Dessert 98.99

Served with miso soup & green salad



🍷 = Good
🍷🍷 = Spicy

特製巻き寿司 Special Sushi Roll

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| <p>Fujisan Roll 🍣🍣</p> <p>A5 Wagyu Beef, Lobster Tail Tempura, Avocado, Cucumber, Garden Cress, Lettuce, Tobiko & House Mayo Sauce</p> | <p>36.99</p> |
| <p>Black Diamond Roll 🍣</p> <p>2 Tempura Shrimp, Crab Meat, Cucumber, Avocado w/Foie Gras, BBQ Eel, Caviar On Top</p> | <p>28.99</p> |
| <p>Golden Oyster Uni Roll 🍣🍣</p> <p>Deep-Fried Oyster Salted Egg Yolk, Garden Cress w/On Top Sea Urchin & House Sauce On Top</p> | <p>32.99</p> |
| <p>Pineapple Volcano Roll 🌶️🌶️🍣</p> <p>Deep-Fried Pineapple, Salmon, BBQ Eel, Onion, Avocado, Cheese, Spicy House Sauce w/ BBQ Eel Souce On Side</p> | <p>24.99</p> |
| <p>Dark Spider Roll 🍣🍣🍣🌶️</p> <p>Deep-Fried Soft Shell Crab, Cucumber, Smoke Salmon, Cheese, & Tobiko w/ Spicy Mayo Sauce, Spicy Sauce & Black Tobiko On Top</p> | <p>27.99</p> |
| <p>Oneiros Roll 🍣🌶️</p> <p>Curry Fish, Green Onion, Yellow Radish w/Garlic & Caviar On Top</p> | <p>26.99</p> |
| <p>Lobster Dragon Salad Roll 🍣🌶️</p> <p>Lobster Tail Salad Mayo, Avocado, Cucumber, Egg, Jalapeno, Cream Cheese & Lettuce w/Mayo, Green Onion & Caviar On Top</p> | <p>28.99</p> |
| <p>Salmon Dragon Roll or Avocado Dragon Roll</p> <p>2 Tempura Shrimp, Crab Meat, Avocado, Cucumber w/Avocado On Top</p> | <p>19.99</p> |

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SUSHI BAR DONBURI

Served with miso soup, green salad & sushi rice

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| Sake Don (Salmon Sashimi) | 23.99 |
| Sake Ikura Don (Salmon & Salmon Roe) | 26.99 |
| Maguro Don (Bluefin Tuna Sashimi) | 27.99 |
| Chirashi Don (Assorted Sashimi) | 29.99 |
| Chirashi Deluxe Don (Assorted Premium Sashimi) | 43.99 |
| Uni Sake Ikura Don (Sea Urchin, Salmon & Salmon Roe) | 35.99 |
| Uni Hamachi Ikura Don (Sea Urchin, Yellowtail & Salmon Roe w/Quail Egg) | 38.99 |
| Negi Toro Don (Green Onion Chopped Fatty Bluefin Tuna Belly w/Caviar) | 34.99 |
| Negi Toro Uni Don (Green Onion Chopped Fatty Bluefin Tuna Belly w/Caviar & Sea Urchin) | 42.99 |
| Salmon Avocado Don (Salmon & Avocado) | 19.99 |
| Aburi Don Torch (Salmon, Scallop & Mackerel w/Fish-Egg) | 24.99 |
| Tsukiji Don (Salmon, Scallop, Red Snapper, YellowTail, Squid & Fish-Egg On Top w/Quail Egg) | 28.99 |
| Bara Don (Assorted Of High-Quality Seafood w/Cucumber, Quail Egg & Tamago) | 24.99 |

*All donburi contain Shiitake, Ginger & Yellow Radish
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Actual product may vary.

BBQ バーベキュー

All 1 Skewer Per order



Fujisan Japanese Restaurant

SKEWERS 串焼き

| | |
|--|-------|
| Japan A5 Wagyu Beef (Grilled 50g) 🍢 | 29.99 |
| Angus Ox Tongue 🍢🍢 | 5.99 |
| Pork Belly Japan Berkshire Pork 🍢 | 7.99 |
| Pork Neck | 3.99 |
| Chicken | 2.99 |
| Chicken Wing 🍢 | 2.99 |
| Chicken Soft Bone | 1.99 |
| Chicken Skin 🍢🍢 | 1.99 |
| Seven Flavor Powder Scallop (3Pcs) 🍢🌶️ | 13.99 |
| Honey & Pepper Shrimp | 2.99 |
| BBQ Squid Legs 🍢 | 4.99 |
| BBQ Eel 🍢 | 9.99 |
| Honey Zucchini | 1.99 |
| Honey Eggplant | 1.99 |
| Butter Corn | 1.99 |
| Salt & Pepper Onion 🍢 | 1.99 |
| Mix Pepper | 1.99 |
| Salt & Pepper Pineapple | 1.99 |
| Honey Mushroom | 0.99 |

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コースを設定 SET COURSE
Served with miso soup, green salad & steamed rice

Pork Ton Katsu Set 24.99
Deep-fried pork loin served w/cheese, house katsu sauce

Chicken Katsu Set 22.99
Deep-fried breaded chicken served w/cheese, house katsu sauce

FLY SKY RAMEN 飛天ラーメン 拉麺
Served with miso soup & green salad

Fly Sky Pork Japan Berkshire Pork 黒豚肉 28.99

Fly Sky Chicken 22.99

Fly Sky Sliced Beef 23.99

Fly Sky A5 Wagyu Beef (100g) 78.99

Fly Sky A5 Wagyu Beef & Foie Gras 98.99
(100g Wagyu Beef & 3Pcs Foie Gras)

Fly Sky Salmon 22.99

Fly Sky Scallop (6Pc Scallop) 28.99

Fly Sky Mix Sea Foods (All 2Pcs Shrimp, Scallop, Squid & Oyster) 28.99

Fly Sky Tempura (2Pcs Jumbo Tiger Shrimp & 4Pcs Vegetable) 24.99

Fly Sky Vegetables (Garlic Butter! Mix Vegetable) 23.99

富士山 日本料理店
Fujisan Japanese Restaurant

👉 = Good
👛 = Spicy

Please let us know if you have any food allergies or dietary restrictions. Image shown is for illustration purposes only. Actual product may vary.



Dinner Set 2 or More

Lobster Soup
龍蝦湯

Ikura Tobiko Truffle Crab Meat Salad
三文魚子 飛魚子 黑松露 蟹肉子沙律

Assorted Sashimi (12)
雜錦刺身12件

Uni Sushi (2)
海膽壽司2件

A5 Japan Wagyu Beef Sushi (4)
A5 日本和牛壽司4件

Argentina Red Shrimp App
阿根廷紅蝦前菜

Fujisan Roll (8)
富士山卷8件

Lobster Set for 2
二人套餐

ロブスター 2人前セット

Grilled Hamachi Kama
烤油甘魚腹

Jumbo Tiger Shrimp 2 & Mix Veggie Tempura 4
大虎蝦及野菜天婦羅 (2/4)

Baked Live Lobster With Cheese **\$266.99**
芝士焗活龍蝦 (1)

Dessert
日式甜品

**W/ HOT SAKE 140ML
OR 2 SAPPORO
OR 2 SOFT DRINK**

Lobster Sashimi Add \$10

Lobster Soup
龍蝦湯

Ikura Tobiko Truffle Crab Meat Salad
三文魚子 飛魚子 黑松露 蟹肉子沙律

Assorted Sashimi (34)
雜錦刺身34件

Uni Sushi (4)
海膽壽司4件

Argentina Red Shrimp App
阿根廷紅蝦前菜

Golden Oyster Uni Roll (8)
金螺海膽卷8件

Cow Cylinder Bone w/ Whisky On Fire & Cookie
牛筒骨, 火燒威士忌 及 餅乾

Lobster Tail Tempura (1) w/ Assorted Veggie Tempura (4)
龍蝦尾及什錦野菜天婦羅 (1/4)

Lobster & Foie Gras for Four 4
龍蝦鵝肝四人套餐

ロブスターとフォアグラの定食 4人前

Grilled A5 Japan Wagyu Beef Skewer(2)
炭燒 A5 日本和牛肉串2件

Baked Live Lobster With Cheese (2)
芝士焗活龍蝦 (2)

Teppanyaki Foie Gros With Garlic Butter Scallop (4)
鐵板鵝肝蒜蓉牛油帶子4件

Fly Sky Scallop Ramen
飛天帶子拉麵

A5 Japan Wagyu Beef Fried Rice
A5 日本和牛炒飯

Dessert
日式甜品

\$479.99

**W/ HOT SAKE 300ML
OR 4 SAPPORO
OR 4 SOFT DRINK**

富士山 日本料理店
Fujisan Japanese Restaurant

PLEASE LET US KNOW IF YOU HAVE ANY FOOD ALLERGIES OR DIETARY RESTRICTIONS IMAGE SHOWN IS FOR ILLUSTRATION PURPOSES ONLY. ACTUAL PRODUCTS MAY VARY.

ランチスペシャル 富士山コンボ

Fujisan Combo Set

All Fujisan Set Come With Miso Soup & House Salad

Lunch Only

Weekend Add \$3

11:00AM - 3:00PM

チャーハン

FRIED RICE OR UDON SET



- F1. Sliced Beef **14.99**
- F2. Chicken **13.99**
- F3. Mix Veggie **12.99**
- F4. Mix Seafood **16.99**
- F5. Soft Shell Crab & Bbq Eel **20.99**
Add \$8 Sea Urchin

カレーセット

CURRY SET



- C1. Sliced Beef **14.99**
- C2. Chicken **13.99**
- C3. Mix Veggie **12.99**
- C4. Mix Seafood **16.99**
- C5. Curry Pork or Chicken Cutlet **15.99**

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TERIYAKI SET

- T1. Sliced Beef **14.99**
- T2. Chicken **12.99**
- T3. Salmon **13.99**
- T4. Beef Short Ribs **18.99**
- T5. Tofu Steak **11.99**



スープラーメン

SOUP UDON SET

- U1. Sliced Beef **14.99**
- U2. Chicken **12.99**
- U3. Berkshire Pork **20.99**
- U4. Mix Seafood **17.99**
- U5. Mix Tempura **16.99**



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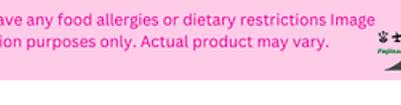
ランチスペシャル 富士山コンボ Lunch Special Fujisan Combo

Lunch Only
Weekend Add \$3
11:00AM - 3:00PM

BENTO BOX

All Bento Box Come With Miso Soup, House Salad, Steam Rice, Shrimp Tempura 2pc, Veggie Tempura 2pc, California 2pc & House Chef Assorted Sashimi 2pcs, Inarizushi Sushi 1pc

ランチ弁当箱

- | | | | |
|-----|---------------------------|---|-------|
| B1. | Sliced Beef Box |  | 19.99 |
| B2. | Chicken Box |  | 18.99 |
| B3. | Salmon Box |  | 18.99 |
| B4. | Berkshire Pork Box |  | 26.99 |
| B5. | Beef Short Ribs Box |  | 24.99 |
| B6. | BBQ Eel Box |  | 20.99 |
| B7. | Garlic Butter Scallop Box |  | 26.99 |
| B8. | Shrimp Box |  | 19.99 |

Each Set Add On 2 Item

- | | | | |
|-------------------------------------|------|--------------------------|-------|
| Edamame | 2.99 | Sushi Pizza | 4.99 |
| Tako Yaki | 2.99 | Sushi 3Pcs | 8.99 |
| Age-Dashi Tofu | 3.99 | Sashimi 4Pcs | 12.99 |
| Yaki Gyoza | 2.99 | Torch Sushi 2Pcs | 6.99 |
| Grilled Beef Short Ribs | 8.99 | Torch Pressed Sushi 4Pcs | 10.99 |
| Garlic Chicken Karaage | 4.99 | Salmon Skin Chips | 2.99 |
| Assorted Veggies Tempura (3 Pcs) | 7.99 | Dynamite Roll | 6.99 |
| Jumbo Tiger Shrimps Tempura (2 Pcs) | 9.99 | Fire Salmon Dragon Roll | 11.99 |

Please let us know if you have any food allergies or dietary restrictions Image shown is for illustration purposes only. Actual product may vary.



ランチスペシャル 富士山コンボ

Fujisan Combo Set

Lunch Only

Weekend Add \$3

11:00AM - 3:00PM

All Fujisan Set Come With Miso Soup & House Salad

寿司セット

SUSHI SET

シェフズチョイス

Chef's Choice



- S1. Sashimi 12Pcs w/Sushi Rice **24.99**
- S2. Sashimi 16Pcs w/Sushi Rice **30.99**
- S3. Maki Set Salmon Roll + Tuna Roll + California Roll **16.99**
- S4. Spicy Maki Set Spicy Salmon Roll 6Pcs + Spicy Tuna Roll 6Pcs + Spicy Dynamite Roll 8 Pcs **22.99**
- S5. Veggie Set Cucumber Avocado Roll, Egg Yellow Radish Roll & Futomaki Roll **15.99**
- S6. Spicy Salmon Roll + Salmon Avocado Roll **13.99**
- S7. Spider Roll 4Pcs + Salmon Dragon Roll 4Pcs **16.99**
- S8. Sushi 4Pcs + Sashimi 4Pcs + Maki 6Pcs + Hand Roll 1Pcs **23.99**



Each Set Add On 2 Item



- | | |
|---|---------------------------------------|
| Edamame 2.99 | Sushi Pizza 4.99 |
| Tako Yaki 2.99 | Sushi 3Pcs 8.99 |
| Age-Dashi Tofu 3.99 | Sashimi 4Pcs 12.99 |
| Yaki Gyoza 2.99 | Torch Sushi 2Pcs 6.99 |
| Grilled Beef Short Ribs 8.99 | Torch Pressed Sushi 4Pcs 10.99 |
| Garlic Chicken Karaage 4.99 | Salmon Skin Chips 2.99 |
| Assorted Veggies Tempura (3 Pcs) 7.99 | Dynamite Roll 6.99 |
| Jumbo Tiger Shrimps Tempura (2 Pcs) 9.99 | Fire Salmon Dragon Roll 11.99 |



Please let us know if you have any food allergies or dietary restrictions
Image shown is for illustration purposes only. Actual product may vary.



ランチスペシャル 富士山コンボ
Every Day Special Fujisan Combo

Lunch Only
11:00AM - 3:00PM

All Fujisan Set Come With Miso Soup & House Salad

MONDAY SET 月曜日

SP1. Chicken Box



~~21.99~~
18.99

TUESDAY SET 火曜日

SP2. Spider Roll 4Pcs + Salmon Dragon Roll 4Pcs

~~19.99~~
16.99

WEDNESDAY SET 水曜日

SP3. Berkshire Pork
SOUP UDON SET



~~23.99~~
20.99

THURSDAY SET 木曜日

SP4. Maki Set

~~19.99~~
16.99

FRIDAY SET 金曜日

SP5. Salmon Box

~~21.99~~
18.99

SATURDAY SET 土曜日

SP6. Sashimi 16Pcs w/Sushi Rice

~~33.99~~
30.99

SUNDAY SET 日曜日

SP7. Beef Short Ribs Box



~~27.99~~
24.99

富士山 日本料理店
Fujisan Japanese Restaurant



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Report to: Development Services Committee

Meeting Date: July 8, 2025

SUBJECT: Recommendation Report:
Heritage Easement Agreement for the Heritage Property Tax Reduction Program, 7822 Highway 7 East, Locust Hill, Ward 5

PREPARED BY: Evan Manning, Senior Heritage Planner, ext. 2296

REVIEWED BY: Regan Hutcheson, Manager of Heritage Planning, ext. 2080
Stephen Lue, Senior Development Manager, ext.2520

RECOMMENDATION:

- 1) THAT the July 8, 2025, Staff report titled “Recommendation Report: Heritage Easement Agreement for the Heritage Property Tax Reduction Program, 7822 Highway 7 East, Locust Hill, Ward 5”, be received;
- 2) THAT a by-law be passed to authorize the Mayor and Clerk to execute a Heritage Easement Agreement with the property owner(s) of 7822 Highway 7 East, and any other documents required to give effect thereto, in a form satisfactory to the City Solicitor.
- 3) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report seeks Council’s authorization for the Mayor and Clerk to execute a Heritage Easement Agreement (“HEA”) necessary for the owner of 7822 Highway 7 East (the “Property”) to participate in the Heritage Property Tax Reduction Program.

BACKGROUND:

The City of Markham created a Heritage Property Tax Reduction Program

The City implemented a Heritage Property Tax Reduction Program, effective January 1, 2003, to provide tax relief for properties designated under Part IV or Part V of the Ontario Heritage Act (the “Act”). Council passed By-law 2003-241, the Heritage Tax Reduction Program By-law, on December 16, 2003. The purpose of the tax relief program is to provide an incentive for owners to preserve and maintain significant heritage properties in the City.

One of the eligibility criteria for the Program is a Heritage Easement Agreement

Provincial legislation that permits heritage tax relief programs requires that eligible properties be subject to an HEA. Section 5 (ii) of By-law 2003-241 also requires that to be eligible for a heritage tax reduction, the owner of a property must provide proof that the property is subject to an HEA, under s. 22 or 37 of the Act.

Heritage Markham was consulted on June 11, 2025, and has no objection

Section 37(1) of the Act authorizes the Council of a municipality to pass by-laws that would allow Council to enter into easements or covenants with property owners for the conservation of cultural heritage value or interest after consultation with its municipal heritage committee.

OPTIONS/ DISCUSSION:**The Heritage Easement Agreement identifies the Property's heritage attributes**

The Property contains a single-detached dwelling (the "Henry and Annetta Clarry House") designed in the Arts and Crafts style and is designated under Part IV of the Act via By-law 2023-132. Refer to Appendix 'B' for the Property's Statement of Significance, as excerpted from the designation by-law, which describes its cultural heritage significance and will be used for the HEA. Generally, an HEA requires the owner to maintain the building, obtain City approval for any demolition or exterior alterations, and to maintain insurance coverage on the property. HEAs, once executed, are registered against the title of the property.

By-law Requirement

Section 37 (1) of the Act authorizes the Council of a municipality to pass by-laws providing for the entering into heritage easements with owners of real property or interests in real property for the conservation of property of cultural heritage value or interest. Appendix 'C' shows the by-law.

FINANCIAL CONSIDERATIONS:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS:

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The protection and preservation of cultural heritage resources is part of the City's Growth Management strategy.

BUSINESS UNITS CONSULTED AND AFFECTED:

Heritage Markham has been consulted. The Legal Services Department works closely with the Heritage Planning Section to prepare and process the necessary Heritage Easement Agreements.

RECOMMENDED BY:

Giulio Cescato, RPP, MCIP
Director of Planning and Urban
Design Development

Trinela Cane
Interim Commissioner
of Development Services

APPENDICES:

Appendix 'A': Property Map and Image of the Heritage Resource
Appendix 'B': Statement of Significance for 7822 Highway 7 East
Appendix 'C': Draft By-law

APPENDIX 'A': Property Map and Images of the Heritage Resource

7822 Highway 7 East (Ward 5) - Henry and Annetta Clarry House
Primary Elevation and Property Map



APPENDIX 'B': Statement of Significance for 7822 Highway 7 East**STATEMENT OF SIGNIFICANCE****Henry and Annetta Clarry House****7822 Highway 7 East**

The Henry and Annetta Clarry House is recommended for designation under Part IV, Section 29, of the Ontario Heritage Act as a property of cultural heritage value or interest, as described in the following Statement of Significance.

Description of Property

The Henry and Annetta Clarry House is a frame bungalow on the north side of Highway 7, within the hamlet of Locust Hill.

Design and Physical Value

The Henry and Annetta Clarry House has design and physical value as it displays a high-degree of artistic merit as a representative example of a Craftsman Bungalow of frame construction, exhibiting design elements typical of the American Arts and Crafts Movement. It is particularly significant for its superb state of preservation, retaining its original exterior character as represented in an archival photograph dated 1909.

Historical and Associative Value

The Henry and Annetta Clarry House has historical and associative value as it represents the theme of early twentieth century development of the hamlet of Locust Hill and the theme of early settlers and descendants and their continued influence in the development of their community. This is the former home of Henry J. Clarry and Annetta (Pike) Clarry, descendants of the Clarry family which settled in Markham in the early 1800s. Henry Clarry was the son of William Clarry and Jane Lorena (Reynolds) Clarry. In the 1911 census his occupation was given as "commercial traveller", meaning a travelling salesman. Since his brother Frederick was the owner and operator of the Maple Leaf Woolen Mill in Markham Village, it is possible that Henry Clarry was a salesman for that industry's products. This early twentieth century bungalow was built on a parcel of land on Lot 11, Concession 10 purchased from John A. E. Reesor in 1908. The Clarry family owned the property until 1922. Subsequent owners maintained the house in close to original condition.

Contextual Value

The Henry and Annetta Clarry House has contextual value as one of a group of late nineteenth to early twentieth century of buildings that are important in defining, maintaining and supporting the historic character and extent of the hamlet of Locust Hill.

Heritage Attributes

Character-defining attributes that embody the cultural heritage value of the Henry and Annetta Clarry House are organized by their respective Ontario Regulation 9/06, as amended, criteria below:

Heritage attributes that convey the property's design and physical value as a well-crafted and representative example of a Craftsman Bungalow style of the American Arts and Crafts Movement, and a locally rare example of wood frame construction for its style and time period:

- The form of the dwelling, including its rectangular plan with its projecting conservatory on the east wall and one-and-a-half storey height;
- Foundation of moulded concrete block;
- Narrow wood clapboard siding with corner boards and water table;
- Shingled gable end walls and wood gable ornamentation in the apex of the front gable;
- Medium pitched gable roof with open eaves and exposed purlins and rafter ends and shed roofed dormer;
- Cutaway porch supported on grouped plain wood posts resting on brick pedestals capped with concrete or limestone copings;
- Square wood lattice at the base of the porch;
- Single-leafed wood front door with multi-paned glazing in its upper portion;
- Wood sash-style windows typically arranged in groups, with multi-paned upper sections and single-paned lower sections;
- Three-part wood window in the front gable end wall;
- Four-paned wood windows in the conservatory and dormer;
- Exterior fireplace chimney of riverstone and red brick.

Heritage attributes that convey the property's historical and associative value as a significant part of the early twentieth century development of the hamlet of Locust Hill:

- The dwelling is a tangible reminder of Henry and Annetta Clarry that historically resided here and who were responsible for the building of the house c.1908.

Heritage attributes that convey the property's contextual value as a building that helps define the extent of the historic hamlet of Locust Hill:

- The siting of the dwelling its prominence and unobstructed visibility from Highway 7 East.

Attributes of the property that are not considered to be of significant cultural heritage value:

- Frame accessory building in the rear yard.

APPENDIX 'C': Draft By-law**By-law 2025-xx**

Being a By-law to authorize the execution
of a Heritage Easement Agreement

WHEREAS section 37 (1) of the Ontario Heritage Act, R.S.O. 1990 c.O.18 authorizes the Council of a municipality to pass by-laws providing for the entering into heritage easements with owners of real property or interests in real property for the conservation of property of cultural heritage value or interest;

AND WHEREAS it has been determined that the property identified on Schedule "A" attached to this by-law is of cultural heritage value or interest;

AND WHEREAS Council at its meeting on December 16, 2003 passed By-law 2003-341, being the Heritage Tax Reduction By-law, establishing a program to provide tax reductions or refunds in respect of eligible heritage properties;

AND WHEREAS paragraph 5(ii) of By-law 2003-341 requires that to be eligible for a Heritage Tax Reduction, a property owner must provide proof, satisfactory to the Treasurer of the City, that the property is subject to a heritage easement under section 22 or 37 of the Ontario Heritage Act;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. THAT the Mayor and Clerk be authorized to execute a Heritage Easement Agreement between the City of Markham and the property owner as set out on Schedule "A" attached to this by-law, for the lands described in Schedule "A", and any other documents required to give effect thereto in a form satisfactory to the City Solicitor.

Read a first, second and third time and passed this 8th day of July, 2025.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

SCHEDULE 'A' TO BY-LAW 2025-xx

Being a By-law to authorize the execution
of Heritage Easement Agreements

| PROPERTY OWNER | MUNICIPAL ADDRESS | LEGAL DESCRIPTION |
|----------------|---------------------------------|---|
| ZHANG YU | 7822 Highway 7 East, L0H 1J0 | PT LT 11, CON 10 MARKHAM PT 1 64R4520; MARKHAM PIN: 700140009 |



Report to: Development Services Committee

Meeting Date: July 8, 2025

SUBJECT: Class 4 Area Designation pursuant to MECP NPC-300 of the Subject Lands
 Fouro Towers Builders Ltd.
 9331-9399 Markham Road
 File No.: ZA 18 140091 and SPC 22 114181
 (Ward 4)

PREPARED BY: Sureshan Mailvaganam, Ext. 3568
 Scott MacKenzie, Ext. 2205

RECOMMENDATION:

1. THAT the Report titled, “Class 4 Area Designation pursuant to MECP NPC-300 of the Subject Lands, Fouro Towers Builders Ltd., 9331-9399 Markham Road, File SPC 22 114181, (Ward 4)”, be received; and
2. THAT 9331-9399 Markham Road (Fouro Towers) be classified as a Class 4 area pursuant to NPC-300 “Ministry of the Environment, Conservation and Parks Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning”; and
3. THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to obtain Council’s approval as the land use planning authority to classify the lands at 9331-9399 as a Class 4 area pursuant to NPC-300 “Ministry of the Environment, Conservation and Parks Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning” (MECP NPC-300).

BACKGROUND:

Subject Lands and Area Context

The Subject Lands are approximately 1.14 ha (2.82 ac) in size and are located at the northeast corner of the intersection of Markham Road and Edward Jeffreys Avenue, municipally known as 9331 – 9399 Markham Road. The Subject Lands are shown on

Figure 1.

Proposed Development

On March 18, 2022, Fouro Towers Builders Ltd. (Owner) submitted Zoning By-law Amendment (File No.: ZA 18 140091 and Site Plan Control (File No.: SPC 22 114181) applications to permit a 37-42 storey mixed-use development containing 933 residential units, 1,049 m² (11,291 ft²) of at-grade retail uses, and 619 parking spaces in three levels of underground parking. The proposal also includes future extension of Edward Jeffreys Avenue (east-west) and Anderson Avenue (north-south).

Zoning By-law Amendment Approval by Ontario Land Tribunal (“OLT”)

On July 14, 2023, the Owner appealed the applications to the OLT on the basis that the City failed to make a decision within the prescribed *Planning Act* timeline.

On June 7, 2024, the OLT issued an order regarding the settlement between the Owner and the City of Markham. In its decision, the Tribunal allowed the appeal of the Zoning By-law to rezone the subject lands from ‘Highway Commercial (M-HC)’ to ‘Community Amenity Four*752 (Hold) (CA4*752(H)) with site-specific standards to permit the Proposed development. A holding provision was imposed on the site which cannot be lifted until specific servicing requirements have been satisfied.

Site Plan Application Status

The appeal of the Site Plan Application was allowed in part, on an interim basis, pending the receipt of final Site Plan drawings, and subject to conditions. Staff are working with the Owner to address the various technical comments as the drawings are being finalized for a final decision by the OLT.

The Engineering Department has received the results of the noise studies submitted as part of the Site Plan Application. The applicable noise guidelines for new residential development are those outlined in the MECP NPC-300. As detailed in the noise studies, the exclusion limits of MECP NPC-300 noise guidelines apply during evening and night-time hours, as well as on weekends, with a few exceptions. In the worst-case scenario, the predicted sound level exceeds over the exclusion limits are 1 decibel (considered insignificant) during the day and 4 decibels (considered barely noticeable) at night.

OPTIONS/DISCUSSION:

To mitigate noise from the neighboring stationary noise sources (i.e., the Subaru Dealership and No Frills), a significant sound barrier, such as a wall, is required. The sound barrier must break the line of sight between the receptor (top floor windows at the 42nd storey, in this case) and the noise sources (rooftop mechanical units and trucks at the loading area of the neighboring sites) to be effective. The Owner has considered this solution as not economically feasible given that the proposed towers are up to 42 storeys.

The MECP NPC-300 addresses the increasing pressure to develop sites for sensitive land uses such as residential in proximity to existing stationary sources. Specifically, the MECP NPC-300 creates an area definition, Class 4, where new multi-unit residential is intended

to be developed near an existing stationary source, as is the case with the Subject Lands. Class 4 areas are defined in the MECP NPC-300 as:

- is an area intended for development with new noise sensitive land use(s) that are not yet built;
- is in proximity to existing, lawfully established stationary source(s); and
- has formal confirmation from the land use planning authority with the Class 4 area classification which is determined during the land use planning process.

Therefore, as the Subject lands meet the definition of a Class 4 area, the Owner is requesting that the site be designated as a Class 4 area and include the following warning clause in the Offers of Purchase and Sale, lease/rental agreements, and condominium declarations for all residential units:

“Purchasers/tenants are advised that sound levels due to adjacent industry or commercial land uses are required to comply with sound level limits that are protective of indoor areas and are based on the assumption that windows and exterior doors are closed. This dwelling unit has been supplied with a ventilation/air conditioning system which will allow windows and exterior doors to remain closed.”

The Engineering Department has reviewed this request from the Owner and has determined the request is appropriate and recommend that Council receive this report and endorse staff’s recommendation to designate the Subject Lands and Proposed Development as a Class 4 area pursuant to MECP NPC-300.

FINANCIAL CONSIDERATIONS:

This report has no financial impact to the Operating Budget or Life Cycle Reserve Study.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The recommendations of this report are consistent with the City’s goal of building complete communities that offer a range of housing and employment opportunities.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Planning Department has reviewed this report and their comments are incorporated.

RECOMMENDED BY:

Frank Clarizio
Director, Engineering

Trinela Cane
Commissioner, Corporate Services &
Acting Commissioner, Development
Services

ATTACHMENTS:

Figure 1 – Site Location Map
Figure 2 – Site Plan

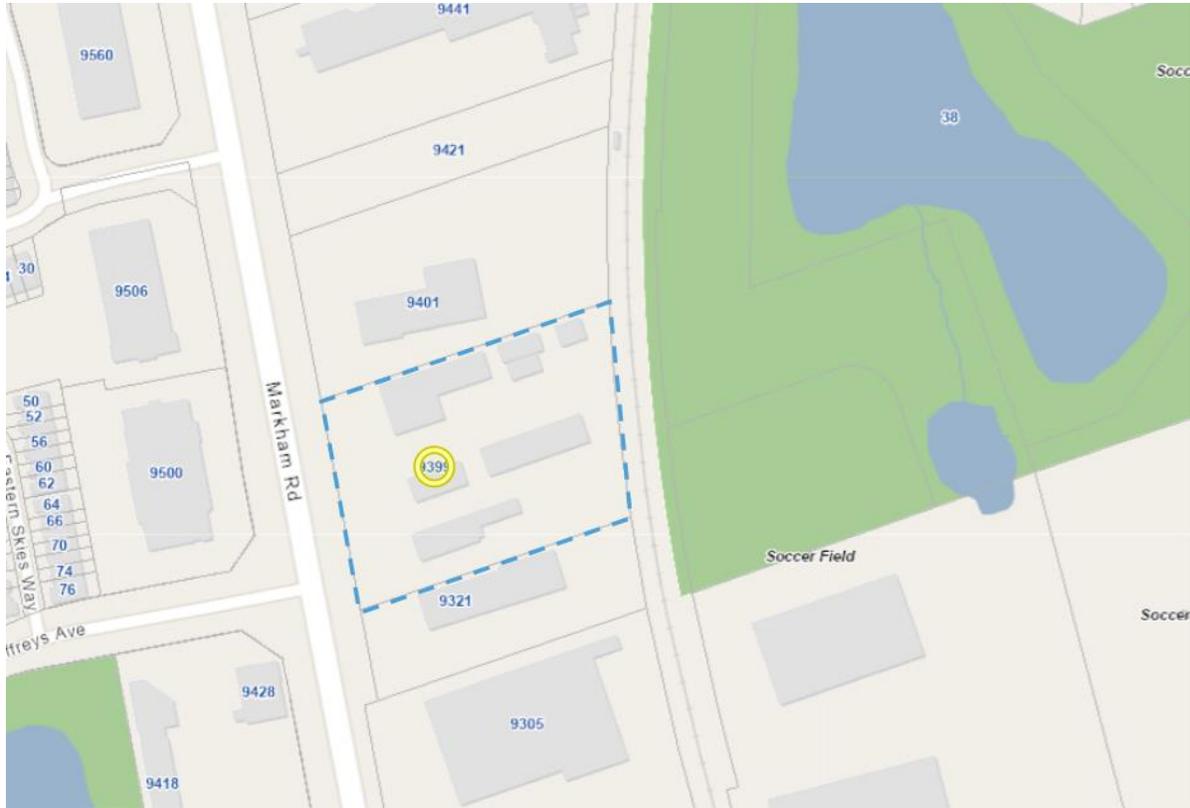


Figure 1: Site Location Plan

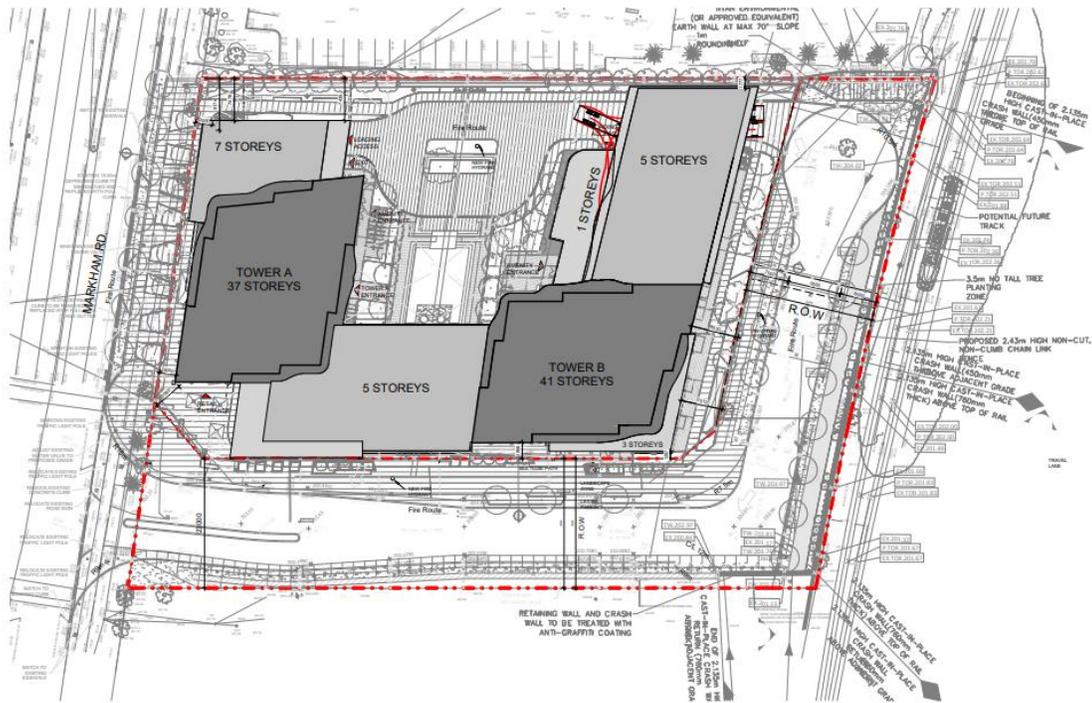


Figure 2 Site Plan

Report to: Development Services Committee

Report Date: July 8, 2025

SUBJECT: RECOMMENDATION REPORT
Official Plan and Zoning By-law Amendment, and Draft Plan of Subdivision Applications, submitted by KLM Planning Partners Inc. (c/o Glendower Properties Inc.) to facilitate a residential community with approximately 217 detached, townhouse, and mid-rise apartment units, including partial detached lots, public parkette, new public roads, and a natural heritage block, on lands municipally known as 11139 Victoria Square Boulevard and 11251 Woodbine Avenue (Ward 2)

File PLAN 23 121495

PREPARED BY: Nusrat Omer, MCIP, RPP, Senior Planner, West District, extension 2185

REVIEWED BY: Rick Cefaratti, MCIP, RPP, Acting Manager, West District, ext. 3675

Stephen Lue, MCIP, RPP, Senior Development Manager, ext. 2520

RECOMMENDATION:

- 1) THAT the report titled, "RECOMMENDATION REPORT, Official Plan and Zoning By-law Amendment, and Draft Plan of Subdivision Applications, submitted by KLM Planning Partners Inc. (c/o Glendower Properties Inc.) to facilitate a residential community with approximately 217 detached, townhouse, and mid-rise apartment units, including partial detached lots, public parkette, new public roads, and a natural heritage block, on lands municipally known as 11139 Victoria Square Boulevard and 11251 Woodbine Avenue, on lands municipally known as 11139 Victoria Square Boulevard and 11251 Woodbine Avenue (Ward 2), PLAN 23 121495, dated July 8, 2025, be received;
- 2) THAT the Official Plan Amendment application submitted by Glendower Properties Inc. to amend the City's 2014 Official Plan be approved in principle by Council and the draft Official Plan Amendment, attached as Appendix 'A', be finalized and brought forward to a future Council meeting to be enacted without further notice;
- 3) THAT the Zoning By-law Amendment application submitted by Glendower Properties Inc. to amend Zoning By-law 304-87, as amended, be approved in principle by Council and the draft site-specific Zoning By-law Amendment, attached as Appendix 'B', be finalized and brought forward to a future Council meeting to be enacted without further notice;
- 4) THAT the Draft Plan of Subdivision 19TM-23004 be endorsed in principle, subject to the draft conditions, attached as Appendix 'C', be brought forward to a future Council meeting once all outstanding matters have been resolved to the satisfaction of the Director, Planning and Urban Design;
- 5) THAT the Director of Planning and Urban Design, or designate, be delegated authority to issue Draft Plan Approval, subject to the draft conditions set out in Appendix 'C', as may be amended by the Director of Planning and Urban Design, or designate;
- 6) THAT Draft Plan Approval for Draft Plan of Subdivision 19TM-23004 will lapse after a period of three (3) years from the date of Council approval in the event that a Subdivision Agreement is not executed within that period;

-
- 7) THAT servicing allocation for 217 units be assigned to Draft Plan of Subdivision 19TM-23004;
 - 8) THAT the servicing allocation will be revoke or reallocated after a period of three (3) years from the date of Council approval should the development not proceed in a timely manner;
 - 9) AND THAT Staff be authorized and directed to do all things necessary to give effect to these resolutions;

EXECUTIVE SUMMARY:

This report recommends approval in principle of the Official Plan Amendment (“OPA”), Zoning By-law Amendment (“ZBLA”), and Draft Plan of Subdivision applications (“the Applications”) submitted by Glendower Properties Inc. (the “Owner”) on lands municipally known as 11139 Victoria Square Boulevard and 11251 Woodbine Avenue (the “Subject Lands”).

The Owner proposes to develop a residential community comprised of 217 dwelling units, including detached, townhouse and apartment units, including partial detached lots, a public parkette, new public roads, and a natural heritage block (the “Proposed Development”). The Owner revised the original proposal that was initially received in February 2025 with further materials provided in May. The recent re-submission was made in response to the matters raised at the October 24, 2023, statutory Public Meeting, and comments raised by City staff and external agencies. The original submission is described in Table 1 and in the [Statutory Public Meeting Information Report](#).

The Proposed Development is compatible with the surrounding area and context, provides for increased and diverse housing supply options with a mix of housing options and is located adjacent to existing transit routes.

Staff will continue to work with the Owner to finalize technical matters, including the planning instruments (i.e., the Conditions of Approval, Official Plan and Zoning By-law amendments). Staff note that the Owner’s proposed draft Zoning By-law Amendment seeks flexibility and permissions for either a townhouse concept or a 6-storey mid-rise apartment on Block 86. Staff opine that the Proposed Development represents good planning and is in the public interest. Staff do not anticipate any fundamental changes to the Proposed Development and will bring forward the instruments to a future Council meeting upon resolution of all matters.

PURPOSE:

This report recommends endorsement in principle of the Applications submitted by the Owner to facilitate the Proposed Development on the Subject Lands.

PROCESS TO DATE:

- The Applications were initially filed in June 2023
- Staff deemed the Applications complete on July 12, 2023, and the 120-day period set out in the *Planning Act* before the Owner can appeal the Applications to the Ontario Land Tribunal (the “OLT”) for a non-decision ended on October 17, 2023
- The Development Services Committee (“DSC”) received the [Statutory Public Meeting Information Report](#) on the original proposal on October 24, 2023
- The Owner submitted several revised submissions, including the most recent concept from February to May 2025 and is further described in Table 1.

If the DSC endorses the Applications, then the planning process will include the following next steps:

- Finalize the site-specific OPA and enactment of the site-specific ZBLA law for a future Council meeting
- Finalize the conditions of Draft Plan of Subdivision approval
- The Owner would be required to clear the conditions of Draft Plan of Subdivision approval, enter into a Subdivision Agreement with the City, and register the Draft Plan of Subdivision
- A Site Plan application is required to initiate the detailed technical review of the mid-rise residential (Block 86), and other blocks if necessary
- Submission of a future Draft Plan of Condominium application.

BACKGROUND:

Subject Lands and Area Context

The predominantly vacant 11.06 ha (27.33 ac) Subject Lands are divided in three distinct areas (Areas 1, 2, and 3), see Figure 2. The Subject Lands were previously occupied by a municipally listed heritage dwelling, known as the “Henry and Charlotte Lever House”), which was removed as described in this report. Figures 2 and 3 show the surrounding land uses.

The Owner has made three submissions in relation to the Applications to permit the Proposed Development. Table 1 summarizes the original and most recent submissions

| TABLE 1: The Proposed Development Concepts | | |
|---|--|-----------------------------|
| | June 2023 Original | May 2024 Revised |
| Residential Low Rise | 70 detached | no change |
| | 9 rear-lane town with private lane access (3-storey) | no change |
| | 32 street townhouses | 33 street townhouses |
| Residential Mid Rise Units | 100 | no change |
| Partial Residential Blocks | 3.5 | 4.5 |
| Parkette Block (ha) | 0.312 | 0.337 |
| Natural Heritage Block (ha) | 4.507 | 4.501 |
| Grading Block (ha) | 0.011 | 0.036 |
| Road Widening | 0.19 | no change |
| Roads | 1.763 | 1.873 |
| Total Residential Units (not including the part blocks) | 211 | 212 |

While predominantly similar, the notable differences between the initial submission and the Proposed Development are summarized below

- a) Revisions to the northern section of Area 1 to accommodate for a potential walkway connection to Woodbine Avenue, increase to Block 91 for the trailhead connection to the east, and revised part residential lots
- b) Removal of walkway blocks along southern portion of Area 2 for connection to trails; this was determined unfeasible given grading issues
- c) Increased widths for Street '1' along Hydro Corridor to accommodate appropriate sidewalks
- d) Increased width for proposed Vetmar Avenue extension to create safer interactions and movements into Area 1
- e) Increase to the Parkette Block from 0.312 ha to 0.337 ha

At the statutory Public Meeting on October 24, 2025, no public written or oral submissions were made, but DSC member comments included the following

- a) DSC asked if non-residential space could be explored within the proposed mid-rise residential (Block 86) given the lack of community-oriented space in the neighbourhood
- b) DSC expressed concern over the significant number of dwellings backing onto greenspace resulting in a loss of public access to open space

The Proposed Development is consistent with the 2024 Provincial Planning Statement (the "2024 PPS")

The 2024 PPS provides direction on matters of Provincial interest related to land use planning and development. These matters, in part, include building strong healthy communities with an emphasis on efficient development and land use patterns, wise use and management of resources. The underutilized Subject Lands are located within a defined Settlement Area whereby the Proposed Development would promote the efficient use of existing resources and infrastructure.

The Proposed Development conforms to the 2022 York Region Official Plan ("2022 ROP")

The 2022 ROP designates the Subject Lands 'Urban Area' on Map 1 - Regional Structure, which permits a wide range of land uses including residential, commercial, employment, and institutional uses. Map 1A – Land Use Designations designates the Subject Lands 'Community Area', which are areas where most residents, personal services, retail, arts, culture, recreational facilities and human-services needs would be located. 'Map 4 – Key Hydrologic Features' identifies that the Subject Lands are partially within a 'Provincially Significant Wetland'. The Owner submitted an Environmental Impact Study ("EIS") that concluded the implementation of the avoidance and mitigation measures will offset the potential impacts of the Proposed Development and ensure no net negative impacts to the natural heritage features and associated functions on the subject lands. Further, Owner has identified that the limits of development have been refined through this Application process as supported by the EIS. The Proposed Development includes uses that are contemplated under the 'Community Area' designation and is considered compatible with the surrounding area.

The 2014 Markham Official Plan ("2014 MOP") provides general land use policy while the Victoria Glen Secondary Plan (the "VGSP") and Highway 404 North Secondary Plan (the "HWYSP") provides detailed direction for these lands

The Subject Lands are divided between two distinct Secondary Plan areas. Areas 1 and 2 of the Subject Lands (see Figures 2 and 3) are located within the Future Urban Area of the 2014 MOP, and is subject to the VGSP. Area 3 of the Subject Land is located within the HWYSP, and is

subject to the City's 1987 Official Plan (the "1987 MOP"). The Proposed Development conforms to the VGSP. However, the mid-rise residential block within Area 3 does not conform to the HWYSP, and is the only portion of the Subject Lands applicable to the Owner's proposed OPA. Figures 8 and 9 show a concept rendering for a potential mid-rise building on this block.

The VGSP includes detailed policies to guide future development and growth in the Victoria Glen community to beyond 2031 and provides a comprehensive policy framework for Council decisions with respect to the use of land, provision for municipal services and infrastructure, and the implementation and phasing of development. The VGSP designates portions of the Subject Lands 'Residential Low Rise' and 'Greenway' (See Figure 5) and contains specific development criteria associated with each land use, including minimum and maximum density targets and building heights. Lands designated 'Residential Low Rise' are primarily lower-scale buildings, including single-detached, semi-detached dwellings, duplexes, and townhouses.

Lands designated 'Greenway' represent natural heritage areas. Appropriate buffers have been identified in the Master Environmental Servicing Plan process in support of the VGSP, and limits have been further refined through the Application Plan process as supported by the submitted EIS as confirmed from City, Regional, and TRCA staff.

Table 2 identifies the density analysis for the Proposed Development for Areas 1 and 2, which staff reviewed in the context of the Secondary Plan and are of the opinion that it conforms to the Secondary Plan and 2014 OP.

| Table 2: the Proposed Development Density Analysis | | | | |
|---|------------------|--------------|----------------------------------|--------------------------------|
| Designation | Area (ha) | Units | VGSP Density Range (UPH*) | Proposed Density (UPH*) |
| Residential Low Rise | 3.735 | 116.5 | 25 - 45 | 31.2 |

*Units Per Hectare calculated based on the requirements of Section 8.1.8 of the Secondary Plan.

Area 3 of the Subject Lands is designated 'Community Amenity Area' in the HWYSP (See Figure 7), which permits a range of commercial and community related uses that are compatible in terms of scale and use of the adjacent low density residential development. However, Section 5.3.2.b) specifically does not permit new residential uses on lands east of "Old Woodbine Avenue (now Victoria Square Boulevard)" where it adjoins the Hydro One transmission corridor.

The Proposed Development within Area 3 contemplates a conversion to mid-rise residential with no minimum requirements for a commercial component given that Area 3 is not at the intersection of a collector and arterial road where commercial uses are generally directed. In addition, the construction of the Woodbine By-Pass has changed the context of the surrounding area to generally residential in character and has re-directed traffic flow from Area 3, which reduces the visibility and accessibility of any viable commercial component. Consequently, the proposed OPA would facilitate the efficient use of land in a compact urban form while also providing greater housing options within the Victoria Glen community. Staff note that recently approved applications for lands immediately west of Area 3 include permissions for an eight-storey mixed-use mid-rise block with approximately 1,500 m² of at-grade non-residential space that directly fronts onto Woodbine Avenue.

If the Applications are endorsed, Staff recommend that the implementing OPA and ZBLA include permissions for non-residential space within Area 3, but not require a minimum GFA. Further, regarding building height, Staff opine that Area 3 be re-designated 'Mixed Use Mid Rise', which the 2014 MOP permits between three and eight storeys; however, the proposed site-specific OPA shall limit the height to six-storeys, per the Owner's request, given the context of the adjacent low-rise residential community emerging to the east.

Transportation Planning Staff completed review of the transportation impact assessment study and opine that the existing transportation network, along with the proposed new roads can support the Proposed Development. In addition, Development Engineering has confirmed that Water and Sanitary Services are available to accommodate the Proposed Development. Stormwater management will be reviewed in detail by City Engineering during the future detailed design phase and Site Plan Control applications. The technical studies submitted in support of the Applications adequately address the criteria in the 2014 MOP and 1987 MOP policies.

The Subject Lands are zoned 'Agriculture One Zone (A1) under By-law 304-87, as amended (See Figure 3)

To facilitate implementation of the Applications, the Zoning By-law Amendment (see Appendix 'B') proposes to re-zone the Subject Lands from 'Agricultural One (A1)' under By-law 304-87, as amended, to the appropriate zone categories under the City's new Comprehensive Zoning By-law 2024-19, including any site-specific provisions.

On May 8, 2024, the Heritage Markham Committee ("Heritage Markham") reviewed the Applications, with recommended changes, as agreed to by the Owner

As previously noted, the Subject Lands were previously occupied by a municipally listed heritage dwellings known as the "David Hopper House" and "Charlotte Lever House". The dwellings were deemed as not a significant heritage resource and did not warrant conservation partly due to its poor physical condition. Staff noted that the dwellings were demolished without heritage approval and is further detailed in a [memorandum](#) directed to the Heritage Markham Committee's meeting on June 12, 2024. Staff recommended that a plaque to commemorate the dwellings be made as a condition of draft plan approval in the subdivision conditions.

DISCUSSION:

The following section identifies how the matters raised through the review process for the Proposed Development, including those raised at the statutory Public Meeting, have been resolved or considered, are divided into the following two parts:

PART A: Matters Raised by the Public and the DSC

PART B: Matters Raised by City Staff and External Agencies

PART A: Matters Raised by the Public and DSC

- DSC asked if non-residential space could be explored within the proposed mid-rise residential (Block 86) given the lack of community-oriented space in the neighbourhood.** Staff recommend the option to include non-residential space within the proposed mid-rise block rather than require a minimum given the re-directed Woodbine By-Pass and viability of the site for non-residential uses. Also, adjacent development immediately to the west includes non-residential permissions fronting on Woodbine Avenue. Moreover, in 2019, Council approved the City's Integrated Leisure Master Plan ("ILMP"), which is a long-term community master planning

document that addresses Markham's requirements related to parks, recreation, arts and culture, and library facilities and services.

In the FUA, the ILMP prioritizes the need for a major community centre to serve this area. The ILMP recommends that the City seeks opportunities on lands shared with future schools and/or leverage sites that are already City-owned. The existing Victoria Square Community Centre was originally considered as a potential site; however, it was ultimately not preferred due to site constraints including insufficient size. Redeveloping the site would require displacing existing amenities, including the baseball diamond. As a result, an alternative more suitable site within the FUA is being explored that better aligns with the demand and projected growth of this area. Staff's next step is to determine the best site selection approach for Council's decision.

2. DSC expressed concern over the significant number of dwellings backing onto greenspace thereby losing access to the open space.

Block 88 includes a parkette that directly abuts the natural heritage lands to the east. Staff also recommended that the parkette block size be increased. In addition, a trail is being provided along the eastern portion of the Subject Lands with trailheads connecting within the proposed subdivision from Block 91 to the north, and into the recently approved Draft Plan of Subdivision to the south. This trail is consistent with the approved Victoria Glen Demonstration Plan (the "VGDP"), as shown in Figure 6. These measures allow for clear public access to the natural heritage lands located on the Subject Lands, while appropriately preserving them as required.

PART B: Matters Raised by the Public and DSC

1. Proposed Parkette remains undersized per the new Provincial requirements and in consideration of the inclusion of the proposed re-designated Mid-Rise block.

The VGDP and VGSP identify the locations and sizes of parks in the community. Together, these plans ensure an integrated and comprehensive approach to parks planning and development that considers linkages and connectivity, facility requirements, and interface conditions. Both documents contemplate one parkette on the Subject Lands, but do not specify the size, which are regulated by recent Provincial changes through Bill 23 for a minimum of 1 hectare per 600 units and a parkette sized to 0.361 ha (based on the proposed 216.5 units). The documents did not anticipate the conversion of Block 86 and the potential for an additional 100 residential units as part of the community development plans. For clarity, Block 86 is not included within VGSP boundaries, but rather the HWYSP, as described previously.

Through the multiple submissions on the Application a parkette as small as 0.293 ha was proposed. Staff held multiple discussions with the Applicant and have since agreed to the increased parkette sized to 0.337 ha, with any remaining portion of lands owed would be provided to the City through Cash-in-Lieu payment. The exact amount (if any) will be determined through further refinement of the planning instruments and subject to the approximated number of units that can be accommodated on Block 88 (potential mid-rise residential).

To date, the City recently issued the draft plan conditions for the subdivision immediately to the south (First Elgin). Although the adjacent subdivision includes an over-dedication for its neighbourhood park block, the adjacent landowner will be compensated through the Victoria Glen Landowners Group.

2. Revisions to trailhead locations and appropriately sized blocks.

As depicted on the VGDP (see Figure 6) a trail is to be located along the eastern portion of the Subject Lands, with connections near the northern and southern portions. The Owner appropriately accommodated a trailhead within Block 91, however given unsafe grading issues as demonstrated by the Owner, a second trailhead connection along the southern lot line of the Subject Lands was deemed unfeasible.

3. Increased street widths for the Vetmar Avenue extension and Street '1'.

The Owner agreed to the increased street widths, as depicted on Figure 4, to accommodate for sidewalks on both sides of the street on Street '1', and to facilitate the safe vehicular movements within the Vetmar Avenue extension.

4. Inclusion of non-residential space within the proposed re-designated Block 86.

As discussed in this report, Staff originally commented that the proposed re-designated block from commercial to residential include a non-residential component preferably at-grade. However, for the reasons stated previously it was agreed that the block be allotted permissions for non-residential space, but not a minimum or requirement for such uses. Block 86 would be subject to site plan approval (See Figures 7 and 8). The Owner requests a maximum yield of a six-storey residential building in the 'Mixed-Use Mid-Rise' designation, and zoning permissions to permit a townhouse concept to provide flexibility if it is determined a mid-rise built form is not feasible. A future site plan process will include, but are not limited to, a review of built form transitions to adjacent uses, landscape, massing, parking supply, vehicular and pedestrian circulation, and waste management.

5. The Greenway System will be protected.

The conditions of Draft Plan Approval require that the Owner covenants and agrees to convey all Greenway and Open Space blocks to the City of Markham in a physical condition to the satisfaction of the City (See Appendix C). In addition, The Owner covenants and agrees to implement the recommendations of the EIS.

6. The Community Energy Plan's (the "CEP") recommendations will be implemented.

The CEP for this area identifies advanced sustainable development practices as they relate to energy use and generation within the Secondary Plan Area. A condition of Draft Plan of Subdivision approval will require the Owner to implement the recommendations of the CEP, including the following sustainability initiatives:

- Low-Impact Development (LIDs) features, such as rear yard infiltration trenches and/or permeable paver driveways
- High energy efficiency building design, including:
 - A minimum of R60 in the attic/roof insulation
 - R10 underslab insulation
 - Triple pane windows or equivalent high performance double pane (U-value 1.4 or lower)
 - Electric Vehicle recharge wiring in all garages
 - Implementation of the Solar Strategy outlined in the CEP
 - Smart thermostats and in-home energy displays

7. The Master Environmental Servicing Plan (the "MESP") for the VGSP has been advance.

The landowners prepared the MESP in support of the Secondary Plan, which assesses a range of environmental and engineering matters associated with the development of lands in the

Secondary Plan Area. It outlines existing conditions relating to surface water, groundwater, terrestrial and aquatic resources. It defines the Glen Greenway System, assesses and recommends stormwater management (SWM), site grading, transportation, water and wastewater servicing requirements. The MESP also identifies potential impacts and mitigation measures, including conceptual design requirements for SWM ponds, Low Impact Development (LID) measures, site grading, management of headwater drainage features (HDFs), wetland water balance and restoration/enhancement recommendations.

As the MESP comments recommended that the sanitary capacity constraint at James Joyce Drive be addressed as Draft Plan of Subdivision conditions for the individual subdivisions within Victoria Glen, the Engineering Department has incorporated a draft condition requiring long term sanitary flow monitoring and analysis to determine whether sanitary sewer upgrades are required (See Appendix C).

8. Victoria Glen Developers Group obligations (the “Developers Group”).

The VGSP integrates the locations of public infrastructure (roads, stormwater management facilities) and the provisions of other community facilities (parks, schools, roads, road improvements, servicing), regardless of property boundaries. To ensure all affected property owners contribute equitably towards the public infrastructure and provisions of other community facilities, a draft plan condition requiring all Owners in the Secondary Plan Area to enter into the Victoria Glen Developers Group Agreement has been incorporated into the conditions (See Appendix C).

CONCLUSION:

Staff opine that the Proposed Development aligns with the goals and objectives of the 2014 and 1987 Official Plans, as it facilitates a mix of residential uses within a low-rise community, with appropriate transitions for the proposed mid-rise block in proximity to an arterial road (Woodbine Avenue). The Proposed Development may also include potential at-grade non-residential uses within the mid-rise block providing community amenities to the emerging and expanding Victoria Glen community. This would be in addition to the non-residential uses proposed in proximity to the Subject Lands to the west in a recently approved mixed-use mid-rise block.

Staff note that the Proposed Development is compatible with the surrounding area and context, provides increased and diverse housing supply options, and preserves the natural heritage resources located on the Subject lands. Staff opine that the Owner’s revised plans demonstrate that the Proposed Development would result in minimal impact on the adjacent homes to the south-west. S. Therefore, Staff recommend that the proposed OPA and ZBLA (Appendices ‘A’ and ‘B’) be approved at a future Council meeting once they are finalized.

This report recommends approval in principle of the Applications submitted by the Owner on the Subject Lands to facilitate the Proposed Development. Staff opine that the Proposed Development represents good planning and is in the public interest. Staff will continue to work with the Owner to finalize the technical matters including the conditions of approval, and official plan and zoning by-law amendments. Staff do not anticipate any fundamental changes to the Proposed Development and will advance the instruments to a future Council meeting upon resolution of all matters.

FINANCIAL CONSIDERATIONS:

This report has no financial impact to the Operating Budget or Life Cycle Reserve Study.

HUMAN RESOURCES CONSIDERATIONS:

Not Applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Applications have been reviewed in context of the City's Strategic Priorities of Safe Sustainable and Complete Community.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Applications were circulated to internal City departments and external agencies. Requirements of the City and external agencies will be reflected in the finalized planning instruments.

RECOMMENDED:

Giulio Cescato , MCIP, RPP
Director of Planning and Urban Design

Trinela Cane
Commissioner of Corporate Services and Acting
Commissioner of Development Services

ATTACHMENTS:

Figure 1: Location Map

Figure 2: Aerial Photo

Figure 3: Area Contact and Zoning

Figure 4: Draft Plan of Subdivision

Figure 5: Victoria Glen Secondary Plan

Figure 6: Victoria Glen Demonstration Plan

Figure 7: Highway 404 North Secondary Plan

Figure 8: Block 86 Concept Plan

Figure 9: Block 86 Mid-Rise Building Rendering

Appendix "A" – Owner's Draft Proposed Official Plan Amendment

Appendix "B" – Owner's Draft Proposed Zoning By-law Amendment

Appendix "C" – Conditions of Draft Plan of Subdivision Approval

AGENT:

Marshall Smith, KLM Planning Partners Inc., 64 Jardin Drive, Vaughan, ON L4K 3P3
Tel: (905) 669-4055, Email: msmith@klmplanning.com

OWNER:

Andrew Zappone c/o Glendower Properties Inc., 30 Floral Parkway, Vaughan, ON L4K 4R1

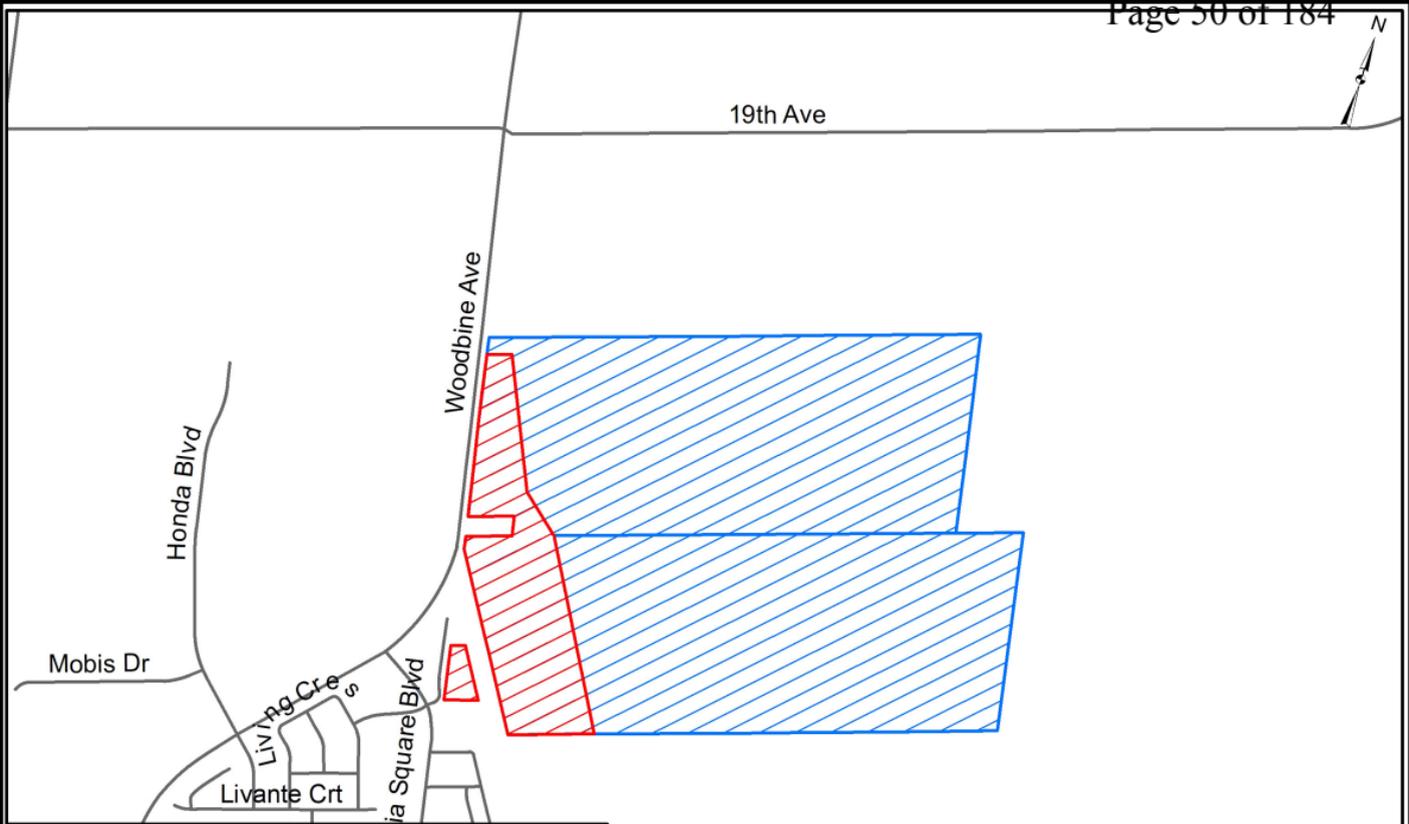
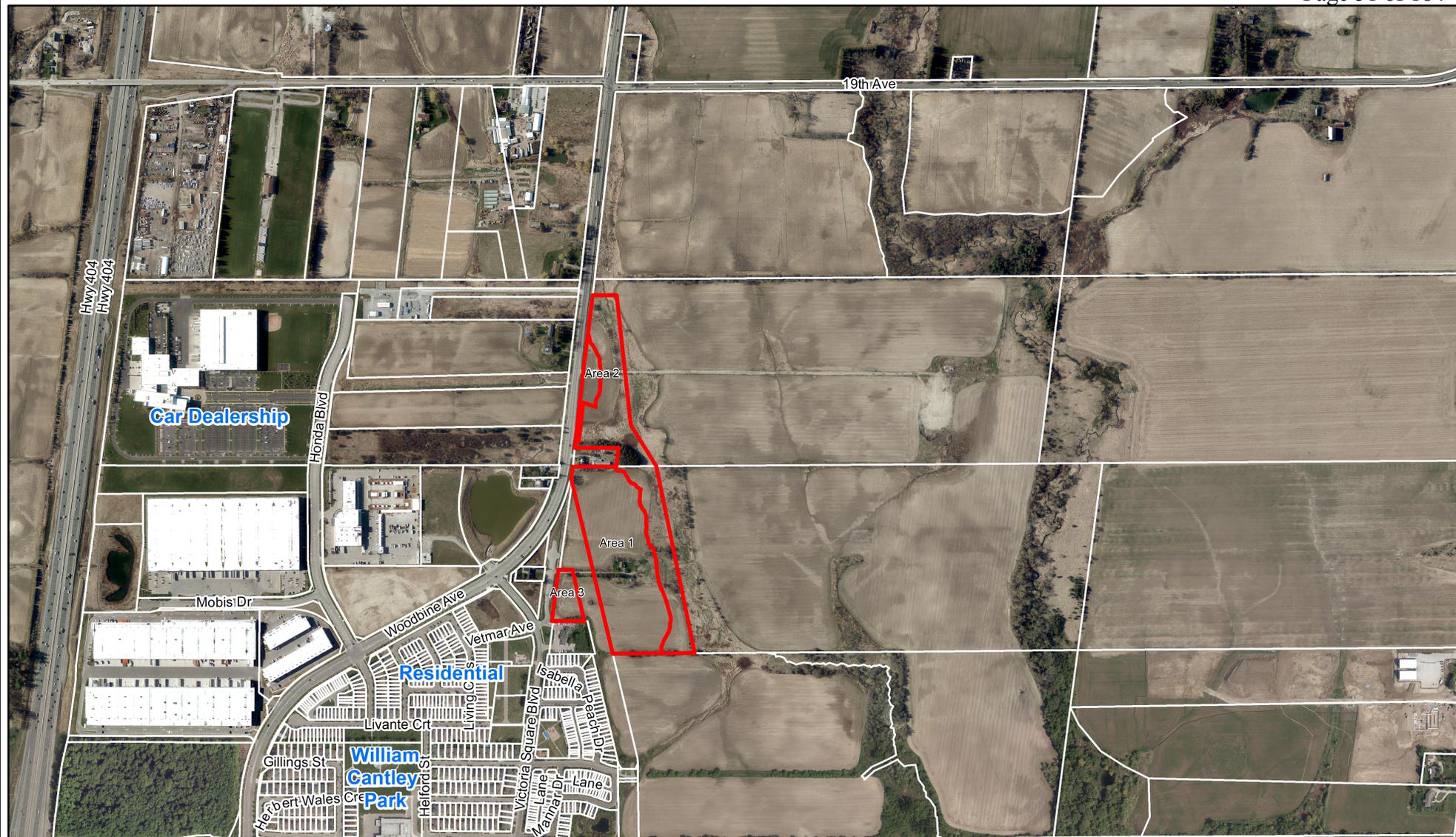


FIGURE No. 1

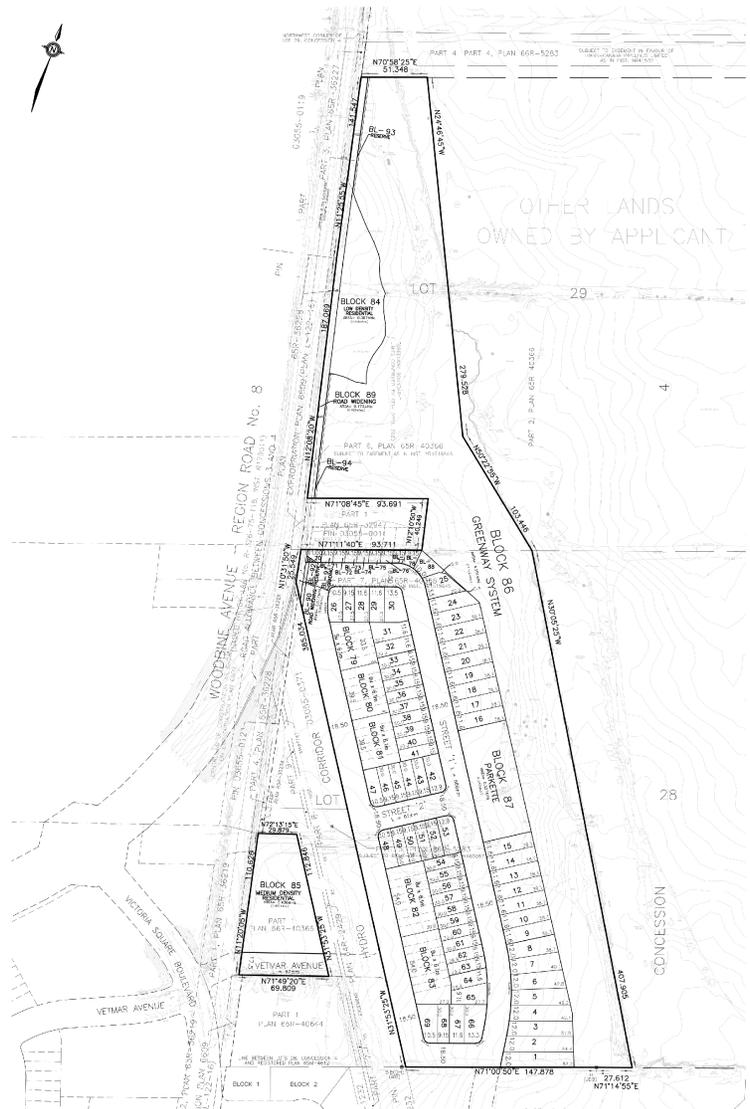


AERIAL PHOTO (2024)

APPLICANT: Glendower Properties Inc.
11139 Victoria Square Boulevard & 11251 Woodbine Avenue

FILE No. PLAN 23 121495

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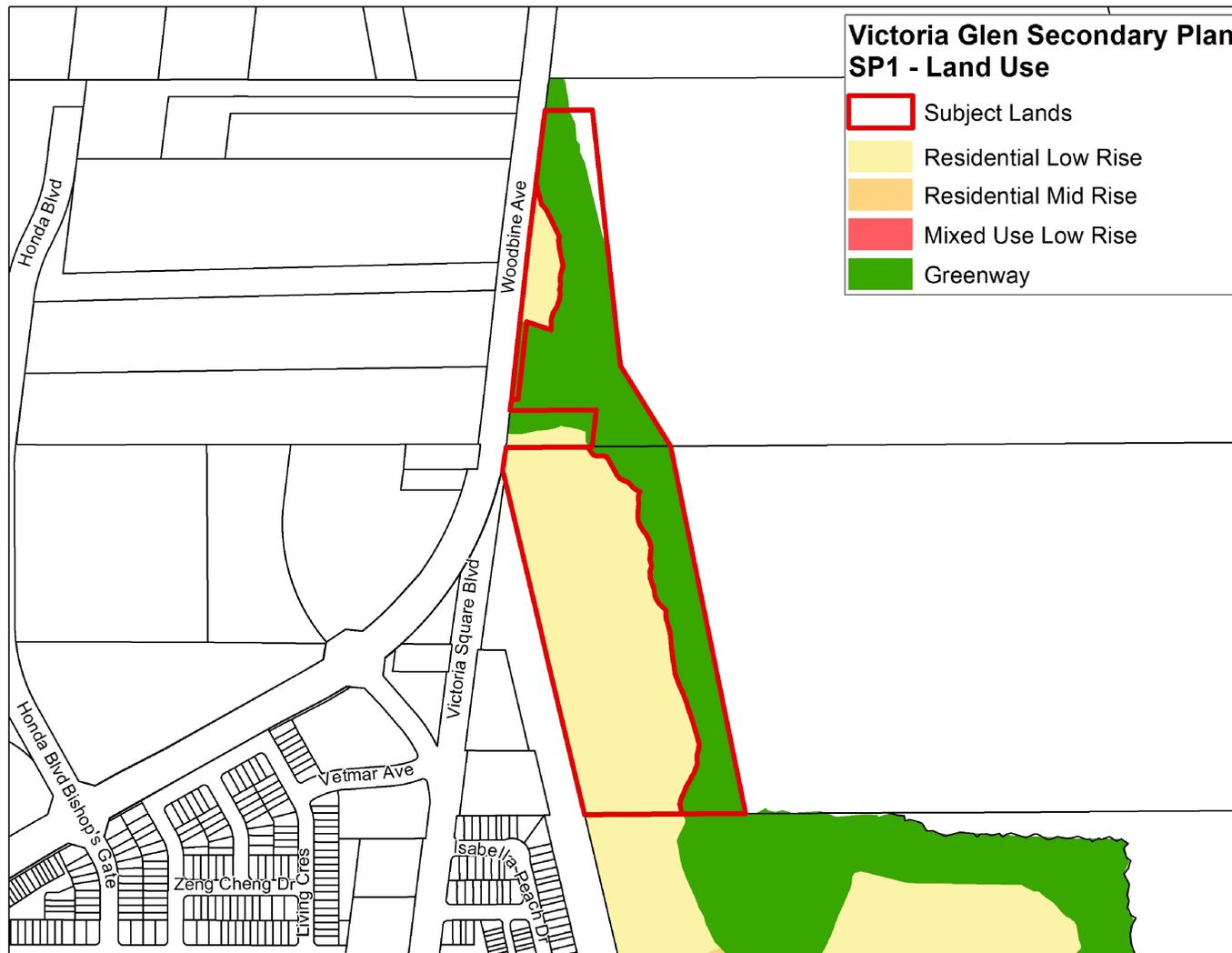


DRAFT PLAN OF SUBDIVISION

APPLICANT: Glendower Properties Inc.
11139 Victoria Square Boulevard & 11251 Woodbine Avenue

FILE No. PLAN 23 121495

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**Victoria Glen Secondary Plan
SP1 - Land Use**

- Subject Lands
- Residential Low Rise
- Residential Mid Rise
- Mixed Use Low Rise
- Greenway

VICTORIA GLEN SECONDARY PLAN

APPLICANT: Glendower Properties Inc.
11139 Victoria Square Boulevard & 11251 Woodbine Avenue

FILE No. PLAN 23 121495

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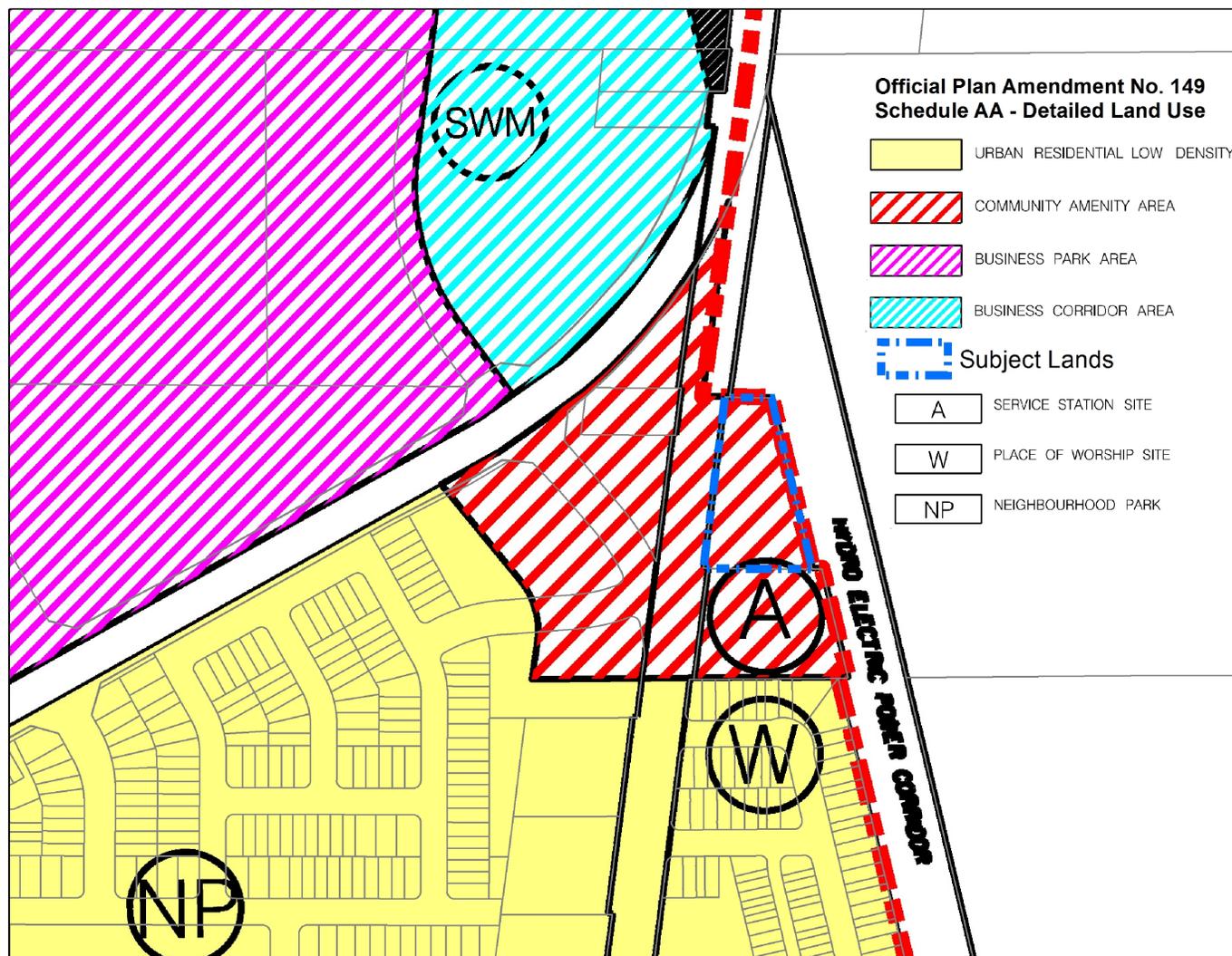
VICTORIA GLEN DEMONSTRATION PLAN

APPLICANT: Glendower Properties Inc.
11139 Victoria Square Boulevard & 11251 Woodbine Avenue

 SUBJECT LANDS

FILE No. PLAN 23 121495

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HIGHWAY 404 NORTH SECONDARY PLAN

APPLICANT: Glendower Properties Inc.
11139 Victoria Square Boulevard & 11251 Woodbine Avenue

FILE No. PLAN 23 121495

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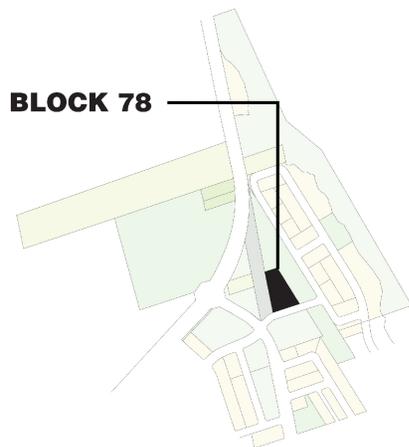
SUMMARY

Site Area
0.44Ha/1.09Ac

Unit Count
98

Density
222.8UpHa/90.2UpAc

Parking Provided (126 Stalls)
Parking Required @1.25 (123 Stalls)



BLOCK 86 CONCEPT PLAN

APPLICANT: Glendower Properties Inc.
11139 Victoria Square Boulevard & 11251 Woodbine Avenue

FILE No. PLAN 23 121495

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Note: Renderings are concept only. Plans, dimensions and materiality are subject to change without notice.

BLOCK 86 MID-RISE BUILDING RENDERING

APPLICANT: Glendower Properties Inc.
11139 Victoria Square Boulevard & 11251 Woodbine Avenue

FILE No. PLAN 23 121495

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OFFICIAL PLAN

of the

CITY OF MARKHAM PLANNING AREA

AMENDMENT NO.

To amend the City of Markham Official Plan 1987, as amended,
and to incorporate Amendment No. X to the Highway 404 North Secondary Plan (PD 42-1) for the
Highway 404 North Planning District (Planning District No. 42)

(April 2023)

OFFICIAL PLAN
of the
CITY OF MARKHAM PLANNING AREA
AMENDMENT NO. _____

To amend the Official Plan (Revised 1987), as amended and to incorporate Amendment No. X to the Highway 404 North Secondary Plan (PD 42-1) for the Highway 404 North Planning District (Planning District No. 42).

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. 2023- _____ in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on - _____, 2023.

Kimberly Kitteringham
City Clerk

Frank Scarpitti
Mayor



By-law 2023-_____

Being a by-law to adopt Amendment No. _____
to the City of Markham Official Plan (Revised 1987), as amended

THAT COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM, IN ACCORDANCE WITH THE PROVISIONS OF THE PLANNING ACT, R.S.O., 1990 HEREBY ENACTS AS FOLLOWS

1. THAT Amendment No. ___ to the City of Markham Official Plan (Revised 1987), as amended, attached hereto, is hereby adopted.
2. THAT this by-law shall come into force and take effect on the date of the final passing thereof.

Read a first, second and third time and passed on _____, 2023.

Kimberly Kitteringham
City Clerk

Frank Scarpitti
Mayor

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DRAFT

PART I - INTRODUCTION(This is not an operative part of Official Plan Amendment No. ___)**Part I – INTRODUCTION****1.0 GENERAL**

- 1.1** PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2** PART II - THE OFFICIAL PLAN AMENDMENT, Official Plan Amendment No. XXX to the Official Plan (Revised 1987), as amended and is required to enact Amendment No. 1 to the Highway 404 North Secondary Plan (PD 42-1) for the Highway 404 North Planning District (Planning District No. 42). Part II is an operative part of this Official Plan Amendment.
- 1.3** PART III – THE SECONDARY PLAN AMENDMENT, including Schedule “A”, attached thereto, constitutes Amendment No. 1 to the Highway 404 North Secondary Plan (PD 42-1) for the Highway 404 North Planning District (Planning District No. 42). This Secondary Plan Amendment may be identified by the symbol PD 42-1-1. Part III is an operative part of this Official Plan Amendment.

2.0 LOCATION

The lands subject to the Official Plan and Secondary Plan Amendments (the “Amendments”) hereinafter referred to as the subject lands, are shown on “Schedule A” attached hereto as “Area Subject to Amendment ___”. The area subject to the amendment has an area of 0.440 hectares (1.087 acres), is known municipally as 11139 Victoria Square Boulevard, and is legally described as Part of Lot 28, Concession 4 in the City of Markham. The proposed amendment will accommodate the development of one hundred (100) residential units located within a 6-storey residential building).

3.0 PURPOSE

The purpose of the Amendments is to add site-specific policies to the Highway 404 North Secondary Plan that provides for a 6-storey residential apartment building with 100 dwelling units on the subject lands.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

- 4.1** The Amendments to the Markham Official Plan (Revised 1987) and the Highway 404 (Employment) Secondary Plan are provided for under Section 17 of the *Ontario Planning Act*.
- 4.2** The Provincial Policy Statement (2020) (“PPS”) came into effect on May 1, 2020 and provides broad based policy direction on matters of provincial interest related to land use planning and development. All decisions affecting planning matters “shall be consistent with” the PPS. The purpose of this amendment is adding site specific policies within the Markham Official Plan (Revised 1987) and the Highway 404 (Employment) Secondary Plan. While the policy direction under the City of Markham

Official Plan (2014) indicates these lands are envisaged for Mixed-Use Low-Rise uses, the location of the site away from the nearest major intersecting arterial road (Woodbine Avenue) within a predominantly residential setting, and having a deep boulevard separation from Victoria Square Boulevard being on the outside curve of that road, which all contribute to a context which is suited to a residential development as proposed. The amendment allows for an efficient use of land in a compact urban form.

- 4.3** The amendment to the Official Plan will permit a residential development which will contribute to the area meeting the density targets outlined in the York Region Official Plan (2022) as required by the Growth Plan. It will improve an underutilized parcel of land, and will contribute to efficient use of existing and planned infrastructure including roads, servicing and other community amenities that will be better utilized through intensification of uses on the site while at the same time being appropriate and compatible with existing surrounding uses. The Amendment conforms to the policies in the Growth Plan.
- 4.4** The York Region Official Plan 2022 (“YROP 2022”) was brought into force by the Minister of Municipal Affairs and Housing on November 4, 2022. York Region is the upper tier municipality and the YROP 2022 is the upper-tier planning document. All Amendments to the Town of Markham Official Plan (Revised 1987) and the Highway 404 (Employment) Secondary Plan shall conform to the goals, objectives and policies of the YROP 2022. The subject lands are located with the “Urban Area” and “Community Area” designations in the York Region Official Plan. The “Urban Area” “provides the focus for growth and development” and permits a wide range of residential uses through redevelopment and intensification provided it is complementary and compatible with the existing built form. The proposed development will provide an appropriate residential density in the form of apartment units on an underutilized parcel of land in a built form that is complimentary to the surrounding community. Furthermore, “Community Areas” are where “residential, population-related employment and community services are directed to accommodate concentrations of existing and future population and employment growth”. Additionally, Section 4.1.1. of the YROP describes Community Areas as places where “the majority of residents, personal services, retail, arts, culture, recreational facilities and human services needs, will be located... Community areas shall contain a wide range and mix of housing types, sizes tenures that include options that affordable to residents at all stages of life. The proposed development includes a range of unit mix and sizes, as indicated throughout this Report, which supports the intent of the Community Areas designation of the YROP 2022. The amendment conforms with the YROP 2022.
- 4.5** The lands at 11139 Victoria Street Boulevard are designated “Community Amenity Area” as indicated on “Schedule AA – Detailed Land Use” to the 404 Highway North Secondary Plan. The land use permissions under the designation lend themselves largely to the development of commercial and public uses. The site-specific provisions requested will permit residential uses in a location enabling efficient development of the lands to make use of the parcel’s unique characteristics and location. General policies of the Secondary Plan which are pertinent to the requested amendment are 5.3.2 b) ii) which does not permit new residential uses on lands in the “Community Amenity Area” designation that are located east of the “Old Woodbine Avenue” right-

of-way. Section 5.3.2 a), states that in determining the appropriate uses for lands in the “Community Amenity Area” designation, the Town shall give priority to the convenience retail and service needs of residents and workers within the Planning District, and to the compatibility and scale of uses relative to adjacent low density residential development. Where dwelling units are also permitted, the Town will require these units to be incorporated into mixed-use developments above ground-related retail. Section 5.4.3 of the Secondary Plan also requires that, prior to introduction of additional residential uses adjacent to the hydro corridor, and electromagnetic field (EMF) study must be completed to ensure possible implications to human health are mitigated. The 1987 Official Plan further requires in section 3.4.6.2. b) i) that Community Amenity Area designated lands shall be concentrated at the intersection of an arterial and collector road. The location of the site is approximately 130 metres away from the nearest major intersecting arterial road (Woodbine Avenue), and is separated from other lands in the cluster at the immediate intersection by an existing local road (Old Woodbine Avenue) within a predominantly residential setting, which contributes to a context which is suited to a residential development as proposed. Given other Community Amenity Area designated lands exist at the immediate intersection with Woodbine Avenue to the north, and additionally on the west side of Victoria Square Boulevard, opportunity exists to appropriately achieve the convenience retail and service uses contemplated by the designation to serve the community by the balance of lands with this designation. Furthermore, an EMF study was submitted as part of residential applications to the south, and it is understood that magnetic field levels at the proposed location are acceptable by the applicable standards and guidelines for general public exposure.

- 4.6** An associated Zoning By-law Amendment is also required to implement development standards, including those resultant of the proposed site-specific Official Plan Amendment and Secondary Plan Amendment. The Zoning By-law Amendment will detail permitted uses on the site, including any site-specific development standards required.

PART II - THE OFFICIAL PLAN AMENDMENT

(This is an operative part of Official Plan Amendment No. ____)

PART II - THE OFFICIAL PLAN AMENDMENT

1.0 THE OFFICIAL PLAN AMENDMENT

- 1.1.** Section 1.1.2 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.
- 1.2.** Section 1.1.3 c) of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by adding the following sentence to be placed immediately after the first sentence of the bullet item dealing with the Highway 404 North Secondary Plan (PD 42-1) for the Highway 404 North Planning District (Planning District No. 42): “This Secondary Plan was further amended by Official Plan Amendment No. XXX to this Plan”.
- 1.3.** Section 9.2.29 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by adding “, as amended by Official Plan Amendment No. XXX to this Plan”.
- 1.4.** No additional changes to the text or schedules of the Official Plan (Revised 1987), as amended, are being made by this Amendment. This Amendment also incorporates changes to the text of the Highway 404 North Secondary Plan (PD 42-1) for the Highway 404 North Planning District (Planning District No. 42). These changes are outlined in Part III, which comprises Amendment No. 1 to the Highway 404 North Secondary Plan (PD 42-1).

2.0 THE SECONDARY PLAN AMENDMENT

The Highway 404 North Secondary Plan (PD 42-1) for the Highway 404 North Planning District (Planning District No. 42) is hereby amended as follows:

- 1.1.** By adding the following new subsection to Section 5.3.2 and by adding Figure 42-1-X as shown on Schedule “A” attached hereto, to be appropriately placed on the first page following Section 5.3.2 e):
 - “f) Notwithstanding the provisions of Section 5.3.2 a) and b) ii), the following additional provisions shall apply to the lands designated “Commercial – Community Amenity Area” located at 11087 Victoria Square Boulevard, as shown on Figure 42-1-1:
 - i) A maximum of 100 residential townhouse dwellings shall also be permitted; and
 - ii) The maximum height for an apartment building shall be 6 storeys.”

3.0 IMPLEMENTATION AND INTERPRETATION

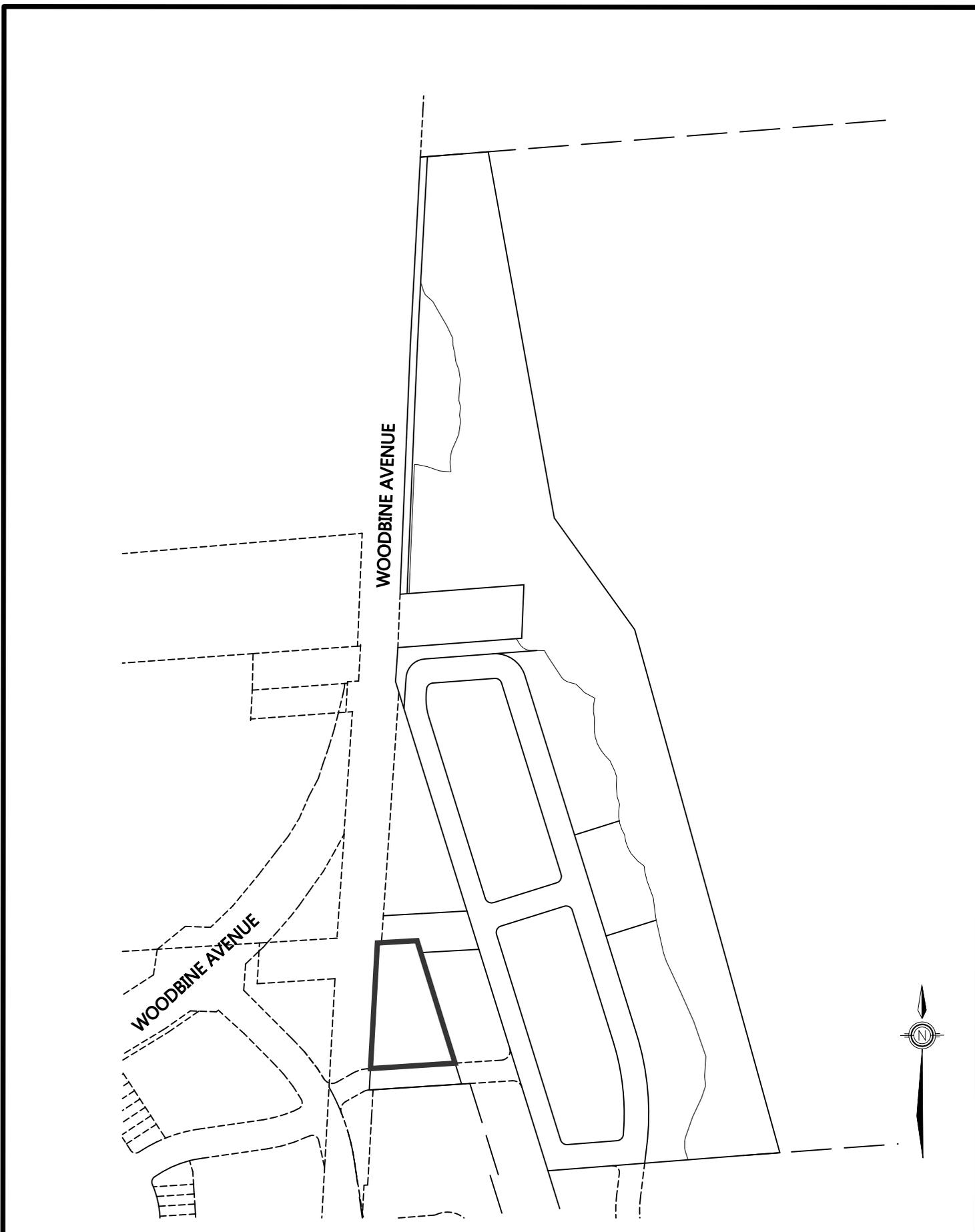
The provisions of the Official Plan (Revised 1987), as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment shall be implemented by a subsequent amendment to the Zoning By-law and site plan approval in conformity with the provisions of this Amendment.

This Amendment to the Official Plan (Revised 1987), as amended, is exempt from approval by the Region of York. Following adoption, notice of Council's decision will be given in accordance with the Planning Act, and the decision of Council is final, if notice of appeal is not received before or on the last day for filing an appeal.

Prior to Council's decision becoming final, this Amendment may be modified to incorporate technical amendments to the text and schedule(s). Technical amendments are those minor changes that do not affect the policy intent of the Amendment. For such technical amendments, the notice provisions of Section 7.13 (c) of Part II of the Official Plan (Revised, 1987) shall not apply.

DRAFT



**FIGURE 41-1-X TO THE HIGHWAY 404 NORTH SECONDARY PLAN
(PD-42-1)**

 BOUNDARY OF LANDS SUBJECT TO THIS AMENDMENT

PASSED THIS ____ DAY ____, 2023

____ 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 1:1000



BY-LAW 2025-_____

A By-law to amend By-laws 304-87, as amended
(to delete lands from the designated areas of By-laws 304-87)
and to amend By-law 177-96, as amended
(to incorporate lands into the designated area of By-law 177-96)

The Council of the Corporation of the City of Markham hereby enacts as follows:

1. That By-law 304-87, as amended, is hereby further amended by deleting the lands shown on Schedule ‘A’ attached hereto, from the designated areas of By-law 304-87, as amended.
2. That By-law 177-96, as amended, is hereby further amended as follows:
 - 2.1 By expanding the designated area of By-law 177-96, as amended, to include additional lands as shown on Schedule “A” attached hereto.
 - 2.2 By zoning the lands outlined on Schedule “A” attached hereto:

from:
Agricultural One (A1) Zone (By-law 304-87)

to:
**Residential Two Exception (R2*AAA) Zone,
 Residential Two Exception (R2*BBB) Zone,
 Residential Four Exception (R4*CCC) Zone,
 Open Space 1 (OS1) Zone,
 Greenway (G) Zone (By-law 177-96)**
 - 2.3 By adding the following subsection to Section 7- EXCEPTIONS

| Exception AAA | GLENDOWER PROPERTIES INC. 11139 Victoria Square Boulevard and 11251 Woodbine Avenue | Parent Zone R2 |
|---|---|----------------------------|
| File No. | | Amending By-law 2025-_____ |
| Notwithstanding any other provisions of By-law, 177-96 the following provisions shall apply to the lands shown on Schedule “A” attached to By-law 2025-_____ and denoted by the symbol R2 | | |
| Only Permitted Uses | | |
| a) | Townhouse Dwellings | |
| b) | Home Occupations | |
| c) | Home Child Care | |
| Special Zone Standards | | |
| The following specific Zone Standards shall apply to Townhouse Dwellings: | | |
| a) | Notwithstanding any further division or partition of any lands subject to this Section, all lands zoned R2*AAA shall be deemed to be one lot for the purposes of this By-law. | |
| b) | For the purposes of this By-law, the lot line abutting Woodbine Avenue shall be deemed to be the front lot line. | |
| c) | For the purposes of this By-law, a private garage shall be permitted to be within or attached to the main building | |
| d) | Minimum Lot Frontage – 120 metres | |
| e) | Minimum Lot Area – 0.30 hectares | |
| f) | Minimum Required Front Yard – 3.0 metres | |
| g) | Minimum Required Rear Yard – 6.0 metres | |
| k) | Minimum Width of a Townhouse Dwelling – 6.0 metres | |
| l) | Maximum Height – 12.5 metres | |
| m) | Maximum number of Townhouse Dwellings - 9 | |

| | | |
|---|--|-------------------------------|
| Exception BBB | GLENDOWER PROPERTIES INC. 11139 Victoria Square Boulevard and 11251 Woodbine Avenue | Parent Zone R2 |
| File No. | | Amending By-law 2025-_____ |
| Notwithstanding any other provisions of By-law,177-96 the following provisions shall apply to the lands shown on Schedule "A" attached to By-law 2025-____ and denoted by the symbol R2 | | |
| Special Zone Standards | | |
| The following specific Zone Standards shall apply: | | |
| a) | Minimum Frontage - Townhouse Dwellings not accessed by a lane – 6.0 metres | |
| b) | Minimum Required Front Yard – 4.0 metres | |
| c) | Minimum Required Rear Yard – 6.0 metres | |
| d) | Notwithstanding Section 6.2.4.2 b) of By-law 28-97, as amended, for lots that are 11.6 metres or less, a minimum 25% soft landscaping shall be provided in the front or exterior side yard in which the driveway is located. For lots that are greater than 11.6 metres 40% soft landscaping shall be provided in the front or exterior side yard in which the driveway is located | |
| e) | Maximum Height – 12.5 metres | |

| | | |
|---|---|-------------------------------|
| Exception CCC | GLENDOWER PROPERTIES INC. 11139 Victoria Square Boulevard and 11251 Woodbine Avenue | Parent Zone R4 |
| File No. | | Amending By-law 2025-_____ |
| Notwithstanding any other provisions of By-law,177-96 the following provisions shall apply to the lands shown on Schedule "A" attached to By-law 2025-____ and denoted by the symbol R4 | | |
| Additional Permitted Uses | | |
| a) | Townhouse Dwellings | |
| Special Zone Standards | | |
| The following specific Zone Standards shall apply: | | |
| a) | For the purposes of this By-law, the lot line abutting Vetmar Avenue shall be deemed to be the front lot line | |
| b) | Minimum Required Interior Side Yard – 3.0 metres | |
| c) | Minimum Required Rear Yard – 10.0 metres | |
| d) | Maximum number of dwelling units per hectare – 240 | |
| e) | Maximum height of main wall within 6.0 metres of the front lot line – 26.0 metres | |
| f) | Maximum Height – 26.0 metres | |

2.4 Notwithstanding any other provisions of By-law 177-96, the minimum setback to a TransCanada Pipelines Limited (TCPL) Pipeline Right-of-Way shall be 7.0 metres from a principal permanent building or structure and any parking or loading area, and 3.0 metres from any part of an accessory structure.

Read a first, second and third time and passed on _____, 2025.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW 2025-_____

A By-law to amend By-law 304-87 and 177-96, as amended

11139 Victoria Square Boulevard and 11251 Woodbine Avenue Lands located east of Woodbine Avenue CON 4, PART OF LOT 28

Lands Affected

The proposed by-law amendment applies to 11.064 hectares (27.339 acres) of land comprised of 3 areas located on the east side of Victoria Square Boulevard and municipally known as 11139 Victoria Square Boulevard and 11251 Woodbine Avenue.

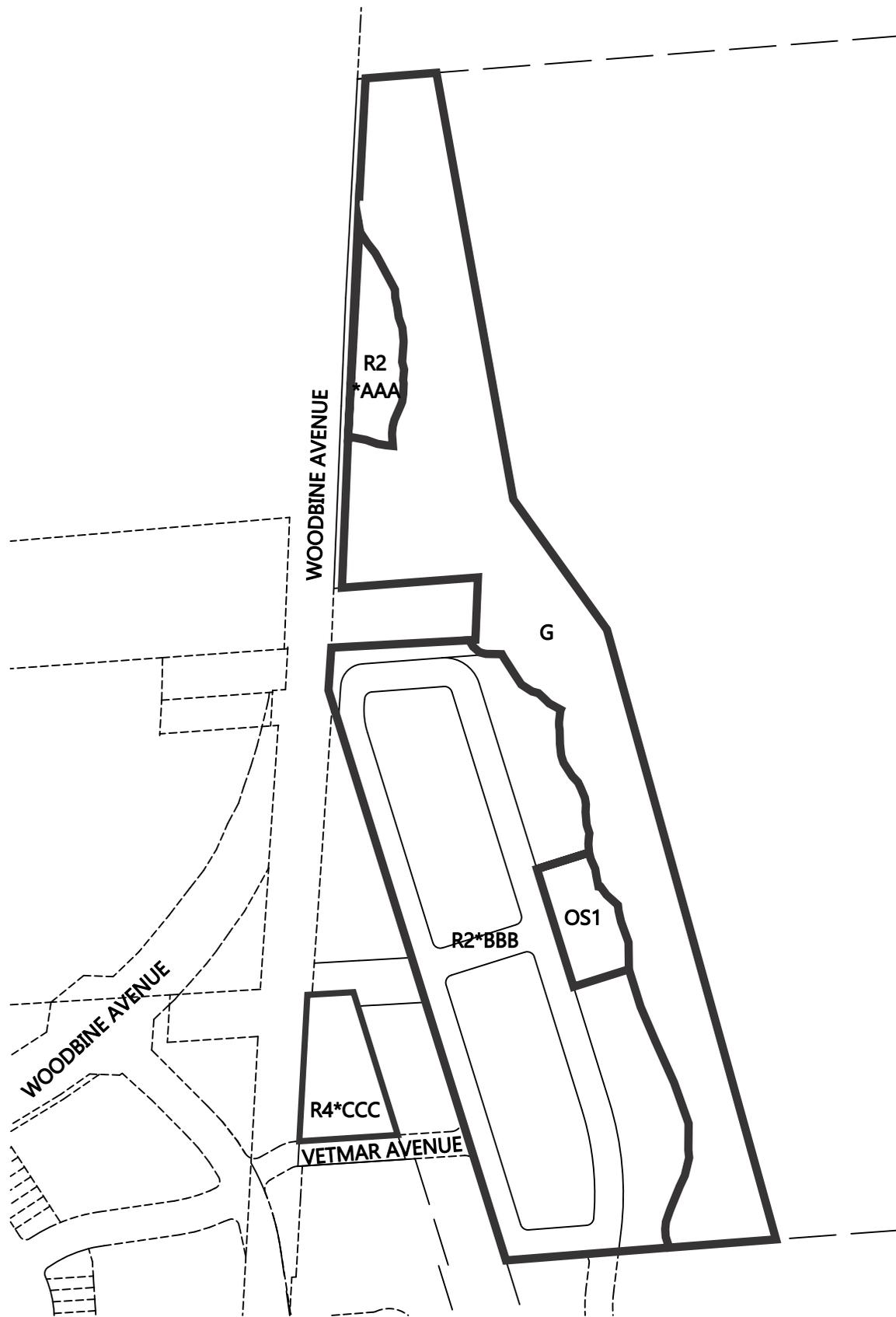
Existing Zoning

The subject land is currently zoned “Agricultural One (A1)” under By-law 304-87, as amended.

Purpose and Effect

The purpose and effect of this By-law is to amend By-law 304-87, as amended and to rezone the subject land to Residential Two Exception (R2-AAA) Zone, Residential Two Exception (R2*BBB) Zone, Residential Four Exception (R4*CCC) Zone, Open Space 1 (OS1) Zone, and Greenway (G) Zone in By-law 177-96, as amended in order to facilitate a residential development consisting of a total of 216.5 units (74.5 single detached dwellings, 33 street townhouse dwellings, 9 rear lane accessed townhouse dwellings, and 100 units within a 6-storey residential building).

SCHEDULE 'A'



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

| | |
|---|--------------------------|
|  | ZONE BOUNDARY |
|  | RESIDENTIAL TWO |
|  | RESIDENTIAL FOUR |
|  | OPEN SPACE ONE |
|  | GREENWAY |
|  | EXCEPTION SECTION NUMBER |



PASSED THIS ____ DAY ____, 2025

____ MAYOR

____ CLERK

NOTE: 1) DIMENSIONS ARE IN METRES
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 THE ORIGINAL BY-LAW LODGED IN
 THE OFFICE OF THE CLERK

SCALE 1:1000

Appendix C: Conditions of Draft Plan of Subdivision Approval**THE CONDITIONS OF THE CITY OF MARKHAM TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TM-23004 GLENDOWER PROPERTIES INC. ARE AS FOLLOWS:****1.0 General**

- 1.1 Approval shall relate to a draft plan of subdivision prepared by KLM Planning Partners Inc. identified as Project No. P-3302, dated May 21, 2025 subject to outstanding City comments being addressed. The draft plan may be further redlined revised, if necessary, in order to meet the City's requirements.
- 1.2 This draft approval shall apply for a maximum period of three (3) years from date of issuance by the City, and shall accordingly lapse on XXXX, XX, 2028 unless extended by the City upon application by the Owner.
- 1.3 The Owner acknowledges and understands that prior to final approval of this Plan of Subdivision, an amendment to the city's zoning by-laws to implement the plan shall have come into effect in accordance with the provisions of the Planning Act.
- 1.4 The Owner shall enter into a Subdivision Agreement with the City with terms and conditions satisfactory to the City of Markham.
- 1.5 Prior to the execution of a subdivision agreement, the Owner agrees to obtain required approvals from York Region and any other applicable public agencies to the satisfaction of the Director of Engineering.
- 1.6 Prior to the release for registration of any phase within this Draft Plan of Subdivision, the Owner shall prepare and submit to the satisfaction of the City of Markham, all technical reports, studies, and drawings, including but not limited to the MESP, transportation impact assessment studies, functional traffic designs, transportation demand management plans ("TDM"), stormwater management reports, functional servicing reports, design briefs, detailed design drawings, noise studies, servicing and infrastructure phasing plan, etc., to address all outstanding comments to the satisfaction of the Director of Engineering, to support the draft Plan of Subdivision. The Owner agrees to revise the draft Plan of Subdivision, as necessary, to incorporate the design and recommendations of the accepted technical reports, studies, and drawings.
- 1.7 The Owner agrees to design the watermain system to service the development will have a minimum of two independent water supply points to provide for adequate system redundancy and looping for domestic and fire protection purposes, to the satisfaction of the Director of Engineering.
- 1.8 The Owner shall agree in the subdivision agreement to design and construct all required relocations of, and modifications to existing infrastructure, including but not limited to, watermains, light standards, utilities, stormwater management facilities and roads to the

satisfaction of, and at no cost to, the City of Markham.

- 1.9 The Owner agrees not to apply for any building permits until the City is satisfied that adequate road access, municipal water supply, sanitary sewers, and storm drainage facilities are available to service the proposed development as required by the City's By-law 2005-104, as amended.
- 1.10 Prior to execution of the subdivision agreement the Owner shall agree in the Subdivision Agreement to pay to the City, all required fees, in accordance with the City's Fee By-Law 211-83, as amended by Council from time to time.
- 1.11 Prior to the construction of municipal infrastructure required to service any phase of development, the Owner shall agree in the Subdivision Agreement or Pre-Servicing Agreement, whichever comes first, to submit financial security for each phase of the draft Plan of Subdivision as required by the City of Markham prior to the construction of municipal infrastructure required to service that phase of development.
- 1.12 The Owner shall agree in the Subdivision Agreement to enter into a construction agreement and/or an encroachment agreement and/or any other agreement deemed necessary to permit the construction of municipal services, roads, stormwater management facilities or any other services external to the draft Plan of Subdivision and that are required to service the proposed subdivision phase to the satisfaction of the Director of Engineering and the City Solicitor (the "External Works").
- 1.13 The Owner agrees to obtain a road occupancy permit if required and/or permission or license to enter, from the external landowners prior to commencing the External Works to the satisfaction of the Director of Engineering, Director of Operations and City Solicitor. The Owner shall further agree in the Subdivision Agreement to pay all costs associated with the construction of the External Works to the satisfaction of the Director of Engineering.
- 1.14 The Owner shall implement the designs and recommendations of the accepted technical reports/studies submitted in support of the Draft Plans of Subdivision including but not limited to, traffic studies, functional traffic design study, stormwater management reports, functional servicing reports, design briefs, detailed design drawings, noise studies, to the satisfaction of the City of Markham, and at no cost to the City.

2.0 Transportation Engineering - Roads

- 2.1 The road allowances within the draft plan shall be named to the satisfaction of the City.
- 2.2 The Owner covenants and agrees to design and construct all municipal roads in accordance with City standards and specifications.
- 2.3 Prior to registration of any phase of the subdivision, the Owner agrees to acquire and convey to the City any lands external to the Draft Plan of Subdivision, as necessary, to complete the road infrastructure requirements as recommended in the accepted Transportation Impact Assessment Study including road connection from the

subdivision to Elgin Mills Road East.

- 2.4 Prior to the registration of any phase of the subdivision, the Owner agrees to review and update the cross-section of Street 1 to include sidewalk on both sides consistent to Markham's design standards for local roads to the satisfaction of the Director of Engineering.
- 2.5 Prior to registration of any phase of the subdivision, the Owner acknowledges and agrees that as part of the Transportation Impact Assessment Study, to identify locations where pedestrian crossovers are appropriate to support and maintain continuity of active transportation network to the satisfaction of the Director of Engineering. Furthermore, the Owner agrees to design and construct pedestrian crossovers, where required, to the satisfaction of the Director of Engineering. The pedestrian crossovers shall be constructed at the Owner's sole cost.
- 2.6 Prior to registration, the Owner agrees in the Subdivision Agreement to implement the Transportation Demand Management (TDM) Plan in accordance to the accepted recommendations and provisions as informed by the Transportation Mobility Plan Update Revision #2 dated November 2024 to the satisfaction of the Director of Engineering. The Owner further acknowledges and agrees to provide a TDM Letter of Credit in the amount reflective of the TDM measures.
- 2.7 The Owner covenants and agrees in the Subdivision Agreement to provide temporary turning circles where required at their cost and remove them and restore the streets to their normal condition at their cost when required by the City, to the satisfaction of the City of Markham. 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 City. The Owner further agrees that dead end streets without temporary turning circles shall be barricaded to the satisfaction of the Director of Engineering and, conditions respecting the maintenance of such streets by the Owner until acceptance and assumption by the City will be included in the subdivision agreement.
- 2.8 Temporary Turning Circle:
 - a) The Owner shall construct a temporary turning circle at the south end of Street "1" partially over Lots 1, 2 and 67 (the "Turning Circle") and shall remove the Turning Circle and restore the lands as and when directed to do so by the Director of Engineering, all at its own expense, in accordance with the approved engineering drawings. The Owner shall provide security for these obligations in accordance with Schedule "E". The Owner shall provide a temporary easement to the City over the Turning Circle lands for the purposes of public access to the Turning Circle, as required and shown in Schedule "C" at no cost to the City, to the satisfaction of the City Solicitor and Director of Engineering. The temporary easement will be released upon extension of the road (by others) as set out in clause 8.16(3), to the satisfaction of the Director of Engineering.
 - b) The Owner agrees that Lots 1, 2 and 67 be placed under an "H" Holding Provision until such time that Street 1 south of the Draft Plan can be constructed to provide access to the

above lot and block.

Hydro Corridor Crossing

- 2.9 The Owner shall agree within the Subdivision Agreement, at its sole cost and expense, arrange for the conveyance to the City of such lands and easements within the hydro corridor required by the Director of Engineering for the 17.5m ROW connection to the existing Victoria Square Boulevard through the hydro corridor at no cost and expense to the City, free and clear of encumbrances to the satisfaction of the City Solicitor. The Owner acknowledges and agrees that such lands are currently owned by HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO AS REPRESENTED BY THE MINISTER OF PUBLIC INFRASTRUCTURE RENEWAL (the “Province”) and that the Owner shall make all arrangements with the Province and Hydro One for the said conveyance of lands and easements to the City at no cost to the City.

3.0 Development Engineering – Municipal Services

- 3.1 The Owner shall covenant and agree to design and construct all municipal services in accordance with City standards and specifications.
- 3.2 Prior to the release for registration of the Draft Plan of Subdivision, the Owner shall demonstrate to the satisfaction of the City of Markham that two independent water supply points for adequate redundancy and looping for domestic and fire protection purposes will be provided.
- 3.3 The Owner agrees not to apply for any building permits until the City is satisfied that adequate road access, municipal water supply, sanitary sewers, and storm drainage facilities are available to service the proposed development as required by the City’s By-law 2005-104, as amended.
- 3.4 The Owner shall agree in the Subdivision Agreement to revise and/or update the accepted functional servicing and stormwater management reports, if directed by the City in the event that the Director of Engineering determines that field conditions are not suitable for implementation of the servicing and stormwater management strategies recommended in the previously accepted functional servicing and stormwater management reports.
- 3.5 The Owner shall covenant and agree in the Subdivision Agreement that if the proposed sewers connect to existing downstream sewers that are not assumed by the City, to undertake and pay for a sewer video inspection program for the existing sewers to the satisfaction of the Director of Engineering. The Owner further agrees to do the sewer video inspection:
- a) Prior to the connection being made;
 - b) Upon the removal of the temporary bulkhead or as directed by the Director of Engineering; and

- c) Upon all roads, parking lots, driveways in the Owners Subdivision having been paved to the final grades, sidewalks, walkways, multi-use paths constructed and boulevards sodded.

The Owner further agrees to provide securities for the video inspection and for flushing and cleaning the existing downstream sewers to the satisfaction of the Director of Engineering.

- 3.6 The Owner agrees that major overland flows from the subdivision will traverse through external lands not owned by the Owner. The Owner agrees to make the necessary arrangements with the adjacent property owner to construct the overland flow route(s) on the external lands to the downstream receiving stormwater management pond, and convey lands or easement required for the conveyance of overland flows to the satisfaction of the Director of Engineering.

Groundwater Management

- 3.7 Prior to commencing any constructions, the Owner shall agree to identify any municipal infrastructure potentially susceptible to settlement due to the dewatering activities in the hydrogeology report/settlement assessment. If any are identified, the owner must submit a pre-construction survey (including photos) and CCTV of the municipal infrastructures to the satisfaction of the Director of Engineering.

Development Engineering - Lands to be Conveyed to the City / Easements

- 3.8 The Owner shall grant required easements to the appropriate authority for public utilities, drainage purposes or turning circles, upon registration of the plan of subdivision. The owner shall also provide for any easements and works external to the draft Plan of Subdivision necessary to connect watermains, storm and sanitary sewers to outfall trunks and stormwater management facilities to the satisfaction of the City.
- 3.9 Upon registration of the plan of subdivision, the Owner shall convey Block 92 to the City, for grading purposes, free of all costs and encumbrances, to the satisfaction of the City

Development Engineering – Utilities

- 3.10 The Owner shall 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 City 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 City of Markham and authorized agencies.
- 3.11 The Owner shall agree in the Subdivision Agreement to enter into any agreement or agreements required by any applicable utility companies, including Powerstream, Enbridge, telecommunications companies, etc.
- 3.12 The Owner shall agree in the Subdivision Agreement to facilitate the construction of Canada Post facilities at locations and in manners agreeable to the City 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. The Owner agrees that should it propose an enhanced community mailbox installation, any costs over and above the standard installation must be borne by the Owner, and be subject to approval by the City in consultation with Canada Post.

- 3.13 The Owner shall 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.
- 3.14 The Owner 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.
- 3.15 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 City. 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.

6.0 Environmental Engineering - Environmental Clearance

- 6.1 The Owner shall agree in the Subdivision Agreement to retain a “Qualified Person” to prepare all necessary Environmental Site Assessments (ESA) and file Record(s) of Site Condition with the Provincial Environmental Site Registry for all lands to be conveyed to the City. The “Qualified Person” shall be defined as the person who meets the qualifications prescribed by the Environmental Protection Act and O. Reg. 153/04, as amended. The lands to be conveyed to the City shall be defined as any land or easement to be conveyed to the City, in accordance with the City’s Environmental Policy and Procedures for Conveyance of Land to the City Pursuant to the Planning Act.
- 6.2 Prior to the earlier of the execution of a pre-servicing agreement or Subdivision Agreement, the Owner agrees to submit Environmental Site Assessment (ESA) report(s) prepared by a Qualified Person, in accordance with the Environmental Protection Act and its regulations and all applicable standards, for all lands to be conveyed to the City for peer review and concurrence.
- 6.3 Prior to the earlier of the execution of a pre-servicing agreement or Subdivision Agreement of a phase within the draft Plan of Subdivision, the Owner agrees to submit environmental clearance(s) and Reliance Letter(s) from a Qualified Person to the City for all lands or interests in lands to be conveyed to the City to the satisfaction of the City of Markham. The Environmental Clearance and Reliance Letter will be completed in accordance with the City’s standard and will be signed by the Qualified Person and a person authorized to bind the Owner’s company. The City will not accept any modifications to the standard Environmental Clearance and Reliance Letter, except as and where indicated in the template.

- 6.4 The Owner agrees that if, during construction of a phase within the draft Plan of Subdivision, contaminated soils or materials or groundwater are discovered, the Owner shall inform the City of Markham immediately, and undertake, at its own expense, the necessary measures to identify and remediate the contaminated soils or groundwater, all in accordance with the Environmental Protection Act and its regulations, to the satisfaction of the City of Markham and the Ministry of the Environment, Conservation and Parks.
- 6.5 The Owner shall agree in the Subdivision Agreement to assume full responsibility for the environmental condition of the lands comprising the draft Plan of Subdivision. The Owner shall further agree in the Subdivision Agreement to indemnify and save harmless the City, its directors, officers, Mayor, councilors, employees and agents from any and all actions, causes of action, suite, claims, demands, losses, expenses and damages whatsoever that may arise either directly or indirectly from the approval and assumption by the City of the municipal infrastructure, the construction and use of the municipal infrastructure or anything done or neglected to be done in connection with the use or any environmental condition on or under lands comprising the draft Plan of Subdivision, including any work undertaken by or on behalf of the City in respect of the lands comprising the draft Plan of Subdivision and the execution of this Agreement.
- 6.6 Prior to the conveyance lands to the City, the Owner shall agree to provide to the City, a Letter of Acknowledgement of the Record of Site Condition from the Ministry of Environment, Conservation and Parks (MECP) for the lands to be conveyed to the City.

7.0 Development Engineering – Storm Water Management

- 7.1 Prior to final approval of the draft plan, the Owner shall submit a stormwater management study, prepared by a qualified engineer, detailing the provision of water quality and quantity management facilities, hydraulic gradelines, overland flow routes, and erosion and siltation controls for the draft plan for approval by the City and the Toronto and Region Conservation Authority.

8 Development Engineering – Services within Regional Road

- 8.1 The Owner acknowledges that any proposed servicing on Woodbine Avenue is subject to the approval from York Region. Prior to execution of the pre-servicing agreement or subdivision agreement, whichever is earlier, the Owner shall obtain approval from York Region for works within the Region right-of-way. In the event, York Region does not permit the installation of the proposed servicing within Warden Avenue right-of-way, the Owner shall revise the draft plan if required to provide alternate locations for the proposed servicing including providing servicing blocks if required to the City, to the satisfaction of the Director of Engineering.

9.0 Streetlight Types – Municipal Engineering

- 9.1 The Owner shall agree in the Subdivision Agreement to contact the City of Markham prior to commencing the design for streetlighting to confirm the type(s) of poles and luminaires to be provided for different streets and/or lanes.

10.0 Downstream Sanitary Sewer Capacity Analysis and Upgrade:

- 9.2 The Owner acknowledges and agrees that the existing sanitary sewer on James Joyce Drive, south east of Elgin Mills Road and Victoria Square Boulevard, west of the Hydro Corridor (the “Downstream Sanitary Sewer”), has limited capacity to accommodate the additional sewage flows that will be generated by the Owner’s plan of subdivision.
- 9.3 The Owner acknowledges and agrees that the City will conduct long-term flow and rain gauge monitoring in the area for minimum one year beyond 85% occupancy of the Victoria Glen community development by City approved contractor at the expense of the Victoria Glen landowners. Data collected through this monitoring will be used to calibrate the sanitary sewer model for assessing sewer capacities while quantify Inflow and Infiltration (I/I) at the Owner’s expense.
- 9.4 The Owner covenants and agrees in the Subdivision Agreement to adhere to York Region’s Inflow and Infiltration (I/I) Reduction Standard for the design and construction of public and private-side sanitary sewers and connections. The Owner covenants and agrees to actively reduce I/I within the contributing area.
- 9.5 The Owner shall acknowledge and agree that further development in the area will not proceed if the monitored flow exceed the City’s Design Criteria, as determined at the City’s discretion.
- 9.6 The Owner covenants and agrees in the Subdivision Agreement to provide a Security for the downstream sanitary sewer upgrades required for the Victoria Glen community if such upgrade is required.

11.0 Downstream Sanitary Sewer Improvements (“External Works”):

- 12.1 The Owner agrees in the Subdivision Agreement to design and construct improvements to the Downstream Sanitary Sewer at no cost to the City, obtain written permission from all affected land owners to carry out such external works, and obtain all necessary permits from the City’s Environmental Services and Operations departments prior to the commencement of the work, if the design flow and flow monitoring undertaken above show that the Downstream Sanitary Sewer does not have capacity to accommodate the additional sewage flow that will be generated by any phase or portion of a phase within the Owner’s Plan of Subdivision. The Owner shall provide any developers’ group agreement (if any) relating to the construction of the said upgrades.

12.0 Hydro-Corridor Crossing (“External Works”):

- 13.1 The Owner shall agree within the Subdivision Agreement, at its sole cost and expense, arrange for the conveyance to the City of such lands and easements within the hydro corridor required by the Director of Engineering for the 17.5m ROW connection to the existing Victoria Square Boulevard through the hydro corridor at no cost and expense to the City, free and clear of encumbrances to the satisfaction of the City Solicitor. The Owner acknowledges and agrees that such lands are currently owned by HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO AS REPRESENTED BY THE MINISTER OF

PUBLIC INFRASTRUCTURE RENEWAL (the "Province") and that the Owner shall make all arrangements with the Province and Hydro One for the said conveyance of lands and easements to the City at no cost to the City.

- 13.2 13.2. Prior to the registration of the subdivision, the Owner shall enter into a Funding Agreement with the City pursuant to which the Owner shall agree to indemnify the City for any claims relating to the City acquiring the said lands and easements and to pay any and all costs in connection with the conveyance of the said lands and easements to the City prior to the City entering into any agreement with the Province for the conveyance of the said lands and easements to the City.
- 13.3 13.3. The Owner further acknowledges and agrees that in the event that the Owner wishes to commence construction on such lands before such lands and easements are conveyed to the City, it shall be responsible for obtaining any required permission from the Province and/or Hydro One to access and construct on such lands at its sole cost and expense.
- 13.4 The Owner agrees within the Subdivision Agreement that the proposed crossing will ensure grading will match into the existing lands without drainage obstructions or conflicts with the existing Toronto Hydro infrastructure and associated buffers.
- 13.5 Prior to the execution of the Subdivision Agreement, or Pre-Servicing Agreement, or Construction Agreement, the Owner shall obtain permission from Hydro, in writing, to grade or to perform any Work within the Hydro corridor.

15.0 Fire

- 15.1 Firebreak lots/blocks shall be designated within a subdivision plan agreement, to the satisfaction of the Fire Services.
- 15.2 The adequacy and reliability of water supplies, fire hydrant and fire department connection locations shall be subject to the review and approval of the Fire Services.
- 15.3 Fire hydrants for all developments shall be spaced at intervals not exceeding 90m. Fire hydrants shall be located at the beginning/end of each lane.
- 15.4 The Owner shall acknowledge and agree that building permits will not be issued for lands in any stage of development until the Director of Building Standards has been advised by the Fire Services that there is an adequate water supply for firefighting operations and two separate, remote and unobstructed accesses is available.
- 15.5 To ensure reliability of access for Fire Services vehicles under all conditions, two full moves and unobstructed means of street access, independent of one another shall be provided into the development. If less than two full moves accesses are provided, each dwelling within the development shall be fully equipped with an automatic sprinkler system, designed in accordance with NFPA 13.
- 15.6 A townhouse building shall not exceed a distance of 45m in length.

- 15.7 Lanes that service townhouse blocks with detached garages shall not exceed 90m.
- 15.8 Lanes shall be designed in accordance with minimum fire access route specifications indicated in the Ontario Building Code.

16.0 Waste

- 16.1 The Owner acknowledges that all garbage, recyclables and organic materials shall be collected by the City once weekly in accordance with the City's collection schedule, as it may be amended from time to time. Effective January 1, 2026, in accordance with Ontario Regulation 391/21: BLUE BOX, collection of recyclables shall be the obligation of product producers. The Owner is responsible for contacting the Resource Productivity and Recovery Authority, requesting information regarding the organization responsible for providing the site with recycling collection, and establishing recycling collection services.
- 16.2 The Owner covenants and agrees in the Subdivision Agreement to purchase from the City two (2) recycling containers, one (1) green bin and one (1) kitchen collector per dwelling unit, so that each resident may participate in the City's waste management program. Furthermore, the Owner shall ensure that the recycling containers, green bins, kitchen collectors and educational materials provided by the City are deposited in each dwelling unit on or before the date of closing or new occupancy, whichever occurs first.
- 16.3 The Owner covenants and agrees in the Subdivision Agreement that upon dwelling occupancy, unobstructed roadway access, in accordance with the City's design requirements, will be provided for the safe passage of municipal waste collection vehicles on the designated collection day.
- 16.4 The Owner covenants and agrees in the Subdivision Agreement that at times when the required access can not be provided, the Owner shall be responsible for moving all residential waste from the occupied dwellings to an alternate location, approved by the City Official, at the Owner's expense, for collection by the City.

17.0 Urban Design

A. STANDARD CONDITIONS

Tree Assessment and Preservation Plan

- 17.1 The Owner shall submit for approval a Tree Assessment and Preservation Plan prior to the execution of the Subdivision Agreements, to the satisfaction of the City's Director of Planning and Urban Design in accordance with the Tree Preservation By-Law 2023-164.
- 17.2 The Owner shall submit a site grading plan showing the trees to be preserved based on the Tree Assessment and Preservation Plan for approval, prior to the issuance of a Site Alteration Permit, Tree Permit, or Pre-Servicing Agreement, to the satisfaction of the City's Director of Planning and Urban Design.

- 17.3 The Owner shall obtain written approval from the City's Director of Planning and urban design before destroying or injuring trees within the area of the draft plan.
- 17.4 The Owner shall submit a tree compensation schedule detailing replacement and enhancement planting or the replacement values, for approval by the City's Director of Planning and Urban Design, as part of the Tree Assessment and Preservation Plan, and in accordance with the Tree Preservation By-law 2023-164, City Streetscape Manual, as amended based on the following:
- a) Progressive Aggregate Caliper Method valuations for all trees 20 cm DBH or greater on private lands and for all trees of any size on public lands.
 - b) Where a site does not allow for replacement tree planting, the City will require payment of replacement value based on the Progressive Aggregate Caliper Method valuations required by condition 13.4 a).
 - c) Where trees have been removed or damaged without authorization, the requirement for either the replacement or payment of replacement value shall be determined by the Director of Planning and Urban Design.
 - d) Street trees, restoration planting, and SWM Pond planting shall not be counted towards tree compensation planting.
 - e) Tree compensation planting is not eligible for DC credit.
- 17.5 The Owner acknowledges and agrees to implement the tree compensation schedule on a phase-by-phase basis, including submitting an updated Tree Assessment and Preservation Plan and Landscape Plans for each phase of development

Community Design

- 13.2 The Owner shall implement and incorporate all requirements of the approved Victoria Glen Community Design Plan into all landscape plans, architectural control guidelines, engineering plans and any other required design documents.
- 13.3 The Owner shall retain a design consultant acceptable to the City's Director of Planning and Urban Design to implement the Architectural Control Guidelines.
- 13.4 Plans submitted for model home permits for any building within the Draft 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.
- 13.5 The Owner shall ensure that the design architect for any buildings within this Draft Plan of Subdivision shall not also assume the role of control architect for this Draft Plan of Subdivision.
- 13.6 The Owner acknowledges and agrees right-of-way design including intersection configurations shall be consistent with the latest approved North Markham Future Urban Area right-of-way cross sections. Any changes to right-of-way cross-section design shall be approved by the City.

Landscape Works

- 13.7 Prior to the execution of the Subdivision Agreement, the Owner shall submit landscape plans prepared by a qualified landscape architect based upon: the North Markham Urban Design Guidelines, the approved Architectural Control Guidelines, the approved Victoria Glen Community Design Plan, and the Glendower Subdivision Trail Design Brief, to the satisfaction of the City's Director of Planning and Urban Design, and including the following:
- a) For all public streets, streetscape plan and street tree planting in accordance with the City Streetscape Manual dated June 2009, as amended;
 - b) A specialized depth of topsoil (300mm minimum) in the entire municipal boulevard
 - c) for sod, and a specialized depth of planting soil (900mm minimum) in continuous
 - d) planting trenches to appropriately plant boulevard trees in accordance with the
 - e) City Streetscape Manual dated June 2009, as amended;
 - f) For all corner lots provide privacy wood screen corner lot fencing, as required;
 - g) Noise attenuation fencing as required;
 - h) For all lots backing or flanking onto an Open Space Block, or Greenway Block, , a 1.5m high galvanized steel chain-link fence to be installed along the property boundary and entirely within public lands (footing and fencing).
 - i) For areas where a galvanized steel chain link fence meets a privacy or acoustic fence, the galvanized steel chain link fence shall overlap the abutting privacy or acoustic fence by 0.5 m and provide a separate footing to deter entrance to an Open Space Block, or Greenway Block, and minimize conflicts with the privacy or acoustic fence foundation;
 - j) For all lots flanking onto Mid-block Walkway Connection Blocks, Servicing Blocks, or utility notches, a 1.2 m high decorative metal fence (footing and fencing) shall be placed on the private property and be aligned with the privacy or acoustic fence. The building shall be setback at a minimum of 2.4 m from the property line (3.0 m is preferred);
 - k) For all lots backing or flanking onto Park Blocks, a 1.5 m high black vinyl chain link fence (footing and fencing) shall be placed on private property and be aligned with privacy or acoustic fence;
 - l) For all lots backing or flanking onto hydro corridors, a 1.5 m high black vinyl chain link fence (footing and fencing) shall be placed on the private property and be aligned with the privacy or acoustic fence;
 - m) For window street flanking onto hydro corridors, a 1.5 m high black vinyl chain link fence (footing and fencing) and/or retaining wall (footing and retaining wall) shall be placed on hydro one property;
 - n) For Open Space Blocks and Mid-block Walkway Connection Blocks provide landscaping;
 - o) Any trail related-works, including but not limited to trails, trail amenities, and trailheads within Greenway Blocks, Open Space Blocks, Servicing Blocks, and Walkway Blocks;

- p) Landscaping should be provided between each townhouse block;
- q) Any other landscaping as determined in the Community Design Plan, Architectural Control Guidelines and Tree Inventory and Compensation Schedule; and
- r) For Open Space Blocks and Greenway Blocks, provide tree compensation planting, buffer planting, restoration planting, and the inclusion of habitat features

17.18 The Owner shall construct all landscape works referred to in Condition 13.7 in accordance with the approved plans at no cost to the City. The construction of trail network, item 13.7 l) is not eligible for Development Charge credits at the discretion of the Director of Planning and Urban Design.

17.19 The Owner shall not permit their builders to charge home purchasers for the items listed in Condition 17.19.

17.20 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 CITY HAS REQUIRED THE DEVELOPER TO UNDERTAKE AND BEAR THE COST OF THE FOLLOWING ITEMS:

- STREET TREES (TREES PLANTED IN THE CITY BOULEVARD OR IN ADJACENT PUBLIC LANDS OR PRIVATE LOTS to meet 13.7 a).
- FENCING AS REQUIRED BY THE CITY.
- FENCING AT LANES (IF SPECIFICALLY REQUIRED BY THE CITY).
- TREE PLANTING IN REAR YARDS ADJOINING THE LANES (IF SPECIFICALLY REQUIRED BY THE CITY).
- NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY.
- FENCING OF SCHOOLS, PARKS, WALKWAYS, SERVICING, AND STORMWATER MANAGEMENT FACILITY BLOCKS.
- BUFFER PLANTING AND LANDSCAPING FOR, WALKWAY AND STORMWATER MANAGEMENT FACILITY BLOCKS
- SUBDIVISION ENTRY FEATURE AND DECORATIVE FENCING AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE CITY.
- FRONT YARD LANDSCAPING FOR CERTAIN LANE BASED TOWNHOUSE UNITS.

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

Trail System

17.21 The Owner acknowledges and agrees to implement a trail system; the Greenway Block 87, and Open Space Block 91, in accordance with the requirements of the Community Design Plan and the Glendower Subdivision Trail Design Brief, dated January 2025,

to the satisfaction of the City's Director of Planning and Urban Design and the City's Director of Engineering. The Owner shall make best efforts to coordinate the construction of the trail system on its lands with the abutting subdivision (19TM-23007), so that the trails on both subdivisions and be opened to the public at the same time.

- 17.22 The Owner agrees to provide the detailed design of the trail system for approval by the Director of Planning and Urban Design prior to the execution of the Subdivision Agreement.

Financial

- 17.24 Prior to the execution of the Subdivision Agreement, the Owner shall provide a Letter of Credit, in an amount to be determined by the City's Director of Planning and Urban Design, to ensure compliance with applicable tree preservation, tree compensation, restoration planting, habitat features, fencing, streetscape, landscape works, and other landscaping requirements applicable to the subject phase.

B. SPECIAL CONDITIONS

- 17.23 The Owner shall retain a design consultant to prepare Architectural Control Guidelines to be submitted to the City's Director of Planning and Urban Design for approval prior to the execution of the Subdivision Agreement.
- 17.25 The Architectural Control Guidelines shall include provisions requiring buildings to comply with the City's Bird Friendly Guidelines.
- 17.26 The Owner shall retain a design consultant to prepare Architectural Control Guidelines that incorporate age-friendly design elements to comply with the City's Age-Friendly Design Guidelines.
- 17.27 The Architectural Control Guidelines shall include provisions requiring a minimum of 5% of the low-rise product to be limited to having 2 risers or less (not including the door threshold) to the level of the porch. The architectural design and site grading shall be proposed to accommodate with these requirements.
- 17.28 The Owner acknowledges and agrees to submit elevation drawings and floor plans for all townhouse blocks identified in the Architectural Control Guidelines, identifying all proposed utility metres and AC condenser unit locations, stamped by the Control Architect, to the satisfaction of the Senior Manager of Urban Design, prior to submission of application for any building permits.
- 17.29 The Owner acknowledges and agrees prior to the execution of the Subdivision Agreement to provide a 1.5 m wide sidewalk on both sides of Street 1, and the minimum required boulevard space for street tree planting within the right of way, to the satisfaction of City's Director of Engineering and Planning and Urban Design.
- 17.30 The Owner agrees to provide an accessible walkway connection to Woodbine Avenue upon the full build-out of Woodbine Avenue to the satisfaction of the City's Director

of Planning and Urban Design.

Parks and Open Space

- 17.25 The Owner covenants and agrees that the parkland dedication requirement for the Draft Plan of Subdivision is 0.337 hectares (the “Total Parkland Requirement”), as per a rate of 1 hectare per 600 units, for a total unit count of 202 units, and is calculated as follows.

$$1 \text{ hectare} / 600 \text{ units} \times 202 \text{ units} = \mathbf{0.337 \text{ hectares}}$$

- 17.26 The Owner acknowledges and agrees that this parkland dedication requirement is calculated for a total of up to but not exceeding 202 units. The Owner acknowledges and agrees that any increase in the number of units within the Subdivision beyond the approved 202 units, may trigger additional parkland dedication requirements, to the satisfaction of the Director of Planning and Urban Design.
- 17.27 The Owner covenants and agrees to convey Park Block 88 inclusive to the City, free of all costs and encumbrances, to the satisfaction of the City’s Director of Planning and Urban Design, upon registration of the first phase of the plan of subdivision

| Block Number | Park Type | Area |
|---------------------|------------------|----------------|
| Block 88 | Parkette | 0.337 hectares |

- 17.28 Prior to the release for registration of this Draft Plan of Subdivision, the Owner shall provide the City’s Director of Planning and Urban Design with a letter from the Victoria Glen Landowners Group Trustee indicating the total parkland dedication to date for this Draft Plan of Subdivision and the adjacent Draft Plan of Subdivisions, as of the date of the subject phase’s Subdivision Agreement execution.

Base Park Development

- 17.29 The Owner shall provide and/or install the following in support of the base park construction for Block 88:
- a. 100 mm diameter water line be installed to service the Park Block 88. The water services will have a shutoff valve at the park property line with the service extending one metre into the park block and shall be plugged;
 - b. A 120/240 volt, single-phase, three-wire power supply to be made available to the Park Block 88. The provision of this power supply will consist of a 3-conductor #3/0 aluminum underground cable drop located inside of the park property, three metres from the street line and one metre from the adjacent property line. The cable supply will originate from the closest single-phase pad mounted transformer and will be left coiled and attached to a 2"x4" wood stake, visible above grade;
 - c. rough grade using clean structural -fill to minus 300mm (+50mm tolerance) below finished grade from the approved engineered grading plans or 12" below (+2"

- tolerance) and certified by the Engineer, in accordance with City standards. Grade to be inspected and certified by the Engineer as engineered, structural, debris free, non-organic, compacted to 95% SPD and shall be accompanied by the Engineer's seal which has been signed and dated by them along with an electronic CAD drawing file containing as-built information which supports the certification of grades minus 300mm (+50mm tolerance) below engineered grading plans. Plans shall show spot elevations on a 10m x 10m grid, contours at 0.25m contour intervals, as well as perimeter grades which match approved grading plans. Should any issues arise during park construction with regards to the structural capacity of the sub-soil or presence of topsoil fill, debris, etc., and additional works are required to ensure that the Park can be built to City standards, the Owner shall, at the direction of the City's Director of Planning and Urban Design, undertake such as additional work as required;
- d. upon the completion of rough grading and topsoiling of the Park Block 88, provide geotechnical report completed by a qualified professional confirming suitable parkland soil requirements, bearing capacity of subsoil, textural class, and chemical analysis identifying no contaminants with a bore hole log report including a minimum of four (4) boreholes per acre. Should the results of the existing sub soils not meet suitable park land soil requirements or should any issues arise during above base park construction by the City with regards to the structural capacity of the sub-soil or presence of topsoil fill, debris, etc., and additional works are required to ensure that the park can be built to City standards, the Owner shall, at the direction of the City's Director of Planning and Urban Design undertake such additional work as required to excavate and remove soils to an appropriate depths and supply and install suitable soils at the Owners expense;
 - e. prior to spreading topsoil, provide results of topsoil fertility testing, confirming that the topsoil to be installed in the Park meets the City's requirement for levels of nitrogen, phosphorus, potassium, micro nutrients and its textural class and organic content etc. The Owner agrees to amend topsoil according to the City's current specifications for 'Topsoil and Finish Grading', to the satisfaction of the Director of Planning and Urban Design;
 - f. provide and install topsoil to a depth of 300 mm spread over the entire park including removal of all boulders and non-organic debris larger than 100mm from topsoil, and seed the park with a City approved seed mix to the satisfaction of the Director of Planning and Urban Design;
 - g. install temporary fence around entire Park at the property line, complete with construction gate, in accordance with OPSD 971.101 and maintain the fencing until for the two-year maintenance period, or until final acceptance of the Park by the City;
 - h. grade, topsoil and sod all adjacent boulevards and maintain turf debris free;
 - i. base parkland as-built survey (AutoCAD format) completed by an Ontario Land Surveyor that is to the satisfaction of Director of Planning and Urban Design;
 - j. any other landscaping required by the approved Community Design Plan; and
 - k. maintenance of the Park, including cutting the grass a minimum of six times per year, between the dates of May 1 and October 30th, for the two-year maintenance period and removal of all refuse, junk, stones, dumping, debris or other material

deposited on the Park, at the expense of the Owner until final acceptance of the Park by the City, to the satisfaction of the Director of Planning and Urban Design.

- l. The Owner acknowledges and agrees that the foregoing park components set out in clauses (a) to (k) are not eligible for credit against development charges.
- m. Stockpiles, shoring/staging works, or storage of construction equipment or materials, other than the materials, equipment, and stockpiles required for the base park work, are not permitted on lands conveyed or to be conveyed to the City for park purposes unless approved in writing by the Director of Planning and Urban Design

17.30 Stockpiles, shoring/staging works, or storage of construction equipment or materials, other than the materials, equipment, and stockpiles required for the base park work, are not permitted on lands conveyed or to be conveyed to the City for park purposes unless approved in writing by the Director of Planning and Urban Design.

17.0 Planning

17.1 Prior to final approval of the draft Plan of Subdivision or any phase thereof, the Owner shall enter into a Developers Group Agreement(s) to ensure the provision of community and common facilities such as school sites, municipal services, parks and public roads in the Victoria Glen Secondary Plan area, to the satisfaction of the City (Commissioner of Development Services and City Solicitor), and a certificate confirming completion of such agreement(s) shall be provided to the City by the Developers Group Trustee to the satisfaction of the City Solicitor.

17.2 That the Owner covenants and agrees to provide written clearance from the Trustee of the Victoria Glen Landowners Group, prior to registration of any phase of the draft Plan of Subdivision, to the satisfaction of the Director of Planning and Urban Design.

17.3 The Owner shall provide and post display plans in all sales offices which clearly indicate the location of the following facilities in relation to the lot being purchased, prior to any Agreements of Purchase and Sale being executed by the Owner, a builder, or their real estate agents:

Parks by type, including a Park Concept Plan and Streetscape Plans; stormwater management facility and related facilities; schools by type; place of worship sites; other institutional sites by type; commercial sites by type; other surrounding land uses and facilities as specified by the City; existing or future:., arterial and collector roads, transit routes and stops; City approved sidewalk, walkway and bike route locations; City approved postal box and utility furniture locations or possible locations if prior to approval; City lot grading standards.

All display plans shall be reviewed and approved at the sales office by City staff, prior to the displaying at the sales office.

17.4 The Owner covenants and agrees 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:

- a) the City's parking by-law requires a minimum of two parking spaces, one in the driveway and one in the garage;
- b) the City's zoning by-law restricts the width of the driveway, this width does not allow two cars to park side by side; and,
- c) overnight street parking will not be permitted unless an overnight street parking permit system is implemented by the City.

17.5 The Owner covenants and agrees in the Subdivision Agreement to implement the strategy and actions of the Community Energy Plan in support of the City's net zero emissions by 2050 objective, to the satisfaction of the Director of Sustainability and Asset Management and the Director of Planning and Urban Design.

17.6 The Owner covenants and agrees in the Subdivision Agreement to provide a minimum of six (6) of the low-rise units with built-in secondary suites, to the satisfaction of the Director of Planning and Urban Design.

17.7 The Owner covenants and agrees in the Subdivision Agreement to offer their purchasers at the time of sale the following options to facilitate aging in place and improved accessibility:

- a) Ramps where suitable
- b) Primary bedroom on the main floor on select models
- c) Elevators or the potential to accommodate a future elevator on select models
- d) Secondary entrances to facilitate secondary suites
- e) Double front entry doors for detached designs
- f) Open floor plans where possible, with minimum hallway widths of 36 inches or greater
- g) Pull down lever style door handles
- h) Electrical outlets placed 18- 24 inches from the floor level throughout the home, except over kitchen and bathroom counters
- i) Main bathroom with wood reinforcing built into the walls of the bath tub and over the toilet for future installation of grab bars
- j) A walk- in shower in all master bathrooms
- k) Generous primary bedroom shower sizes that can accommodate shower seats
- l) Generous main floor stair widths and appropriate railings to accommodate future chair lifts

18.0 Canada Post

18.1 The Owner/developer agrees to include on all offers of purchase and sale, a statement that advises the prospective purchaser that mail delivery will be from a designated Community Mailbox.

18.2 The Owner/developer will be responsible for notifying the purchaser of the exact Community Mailbox locations prior to the closing of any unit sale.

18.3 The Owner/developer will consult with Canada Post Corporation to determine suitable locations for the placement of Community Mailbox and to indicate these locations on

the appropriate servicing plans.

- 18.4 The Owner/developer will provide the following for each Community Mailbox site and include these requirements on the appropriate servicing plans:
- a) An appropriately sized sidewalk section (concrete pad) to place the Community Mailboxes on.
 - b) Any required walkway across the boulevard.
 - c) Any required curb depressions for wheelchair access.
- 18.5 The Owner/developer further agrees to determine and 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 the new homes as soon as they are occupied.
- 18.6 The Owner/developer further agrees to provide Canada Post at least 60 days' notice prior to the confirmed first occupancy date to allow for the community mailboxes to be ordered and installed at the prepared temporary location.

19.0 York Region

- 19.1 The Owner/developer further agrees to provide Canada Post at least 60 days' notice prior to the confirmed first occupancy date to allow for the community mailboxes to be ordered and installed at the prepared temporary location.
- 19.2 The Owner shall save harmless the City of Markham and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
- 19.3 The Owner shall agree that no private vehicular access will be permitted to Woodbine Avenue, except for Block 85. Access to Block 85, subject to further review, shall be consolidated, and exclusive turn lanes shall be provided on Woodbine Avenue.
- 19.4 The Owner shall agree to provide direct pedestrian and cycling connections to the boundary roadways and adjacent developments, as well as facilities on the site (e.g., convenient and secure bike racks near entrances) to promote the usage of non-auto travel modes. The Owner shall provide drawings to show the pedestrian and cycling connections and facilities.
- 19.5 The Owner shall agree to implement the recommendations of the Transportation Study, including TDM measures and incentives, as approved by the Region.
- 19.6 The Owner shall agree to advise all potential purchasers of the existing and future introduction of transit services. The Owner/consultant is to contact YRT Contact Centre (tel. 1-866-668-3978) for route maps and the future plan maps.
- 19.7 The Owner shall agree in wording satisfactory to Development Engineering, that an Engineering Approval or a Site Plan Application approval from the Region is required to be in place before the commencement of any site alteration or construction works

for Block 85 abutting Woodbine Avenue.

- 19.8 The Owner shall agree where enhanced landscape features beyond street tree planting, sod and concrete walkways are proposed in the York Region Right-of-Way by the Owner or the area municipality, these features must be approved by Development Engineering and shall be maintained by the area municipality. Failure to maintain these landscape features to York Region's satisfaction will result in the area municipality incurring the cost of maintenance and/or removal undertaken by the Region.
- 19.9 The Owner shall agree to implement the noise attenuation features as recommended by the noise study and to the satisfaction of Development Engineering
- 19.10 The Owner shall agree that where berm, noise wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a professional engineer to have been installed as specified by the approved Noise Study and in conformance with the Ministry of Environment guidelines and the York Region Noise Policy.
- 19.11 The following warning clause shall be included 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".
- 19.12 Where noise attenuation features will abut a York Region Right-of-Way, the Owner shall agree in wording satisfactory to York Region's Development Engineering, as follows:
- a) That no part of any noise attenuation feature shall be constructed on or within the York Region Right-of-Way;
 - b) That noise fences adjacent to York Region roads may be constructed on the private side of the 0.3 metre reserve and may be a maximum 2.5 metres in height, subject to the area municipality's concurrence;
 - c) That maintenance of the noise barriers and fences bordering on York Region Right-of-Way's shall not be the responsibility of York Region.
- 19.13 The Owner shall agree to be responsible for determining the location of all utility plants within York Region Right-of-Way and for the cost of relocating, replacing, repairing and restoring any appurtenances damaged during construction of the proposed site works. The Owner must review, or ensure that any consultants retained by the Owner, review, at an early stage, the applicable authority's minimum vertical clearances for aerial cable systems and their minimum spacing and cover requirements. The Owner shall be entirely responsible for making any adjustments or relocations, if necessary, prior to the commencement of any construction.

Conditions to be Satisfied Prior to Final Approval

- 19.14 The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the City of Markham and York Region.
- 19.15 The Owner shall provide to the Region the following documentation to confirm that water and wastewater services are available to the subject development and have been allocated by the City of Markham:
- a) A copy of the Council resolution confirming that the City of Markham has allocated servicing capacity, specifying the specific source of the capacity, to the development proposed within this draft plan of subdivision; and
 - b) A copy of an email confirmation by a City of Markham staff member stating that the allocation to the subject development remains valid at the time of the request for Regional clearance of this condition.
- 19.16 The Owner shall provide an electronic set of the final engineering drawings showing the water and wastewater infrastructure for the proposed development to Development Services and Infrastructure Asset Management for record.
- 19.17 Concurrent with the submission of the subdivision servicing application to the area municipality, the Owner shall provide a set of engineering drawings, for any works to be constructed on or adjacent to the York Region road, to Development Engineering, Attention: Manager, Development Engineering, that includes the following drawings:
- a) Plan and Profile for the York Region road and intersections;
 - b) Cross Section on York Region right-of-way at 20m interval where the site is abutting;
 - c) Grading and Servicing;
 - d) Intersection/Road Improvements, including the recommendations of the Traffic Report;
 - e) Construction Access Design;
 - f) Utility and underground services Location Plans based on SUE Investigation with Level A accuracy at crossings and Level B accuracy for alignment and the info shown on the drawings;
 - g) Traffic Control/Management Plans;
 - h) Erosion and Siltation Control Plans;
 - i) Landscaping Plans, including tree preservation, relocation and removals;
 - j) Arborist Report;
 - k) Sidewalk locations, concrete pedestrian access to existing and future transit services and transit stop locations as required by York Region Transit/Viva;
 - l) Functional Servicing Report (water, sanitary and storm services);
 - m) Water supply and distribution report;
 - n) Engineering drawings showing plan and profile views of proposed sewers and watermains and appurtenances, including manholes, watermains, valves, hydrants, etc. proposed within the subdivision.
- 19.18 The Owner shall submit a detailed Development Charge Credit Application to York Region, if applicable, to claim any works proposed within the York Region Right-of-Way. Only those works located in their ultimate location based on the next planning upgrade for this Right-ofWay will be considered eligible for credit, and any work done

prior to submission without prior approval will not be eligible for credit.

- 19.19 The Owner shall provide drawings for the proposed servicing of the site to be reviewed by the Engineering Department of the area municipality.
- 19.20 The location and design of the construction access for the subdivision work shall be completed to the satisfaction of Development Engineering and illustrated on the Engineering Drawings.
- 19.21 The Owner shall demonstrate, to the satisfaction of Development Engineering, that all existing driveway(s) along the Regional road frontage of this subdivision will be removed as part of the subdivision work, at no cost to York Region.
- 19.22 The Owner shall demonstrate, to the satisfaction of Development Engineering that elevations along the streetline shall be 0.2 metres above the centreline elevations of the York Region roadway, unless otherwise specified by Development Engineering.
- 19.23 The Owner shall have prepared, by a qualified Tree Professional, a Tree Inventory and Preservation / Removals Plan and Arborist Report identifying all existing woody vegetation within the York Region Right-of-Way to be removed, preserved or relocated. The report / plan, submitted to Development Engineering for review and approval, shall adhere to the requirements outlined in the York Region Street Tree and Forest Preservation Guidelines and shall be to the satisfaction of York Region Natural Heritage and Forestry Staff.
- 19.24 The Owner shall have prepared, by a qualified professional Landscape Architect, landscape design plans detailing landscape works and street tree planting in the York Region Right-of-Way as required by any and/or all of the following, York Region's Streetscaping Policy, York Region's Street Tree Preservation and Planting Design Guidelines, any prevailing Streetscape Masterplan or Secondary Plan or as required by Urban and Architectural Design Guidelines.
- 19.25 Region's Street Tree Preservation and Planting Design Guidelines, any prevailing Streetscape Masterplan or Secondary Plan or as required by Urban and Architectural Design Guidelines.
- 19.26 The Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of Development Engineering recommending noise attenuation features.
- 19.27 The Region requires the Owner submit a Phase One Environmental Site Assessment ("ESA") in general accordance with the requirements of the Environmental Protection Act and O. Reg. 153/04 Records of Site Condition, as amended ("O. Reg. 153/04"). The Phase One ESA must be for the Owner's property that is the subject of the application and include the lands to be conveyed to the Region (the "Conveyance Lands"). The Phase One ESA cannot be more than two (2) years old at: (a) the date of submission to the Region; and (b) the date title to the Conveyance Lands is transferred to the Region. If the originally submitted Phase One ESA is or would be more than two (2) years old at the actual date title of the Conveyance Lands is transferred to the Region, the Phase One ESA will need to be either updated or a new Phase One ESA

submitted by the Owner. Any update or new Phase One ESA must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. The Region, at its discretion, may require further study, investigation, assessment, delineation and preparation of reports to determine whether any action is required regardless of the findings or conclusions of the submitted Phase One ESA. The further study, investigation, assessment, delineation and subsequent reports or documentation must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. Reliance on the Phase One ESA and any subsequent reports or documentation must be provided to the Region in the Region's standard format and/or contain terms and conditions satisfactory to the Region.

The Region requires a certified written statement from the Owner that, as of the date title to the Conveyance Lands is transferred to the Region: (i) there are no contaminants of concern, within the meaning of O. Reg. 153/04, which are present at, in, on, or under the property, or emanating or migrating from the property to the Conveyance Lands at levels that exceed the MOECC full depth site condition standards applicable to the property; (ii) no pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, in, on or under the Conveyance Lands; and (iii) there are no underground or aboveground tanks, related piping, equipment and appurtenances located at, in, on or under the Conveyance Lands.

The Owner shall be responsible for all costs associated with the preparation and delivery of the Phase One ESA, any subsequent environmental work, reports or other documentation, reliance and the Owner's certified written statement.

19.28 Upon registration of the plan, the Owner shall convey the following lands to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of the Regional Solicitor:

- a) A widening across the full frontage of the site where it abuts Woodbine Avenue of sufficient width to provide a minimum of 20.5 metres from the centreline of construction of Woodbine Avenue and any lands required for additional turn lanes at the intersections, and
- b) A 0.3 metre reserve across the full frontage of the site, except at the approved access location, adjacent to the above noted widening, where it abuts Woodbine Avenue and adjacent to the above noted widening(s).

19.29 The Owner shall provide a solicitor's certificate of title in a form satisfactory to York Region Solicitor, at no cost to York Region with respect to the conveyance of the above noted lands to York Region.

19.30 The Owner shall demonstrate, to the satisfaction of Development Engineering, that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region's Right-of-Way, then the

Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.

- 19.31 The Owner shall provide an executed copy of the subdivision agreement with the local municipality to the Regional Corporate Services Department, outlining all requirements of the Corporate Services Department.
- 19.32 For any applications (Site Plan or Zoning By-law Amendment) deemed complete after January 1, 2020, the Owner shall enter into a Development Charge Rate Freezing Agreement with York Region to freeze/lock in the Development Charge rate at the time the site plan application or Zoning By-law Amendment is deemed complete submission, satisfy all conditions, financial and otherwise, and confirm the date at which Regional development charge rates are frozen; Regional Development Charges are payable in accordance with Regional Development Charges By-law in effect at the time that Regional development charges, or any part thereof, are payable. Please contact Fabrizio Filippazzo, Manager, Development Financing Administration to initiate a Development Charge Agreement with York Region.
- 19.33 The Regional Corporate Services Department shall advise that Conditions 1 to 30 inclusive, have been satisfied

20.0 Ministry of the Environment Conservation and Parks (MECP)

- 20.1 The Owner shall agree in the subdivision agreement to satisfy any requirements with respect to the Provincial Endangered Species Act.

21.0 Heritage

- 21.1 That as a condition of the development approval, the owner provide and install at their cost, an interpretive baked enamel "Markham Remembered Plaque" to commemorate the history of the Henry and Charlotte Lever House.

23.0 Rogers

- 23.1 The Owner shall agree in the Subdivision Agreement to (a) permit all CRTC-licensed telecommunications companies intending to serve the Communications Service Providers facilities within the Subdivision, and (b) provide joint trenches for such purpose.
- 23.2 The Owner shall agree in the Subdivision Agreement to grant, at its own cost, all easements required by the Communications Service Providers to serve the Subdivision, and will cause the registration of all such easements on title to the property.
- 23.3 The Owner shall agree in the Subdivision Agreement to coordinate construction activities with the Communications Service Providers and other utilities, and prepare an overall composite utility plan that shows the locations of all utility

infrastructure for the Subdivision, as well as the timing and phasing of installation.

- 23.4 The Owner shall agree in the Subdivision Agreement that, if the Owner requires any existing Rogers facilities to be relocated, the Owner shall be responsible for the relocation of such facilities and provide where applicable, an easement to Rogers to accommodate the relocated facilities.

24.0 **Natural Heritage**

- 24.1 The Owner covenants and agrees to convey all Greenway and Open Space blocks to the City of Markham in a physical condition to the satisfaction of the City.
- 24.2 The Owner covenants and agrees to implement the recommendations of the Environmental Impact Study.
- 24.3 That prior to final approval of the draft plan, the Owner agrees to prepare a Natural Heritage Restoration Plan for Greenway and Open Space Blocks. The NHRP shall include detailed landscape plans prepared to the satisfaction of the Director of Planning and Urban Design.
- 24.4 The Owner covenants and agrees to provide a Letter of Credit in the subdivision agreement to secure the ecological restoration and trail construction works identified in the NHRP.
- 24.5 The Owner covenants and agrees to include warning clauses in all agreements of purchase and sale for any lot abutting a Greenway or Open Space Block providing notice that "Lands adjacent to this property have been conveyed to the City of Markham for environmental protection purposes. These lands will be left in an untouched, naturalized state. Purchasers are advised that building encroachments, dumping of yard waste and removal of trees/vegetation are not permitted on city-owned lands. No fence gates shall be permitted between private property and environmentally sensitive areas. Purchasers are further advised that trails are planned to be constructed within the valley system which may result in pedestrian traffic and noise".
- 24.6 The Owner covenants and agrees to prepare and distribute a natural heritage stewardship guide to all purchasers abutting a Greenway or Open Space Block.
- 24.7 The Owner covenants and agrees to ensure that the trailhead (Block 91) shall be zoned OS1.

25.0 **TRCA**

- 24.8 The final Plan of Subdivision shall be in general conformity with the draft plan prepared by KLM Planning, dated November 19, 2024 and signed by Stephen Kosmachuk; OLS dated February 12, 2025. Prior to a request for clearance of any phase of this plan, to:
- a) Include blocks that are to be conveyed to the Municipality or TRCA as appropriate to the satisfaction of the City of Markham and TRCA.

- b) Meet the requirements of TRCA's conditions, including the adjustment of block lot lines to the satisfaction of the City of Markham and TRCA as a result of the completion of required studies.
 - c) Should the above not be adequately addressed in the Plan, red-line revision will be required to the satisfaction of the TRCA, to address the Authority's requirements with respect to these conditions
- 24.9 The final Plan of Subdivision shall be in general conformity with the Victoria Glen Master Environmental Servicing Plan (MESP). Should the draft plan of subdivision not adequately reflect the MESP, a red-line revision will be required to the satisfaction of the TRCA.
- 24.10 Prior to registration of the Plan of Subdivision, the applicant shall provide an M-Plan demonstrating any adjusted block lines, additional blocks, and any other required revisions to the satisfaction of the City of Markham and TRCA.
- 24.11 That prior to any development, pre-servicing or site alteration, or registration of this plan or any phase thereof, the owners or their agents submitting constructed prior to the subject development the following plans and reports to the satisfaction of the Toronto and Region Conservation Authority:
- a. A revised Functional Servicing Report and/or written verification that either:
 - i. The downstream storm sewers and SWM Pond BZ10 have sufficient capacity for the conveyance of stormwater from the subject subdivision; or
 - ii. Written confirmation that the downstream Storm Water Management Pond BZ10 will be constructed prior to the subject subdivision.
 - b. Detailed grading plans for the subject lands. These plans must indicate how grade differentials will be accommodated without the use of retaining walls within or adjacent to valley and stream corridor blocks. All modifications to existing slopes must result in geotechnically-stable slopes to the satisfaction of the TRCA.
 - c. Plans illustrating that all works, including all grading, site alterations, or materials associated with these activities, will not encroach, or be placed on lands outside of the development areas. These plans must also identify no grading works and fill placement within the valley corridor, beyond those approved by the TRCA.
 - d. Information detailing all anticipated temporary dewatering that may be required during the construction phases, including anticipated volumes, duration, discharge locations, and filtration media – as required, to the satisfaction of the TRCA, for the purposes of confirming whether erosion is anticipated and whether a TRCA permit is required.
- 24.12 That prior to any development, pre-servicing or site alteration, the applicant obtains all permits pursuant to the Conservation Authorities Act from the TRCA for all works proposed on the subject property for which permits would be required and those related to any associated off-site infrastructure or stormwater management works required to support this development. No grading, pre-servicing or temporary stormwater management works are to be initiated within TRCA's Regulated Areas until such time as a permit from the TRCA and all requisite

TRCA approvals are attained.

- 24.13 That the size and location of Stormwater Management Blocks and LID measures, including any outlets and outfalls and any stormwater management infrastructure utilized for quantity control, be confirmed to the satisfaction of the TRCA. And, if required to meet TRCA requirements, red-line revisions be made to the plan to expand these blocks or modify their size or configuration into the surrounding lands within this subdivision which are currently proposed for development.
- 24.14 That a warning clause be included in all agreements of purchase and sale, and information be provided on all community information maps and promotional sales materials for private lots or blocks on which infiltration related infrastructure such as LID's, rear yard swales and catch basins are located which identifies the following:
- a. That underground and/or surface stormwater management infrastructure is located on the subject property, which forms an integral part of the stormwater management infrastructure for the community. It is the owner's responsibility for the long-term maintenance of this system by ensuring that proper drainage is maintained. Grading within the rear yard, such as swales which convey stormwater to this system must remain in their original form.
- 24.15 That a warning clause be included in all agreements of purchase and sale, and information be provided on all community information maps and promotional sales materials for blocks and lots adjacent to TRCA regulated lands:
- a. The owners are advised that the rear lot lines are adjacent to environmental protection lands, which are regulated by the Toronto and Region Conservation Authority. These lands are considered to be part of the publicly owned environmental protection area, which is intended to remain naturalized, and will not be actively maintained. A future public trail may be located within all or a part of this area, however private uses such as picnic, barbeque or garden areas; storage of materials and/or the dumping of refuse or ploughed snow are not permitted on these lands. In addition, access to the adjacent TRCA lands through the subject property is not permitted. Private rear yard gates are prohibited.
- 24.16 That the owner shall provide a comprehensive planting and restoration strategy having specific regard for the CUP3-3 unit recognizing that it supports the adjacent Provincially Significant Wetland (PSW) as well as any proposed grading encroachment into the PSW buffer. The owner commits to funding the implementation of the restoration and enhancement plans on the subject lands, as well as any associated monitoring and warrantee to the satisfaction of TRCA and in accordance with the recommendations of the EIS.
- 24.17 That the owner agrees 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 reports and plans referenced in TRCA's conditions.

- b) To implement the requirements of the TRCA's conditions in wording acceptable to the TRCA.
- c) To design and implement on-site erosion and sediment controls in accordance with current TRCA standards.
- d) To maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the TRCA.
- e) To obtain all necessary permits pursuant to the conservation Authorities Act from the TRCA.
- f) To erect a permanent fence to the satisfaction of the TRCA on all lots and blocks abutting natural areas and their buffers (if gratuitously dedicated to the TRCA).
- g) To implement all water balance/infiltration measures identified in the submitted studies that have or are to be completed for the subject property.
- h) Implement all adaptive management and mitigation measures identified in the submitted design reports that have or are to be completed for the subject property.
- i) To provide for the warning clauses and information identified in TRCA's conditions.
- j) That where required to satisfy TRCA's conditions, development shall be phased within this plan.
- k) That prior to a request for renewal of draft approval of any phase of this subdivision, that the owner consult with the TRCA with respect to whether the technical studies submitted in support of this development remain to meet current day requirements, and that the owner update any studies and plans, as required, to reflect current day requirements.

26.0 Hydro One

26.1 Any proposed secondary land use on the transmission corridor is processed through the Provincial Secondary Land Use Program (PSLUP). The developer must contact Johnny Bi, Real Estate Coordinator at johnny.bi@hydroone.com to discuss all aspects of the subdivision design, ensure all of HONI's technical requirements are met to its satisfaction, and acquire the applicable agreements.

26.22. Prior to HONI providing its final approval, the developer must make arrangements satisfactory to HONI for lot grading and drainage. Digital PDF copies of the lot grading and drainage plans (true scale), showing existing and proposed final grades, must be submitted to HONI for review and approval. The drawings must identify the transmission corridor, location of towers within the corridor and any proposed uses within the transmission corridor. Drainage must be controlled and directed away from the transmission corridor.

26.3 Any development in conjunction with the subdivision must not block vehicular access to any HONI facilities located on the transmission corridor. During construction, there must be no storage of materials or mounding of earth, snow or other debris on the transmission corridor.

- 26.44. At the developer's expense, temporary fencing must be placed along the transmission corridor prior to construction, and permanent fencing must be erected along the common property line after construction is completed.
- 26.55. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this subdivision will be borne by the developer. The developer will be responsible for restoration of any damage to the transmission corridor or HONI facilities thereon resulting from construction of the subdivision.
- 26.66. This letter and the conditions contained therein should in no way be construed as permission for or an endorsement of proposed location(s) for any road crossing(s) contemplated for the proposed development. This permission may be specifically granted by OILC under separate agreement(s). Proposals for any secondary land use including road crossings on the transmission corridor are processed through PSLUP. HONI, as OILC's service provider, will review detailed engineering plans for such proposals separately, in order to obtain final approval.

Should approval for a road crossing be granted, the developer shall then make arrangements satisfactory to OILC and HONI for the dedication and transfer of the proposed road allowance directly to the City of Markham.

Access to, and road construction on the transmission corridor is not to occur until the legal transfers or lands or interests are completed.

In addition, HONI requires the following be conveyed to the developer as a precaution:

- 23.16. The transmission lines abutting the subject lands operate at either 500,000, 230,000 or 115,000 volts. Section 188 of Regulation 213/91 pursuant to the Occupational Health and Safety Act, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the developer's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.

26.0 TransCanada PipeLines Limited

- 23.2 TCPL's right-of-way shall be dedicated to the municipality as passive open space or parkland subject to TCPL's easement rights. TCPL's right-of-way shall be identified on all municipal plans and schedules as a pipeline/utility corridor.
- 23.3 A crossing and encroachment permit/agreement must be approved by TCPL for ongoing activities such as mowing or maintenance of the right-of-way on public lands.
- 23.4 The conditions, restrictions or covenants specified by TCPL shall be included in a separate agreement between TCPL and the Owner, and the Owner shall register

such agreement against title to the Subject Lands prior to registration of the subdivision plan by way of application to register conditions, restrictions or covenants, as applicable, pursuant to the Land Titles Act, or any amendments thereto.

23.5 Written consent must be obtained from TCPL prior to undertaking the following activities:

- a. Constructing or installing a facility across, on, along or under a TCPL right-of-way. A facility may include, but is not limited to: driveways, roads, access ramps, trails, pathways, utilities, berms, fences/fence posts;
- b. Conducting a ground disturbance (excavation or digging) on TCPL's right-of-way or within 30 metres of the centreline of TCPL's pipeline (the "Prescribed Area");
- c. Driving a vehicle, mobile equipment or machinery across a TCPL right-of-way outside the travelled portion of a highway or public road;
- d. Using any explosives within 300 metres of TCPL's right-of-way; and e.
- e. Use of TCPL's Prescribed Area for storage purposes.

23.6 During construction of the site, temporary fencing must be erected and maintained along the limits of the right-of-way by the Owner(s) to prevent unauthorized access by heavy machinery. The fence erected must meet TCPL's specifications concerning type, height and location. The Owner is responsible for ensuring proper maintenance of the temporary fencing for the duration of construction.

23.7 Permanent fencing may be required along the limits of TCPL's right-of-way. The fence erected must meet TCPL's and the municipality's specifications concerning type, location, and height. Any excavations for fence posts on, or within 30 metres of the pipeline must be done by hand or hydro vac. There shall be no augers operated on the right-of-way. The Owner shall notify TCPL 3 business days prior to any excavation for fence posts located on or within 30 metres of the pipeline. All fences made of metallic materials must be approved by TCPL prior to being erected on or within 30 metres of the pipeline.

23.8 Storage of materials and/or equipment on TCPL's right-of-way is not permitted.

23.9 Where TCPL consents to any ground disturbances in proximity to any TCPL pipeline, the original depth of cover over the pipelines within TCPL's right-of-way shall be restored after construction. This depth of cover over the pipelines shall not be compromised due to rutting, erosion or other means.

23.10 Facilities shall be constructed to ensure that drainage is directed away from the right-of-way so that erosion that would adversely affect the depth of cover over the pipelines does not occur. Catchment basins, drainage swales or berms are not permitted within TCPL's right-of-way. All infrastructure associated with site servicing, grading, and stormwater management (e.g. subdrains, manholes, catchbasins, retention walls, storm ponds, culverts/riprap) shall be setback a minimum of 7 meters from the edge of TCPL's right-of-way.

- 23.11 Should pooling of water or erosion occur on the right-of-way as a result of any facility installation or landscaping, the Owner will be responsible for the remediation to TCPL's satisfaction.
- 23.12 Any large scale excavation adjacent to the right-of-way, which is deeper than the bottom of the pipe, must incorporate an appropriate setback from TCPL's right-of-way and must maintain a slope of 3:1 away from the edge of the right-of-way.
- 23.13 Mechanical excavation within 1.5 metres of the edge of TCPL's pipeline is prohibited. Hand or hydrovac excavation must be utilized within this distance.
- 23.14 In no event shall TCPL be held liable to the Owner respecting any loss of or damage to the Owner's Facility which the Owner may suffer or incur as a result of the operations of TCPL. The Owner shall be responsible for all costs involved in replacing the Owner's Facility damaged or removed during TCPL's operations and shall indemnify and save harmless TCPL from all actions, proceedings, claims, demands and costs brought against or incurred by TCPL as a result of the presence of or damage to the Owner's Facility on the TCPL right-of-way.
- 23.15 All display plans in the lot/home sales office shall identify the TCPL pipeline right-of-way corridor within the proposed linear park block(s).
- 23.16 The Owner shall include notice of the following in all offers of purchase and sale:
- Notice of the easement agreement registered against the property which may affect development activities on the property;
 - Notice of the 30 metre Prescribed Area as regulated by the CER Act;
 - The number of high pressure natural gas pipelines within the easement and the location of the easement in relation to the development;
 - The setback for all permanent structures and excavations from the limits of the right-of-way; and,
 - The local One Call number 1-800-400-2255 or www.clickbeforeyoudig.com.
- 23.17 TCPL's prior approval must be obtained for the Site Plans for the permanent structures to be erected on lots and/or Blocks which are encumbered by, or are adjacent to TCPL's right-of-way.
- 23.18 If TCPL's pipelines experience contact damage or other damage as a result of construction, stop work immediately and notify TCPL at once.
- 23.19 All associated work, signage or any other engineering protection measures must be completed by TCPL or its qualified contractors at the sole expense of the Owner. The complete scope of work that may be required is subject to other conditions that may be necessary related to a finalized design that is approved by TCPL. Additionally, prior to TCPL or its contractors conducting any associated work, TCPL and the Owner must execute a reimbursement agreement, including financial assurances, which provides that the entire cost of conducting this associated work is 100% reimbursable to TCPL.

23.20 The owner shall ensure through all contracts entered into, that all contractors and subcontractors are aware of and observe the foregoing terms and conditions.

24.0 External Clearance Letters

- a) Canada Post shall advise that conditions XX to XX have been satisfied.
- b) The Ministry of the Environment, Conservation and Parks shall advise that condition XXX has been satisfied.
- c) The Regional Municipality of York Planning Department shall advise that condition XXX have been satisfied.
- d) The Toronto and Region Conservation Authority shall advise that condition XXX has been satisfied.
- e) The York Region District School Board shall advise that conditions XXX to XXX have been satisfied.
- f) Hydro One shall advise that conditions XXX to XXX have been satisfied.
- g) Rogers shall advise that conditions XXX to XXX have been satisfied.

Dated: XXXX, XX, 2025

Stephen Lue, Senior Development Manager



Report to: Development Services Committee

Report Date: July 8, 2025

SUBJECT: RECOMMENDATION REPORT
 Transmark Developments Ltd., Applications for Official Plan and Zoning By-law Amendment to permit a 30- and 35-storey mixed use development with 864 residential units at 4216 Highway 7 East (Ward 3)

File PLAN 25 110915

PREPARED BY: Melissa Leung, MCIP, RPP, Senior Planner, Central District, ex. 2392

REVIEWED BY: Barton Leung, Acting Manager, Central District, ext. 2376
 Stephen Lue, MCIP, RPP, Senior Development Manager, ext. 2520

RECOMMENDATION:

- 1) THAT the July 8, 2025, report titled, "RECOMMENDATION REPORT, Transmark Developments Ltd., Applications for Official Plan and Zoning By-law Amendment to permit a 30- and 35-storey mixed use development with 864 residential units at 4216 Highway 7 East (Ward 3), File PLAN 25 110915", be received;
- 2) THAT the Applications for Official Plan and Zoning By-law Amendment, submitted by Transmark Developments Ltd., under File PLAN 25 110915, to amend the City of Markham Official Plan and Zoning By-laws 122-72 and 2004-196, as amended, be refused without further notice;
- 3) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

This report recommends refusal of the Official Plan and Zoning By-law Amendment applications (the "Applications") submitted by Transmark Developments Ltd. (the "Applicant") to permit a 30- and 35-storey mixed use development with 864 residential units with a density of 3.57 FSI (the "Proposed Development") on the lands located on the south side of Highway 7 East and generally west of Main Street Unionville (and the Unionville Heritage Conservation District), municipally known as 4216 Highway 7 (the "Subject Lands"), as shown on Figures 1 and 2. The Applicant proposes the following to permit the Proposed Development:

- a) redesignate the Subject Lands from "Commercial Corridor Area" to "Community Amenity Area – Major Urban Place
- b) rezone the Subject Lands and incorporate them within the Markham Centre Zoning By-law 2004-196, as amended, and to modify the development standards

Staff note that many of the concerns identified in this report have been communicated to the Applicant since the Pre-Application Consultation stage, but were not addressed or resolved as part of the Applications. The Proposed Development and Applications do not represent good land use planning as they propose development in isolation of the surrounding area rather than in a comprehensive and coordinated manner. Furthermore, the Proposed Development does not conform to the policies and vision of the Official Plan for this area; and detracts from the planned function of the municipal structure identified within the Official Plan and the emerging Markham Centre Secondary Plan. It is not appropriate, does not provide for the critical future road network, and disregards the existing and future land use context.

PURPOSE:

This report recommends refusal of the Applications submitted by the Applicant to permit the Proposed Development on the Subject Lands, as shown on Figures 1 and 2.

PROCESS TO DATE:

- December 1, 2021: A preliminary meeting was held to review a mixed-use development, containing two residential towers (30- and 37-storeys) and 769 residential units. Staff issued preliminary comments and concerns of the development intensity on December 31, 2021.
- November 29, 2022: A Pre-Application Consultation Checklist was issued for a revised proposal consisting of 832 residential units, and towers relocated to the rear of the property. The Checklist identified that Staff's initial comments and concerns remain applicable.
- May 15, 2024: A revised Pre-Application Consultation Checklist was issued for a revised proposal, and considering Bill 109 changes to application review processes and submission requirements. Staff's comments and concerns remained unchanged.
- April 15, 2025: Staff deemed the Applications complete.
- May 14, 2025: Heritage Markham Committee considered the Applications (refer to Appendix 'A' for the Heritage Markham Meeting Minutes).
- May 20, 2025: The statutory Public Meeting was held (refer to Appendix 'B' for the Public Meeting Minutes).
- August 13, 2025: The 120-day period set out in the Planning Act before the Applicant can appeal the Applications to the Ontario Land Tribunal (the "OLT") for a non-decision ends.

BACKGROUND:

Location and Area Context

The 2.05 ha (5 ac) Subject Lands, shown in Figures 1 and 2, are currently occupied by a one-storey, 6,366 m² (68,523.05 ft²) and 22-unit commercial plaza (The Shoppes of Unionville). A variety of businesses currently occupy 16 units, with uses that include medical offices, restaurants, and other commercial and retail uses. Figure 3 shows the surrounding land uses and table 1 summarizes the Applicant's Proposed Development.

Table 1: the Proposed Development (see Figures 4 and 5)

| | |
|-------------------|---|
| Residential Area: | 69,846 m ² (751,816 ft ²) Gross Floor Area ("GFA") |
| Retail GFA: | 2,335 m ² (25,131 ft ²) |

| Table 1: the Proposed Development (see Figures 4 and 5) | |
|--|---|
| Dwelling Units: | 864 |
| Building Height: | Tower A: 35 storeys; Tower B: 30 storeys; Podium: 2-8 storeys |
| Density: | 3.57 times the area of the Subject Lands (Floor Space Index – “FSI”) |
| Parking Spaces: | 709 (including 130 visitor/commercial spaces) in two levels of underground parking and two levels within the podium |

Written submissions and comments were received at the May 20, 2025, statutory Public Meeting (see the meeting minutes in Appendix ‘B’)

To date, the City received one written submission and one oral submission from the Unionville Residents Association objecting to the Proposed Development. The following summarizes the key matters raised to date with how they have been considered and outlined in the Discussion section of this report:

- a) The rationale for the future extension of Rougeside Promenade
- b) Conformity with the emerging Markham Centre Secondary Plan (“MCSP”)
- c) Providing an appropriate height transition and the potential for mid-rise development on the Subject Lands

The Provincial Policy framework acknowledges that municipal official plans are the most important document for implementing province-wide policy direction and focuses on intensification to support complete communities, with implementation through official plan policies and designations

The 2024 Provincial Planning Statement (the “2024 PPS”) provides direction on matters of Provincial interest related to land use planning and development and includes, in part, building strong, healthy and complete communities with an emphasis on efficient development and prioritizing planning and investment in the necessary infrastructure to accommodate projected needs. The 2024 PPS also states that “municipal official plans are the most important vehicle for implementation of the Provincial Planning Statement and for achieving comprehensive, integrated and long-term planning.”

Policy 3.1.1 indicates that infrastructure “shall be provided in an efficient manner while accommodating projected needs” and shall also “be coordinated and integrated with land use planning and growth management”.

Furthermore, Policy 2.4.2.1 states that “planning authorities shall delineate the boundaries of major transit station areas on higher order transit corridors through a new official plan or official plan amendment adopted under section 26 of the Planning Act.” While the 2024 PPS promotes development and intensification within a Major Transit Station Area (“MTSA”), Staff note that the Subject Lands are located outside of the delineated boundaries of the Andre De Grasse, Unionville, and Enterprise MTSA’s, as shown in Figure 6.

The York Region Official Plan (the “2022 ROP”) designates the Subject Lands “Community Area” and within the “Urban Area” and “Built Up Area” in a “Regional Centre” with a portion of the Subject Lands located in the “Urban River Valley”

The 2022 ROP requires that intensification utilizes land efficiently and sustainably that is commensurate with available hard and soft services and existing infrastructure, while having regard for the local context. The 2022 ROP permits growth and development in the Community Areas and directs the highest densities and the greatest mix of land uses toward Regional Centres and other MTSAs. The 2022 ROP also identifies Regional Centres as the primary focal points for intensive development that will also provide “protection and construction of a continuous fine-grained street grid that facilitates the flexible and efficient movement of people and goods”. Finally, Section 2.3 of the 2022 ROP permits a mix and range of housing options to support complete communities and establishes that a minimum 25% of new housing outside of Regional Centres and MTSAs be affordable, and that a minimum of 35% of new housing in Regional Centres and MTSAs be affordable.

York Region provided comments on the Applications and stated that “it is recommended that the development be consistent with the draft Markham Centre Secondary Plan Update.”

The 2014 Official Plan (“2014 OP”) land use designation does not apply to the Subject Lands

The 2014 OP designates the Subject Lands as “Mixed Use Low Rise”, which permits small-scale mixed-use development with a maximum building height of three storeys in which non-residential use shall not exceed 1,000 m². However, Section 9.12.4 states that until the approval of an updated secondary plan for the Regional Centre-Markham Centre lands, the provisions of the 1987 OP, as amended by OPA 21, shall apply to the Subject Lands.

The Applicant proposes to amend the in-effect Markham Centre Secondary Plan (“OPA 21”) to permit the Proposed Development

OPA 21 designates the Subject Lands “Commercial Corridor Area” and a portion of the lands as “Special Policy Area.” Section 4.3.4 a) – “West of Unionville Main Street” provides additional site-specific policies, as noted below:

- i. the assembly of parcels will be encouraged in order to provide limited points of access to Highway 7 and coordinated parking;
- ii. buildings will be located as close as possible to the Highway 7 right-of-way taking into account the need for and design of pedestrian amenities and the overall design objectives for Highway 7;
- iii. parking shall generally be located to the rear of the principal buildings; and,
- iv. residential uses shall be limited to a maximum of two storeys over the ground floor commercial or other permitted uses in mixed use developments.”

Section 4.3.4 b) – Lands designated COMMERCIAL and SPECIAL POLICY AREA on Schedule ‘A’ – LAND USE in the Official Plan (Revised 1987), as amended, on the south side of Highway 7 abutting the westerly limit of the CNR right-of-way, known as 4261 Highway 7, with a total of approximately 2.4 ha shall be subject to the following policies:

- i. Uses which generate high volumes of traffic or have high traffic turnover shall generally not be permitted; and,
- ii. Buildings and structures shall be flood protected to an elevation of not less than 176.4 metres, Canadian Geodetic Datum.”

The Subject Lands are also located within the “Urban Edge” along Highway 7. Section 3.6.2 identifies the Highway 7 Urban Edge as an area where commercial and retail should be massed to the street and buildings are encouraged to have direct pedestrian access at street level. Section 3.6.2 b) further specifies that retail stores and/or building entrances should front onto the street. The Applicant proposes an Official Plan Amendment to re-designate the lands from “Commercial Corridor Area” to “Community Amenity Area – Major Urban Place” and to permit a maximum building height of 35 storeys and density of 3.57 FSI.

The DSC received the draft policy framework for the MCSP Update on July 3, 2024

The draft policy framework designates the Subject Lands “Mixed Use Low Rise” with a maximum height of 3 storeys and maximum density of 2 FSI. The emerging MCSP also identifies a Minor Collector Road (the extension of Rougeside Promenade) traversing the Subject Lands and connecting to the existing signalized entrance at Highway 7 with park space on the south and east side of the future road extension. Staff note that every iteration of the draft MCSP that was presented to DSC, including the 2021 Preliminary Concept, the 2022 Draft Development Concept, and the 2023 Recommended Development Concept, showed the Rougeside Promenade extension on the Subject Lands. The final MCSP is targeted for approval in Q4-2025.

The Subject Lands are partially located within a Special Policy Area

Section 9.12.7 of the 2014 OP, OPA 21, and the ongoing MCSP Update identify the southern portion of the Subject Lands within a Special Policy Area (“SPA”). The intent of the SPA is to support the continued viability of existing and approved land uses in the floodplain. The SPA provides for more flexibility and certain development permissions are permitted that would otherwise be prohibited due to flood risk. Any change or modification to policies or designations within a SPA requires the approval of the Ministers of Municipal Affairs and Housing and Natural Resources. Re-development within the SPA may be permitted where it would not result in any intensification above and beyond existing Official Plan land use permissions subject to addressing flood risks to the satisfaction of the City and TRCA. As discussed below, technical review by the TRCA will be required to ensure the Proposed Development can be floodproofed to TRCA’s satisfaction.

The portion of the Proposed Development within the SPA consists of a 2-storey podium and meets the requirements of OPA 21 and the MCSP Update. Staff opine that the Proposed Development would meet the SPA’s height and density restrictions subject to technical revisions to the Official Plan Amendment to clearly restrict development to 2-storeys within the SPA.

On May 14, 2025, the Heritage Markham Committee recommended that the Applications not be supported due to the lack of appropriate transition to the adjacent Unionville Heritage Conservation District (see Appendix ‘A’)

The 2014 OP requires that proposed developments on properties that are “adjacent” to cultural heritage resources be reviewed for their potential impact on the resource. Adjacency is defined in the Official Plan as being within 60 m of a cultural heritage resource and the definition of a cultural heritage resource includes a heritage conservation district. In January 2015, Council endorsed the Main Street Unionville Community Vision Plan (the “Vision Plan”), which identified Highway 7 from the train tracks to Main Street Unionville as a gateway corridor with small-scale, picturesque, and traditional style buildings. The Vision Plan prefers heights of 2.5 to 3.5 storeys

in the east with a possible 4 to 5 storeys near the tracks. Heritage Markham Committee noted that the Proposed Development should provide a transition in height from the proposed 8-storey building at 4021 and 4217 Highway 7 (to the west) towards the Heritage District to the east.

The Applicant proposes an amendment to Zoning By-law 122-72, as amended, (the “Zoning By-law”) to permit the Proposed Development, as shown in Figure 5

While currently zoned “Special Commercial One” (SC1), which permits a variety of commercial uses, residential uses are not permitted on the Subject Lands. The Applicant proposes to delete the entire Subject Lands from the Zoning By-law and incorporate it into the Markham Centre By-law 2004-196, as amended, within the “Markham Centre Downtown Two *XX (MC-D2*XX)” Zone to permit the Proposed Development with site-specific development standards including, but not limited to, the following:

- a) One supermarket with a maximum net floor area of 930 m²
- b) Minimum 0.6 parking spaces/dwelling unit plus 0.1 parking spaces/dwelling unit (visitors)
- c) A maximum residential gross floor area of 69,846 m²
- d) A maximum non-residential gross floor area of 2,335 m²
- e) A maximum of 870 dwelling units
- f) A maximum height of 117 m
- g) Minimum setbacks (front: 4.5 m; east side: 30 m; west side: 20 m; rear: 25 m)

DISCUSSION:

Staff opine that the Proposed Development does not represent good planning for the following reasons listed below

a) Provincial and Regional Policy Considerations: MTSA delineation and proximity to higher order transit

The Applicant submitted a Planning Justification Report noting that the Subject Lands should be considered as being located within a MTSA due to the relative proximity to higher order transit, including the Sciberras/Highway 7 VIVA Bus Rapidway Transit (“BRT”) Station and the Unionville GO Station.

York Region Staff note that the Applicant incorrectly identified a new local route that has not been proposed by the York Region Transit (“YRT”) and incorrectly identified the bus stop at Sciberras/Highway 7 as a higher order transit station. “Higher order transit” is defined as “transit that generally operates in partially or completely dedicated rights-of-way, outside of mixed traffic.” The BRT higher order transit will not travel through this portion of Highway 7 and will instead travel through Markham Centre along Enterprise Boulevard. As per the long-term transit network identified in the York Region’s 2022 Transportation Master Plan, the bus route that services this portion of Highway 7, including the Subject Lands, will continue to be a mixed traffic route with curbside service.

Although the Proposed Development is in proximity to an existing bus stop and bus route (VIVA Purple), as previously noted and as shown in Figure 6, the Subject Lands are not located within a MTSA. The delineation of a MTSA is intended to maximize the number of potential transit users that are within walking distance of a major transit station; however, the walking distance to Unionville GO Station from the Subject Lands is approximately 28 minutes, which Staff do not consider to be a close or walkable distance. Finally, the MCSP

Update does not propose any new MTSA's or revised delineations within this area of the Secondary Plan. As such, the Proposed Development is not considered to be located within any existing or emerging MTSA's that allow for the highest intensity of development.

b) OPA 21 and MCSP Update Considerations: The proposed heights and density are not appropriate

The Applicant proposes height and density maximums of 35 storeys and 3.57 FSI, or 427.7 units per hectare ("UPH"), which are far greater than what is permitted by the existing "Commercial" land use designation (which permits 3 storeys with no density provisions) and what the MCSP Update Study contemplates (2 to 3 storeys, potentially 4 storeys in low density areas outside of an SPA, and a density of 2 FSI). The proposed height and density also exceeds the permissions under the proposed redesignation of "Community Amenity Area – Major Urban Place", which permits 8 to 13 storeys and 80 to 148 UPH. Moreover, Staff note that the Applicant's density may actually be greater than proposed, as it includes lands that may need to be conveyed to the City as "Open Space" or "Hazard Lands", which would be excluded from the density calculation. Given that the natural heritage network boundary has not yet been determined, this may result in a further density increase. Further details are provided in the Natural Heritage section below.

The Subject Lands are also surrounded by existing and potential low- and mid-rise development. The heights and density of the Proposed Development serve as a major deviation from what OPA 21 and the emerging MCSP permits and is significantly higher and more intense than the existing and proposed development within the immediate area.

The scale of the proposed site-specific increases in height, densities, and number of residential units have the potential to establish an undesirable precedent and expectations for other developments outside of a MTSA. In addition to creating an undesirable new context within the area, it would place additional strain on the transportation network and servicing considerations which are outlined in more detail below.

c) Heritage Markham, OPA 21, and MCSP Update Considerations: The Proposed Development should not be evaluated in isolation of the surrounding area

The Proposed Development requires a comprehensive and coordinated approach and must include the Rougeside Promenade Extension, as noted in this report, and respect the context of the surrounding mid- and low-rise built form, including the Unionville Heritage Conservation District to the east. Notwithstanding that the Subject Lands are located in Markham Centre, which permits higher levels of intensification, Staff are of the opinion that OPA 21 and the MCSP Update intends for the Subject Lands to be part of a Highway 7 Corridor sub-area where development shall feature predominantly mid-rise buildings. The intent of the policies, as demonstrated in Schedule 'DD' of OPA 21 and in Map SP8 of the draft MCSP, is for the greatest heights and density along Highway 7 to be located at Highway 7 and Warden and gradually taper down near Sciberras Road, while also accommodating for the anticipated population growth by delivering the necessary road network improvements detailed below.

d) MCSP Update Considerations: Exclusion of the Rougeside Promenade Extension

The MCSP Update study includes the review of the overall transportation network. The July 2024 Policy Framework identified the Rougeside Promenade extension (a minor collector road) connecting to Highway 7 in an alignment that is generally located along the southern portion of the Subject Lands and curved northward to the existing signalized intersection at Highway 7 (see Figure 7). The extension plays an important role in the overall transportation network for the surrounding area that the Applicant omitted in the Proposed Development.

Staff note that the MCSP Update is a plan designed to guide the development of Markham Centre over the next 20 to 30 years, as it relates to matters including, but not limited to, mobility, built form, land uses, parks and public spaces, and servicing. The mobility needs are informed by the Transportation Assessment as part of the Secondary Plan review. A key outcome of this assessment is the recommendation of a cohesive mobility framework that includes an integrated road network, cycling infrastructure, and transit systems to support the anticipated population of 139,000 residents and employment growth of 55,000 jobs in Markham Centre at full build out, whereas the in-effect OPA 21 only contemplated a population of 25,000 residents and 17,000 jobs.

The proposed road network, including the Rougeside Promenade extension, is part of a holistic mobility system assessed to address multiple objectives that include improving traffic flow, reducing congestion, enhancing connectivity and accessibility, and supporting multi-modal transportation options (cycling, walking, and transit). The road network recommendations were developed based on extensive data analysis, and technical assessments.

The extension is also integral to the overall network's functionality. It contributes to creating a connected grid that distributes traffic efficiently, strengthens community connections by avoiding over-reliance on existing arterial roads, and ensures equitable access to new developments in this area, and provides opportunities for potential future local transit routes. By integrating with the cycling and pedestrian networks, the extension also supports active transportation, reducing car dependency and aligning with the City's sustainability goals.

Furthermore, Transportation Staff have reviewed the Applicant's June 2024 Transportation Impact Study ("TIS") for the Proposed Development, prepared by LEA Consulting Ltd., which concludes that the Rougeside Promenade extension is not required to connect to the existing signal access on Highway 7 to support the Proposed Development. Staff have provided comments on this report and note that the TIS approach is based on the review of the development activities in the immediate area within a short-term and does not address the broader and long-term land use planning context included in the emerging MCSP update. For road capacity, the TIS also needs to consider the need for secondary access, connectivity, and pedestrian and cyclist connections. Therefore, Staff are of the opinion that the approach and conclusion from the submitted TIS are not appropriate.

Finally, Transportation Staff note that the Applicant must coordinate with adjacent landowners when considering the extension of Rougeside Promenade to identify feasible alignment(s). A Functional Traffic Design Study shall be provided to address the related road design matters. The Applicant has not addressed Staff's comments and concerns.

e) Parking Considerations

The Proposed Development includes 709 parking spaces (579 residential and 130 non-residential and visitor spaces), whereas 1,296 parking spaces for residential and visitors parking are required under the current City-wide Parking By-law 28-97, as amended (“By-law 28-97”). The Applicant requests a proposed parking rate of 0.67 spaces/unit and 0.15 spaces/unit for visitors with no additional parking spaces provided for commercial uses (which is intended to be shared with the visitors parking), whereas By-law 28-97 requires 1.25 spaces/unit plus 0.25 spaces/unit for visitors, and 1 space/30m² of net floor area for retail store uses (note that other commercial uses would have different parking rates and requirements). The proposed parking rates need to be supported by a revised Parking Study. Transportation Staff have noted inconsistencies in the proposed parking rates identified in the submitted draft Zoning By-law (a parking rate of 0.6 spaces/unit for residential and 0.1 spaces/unit for visitors) and in the TIS. A revised Transportation Demand Management Plan is also required to support the proposed parking rates.

f) Toronto and Region Conservation Authority (“TRCA”) Considerations: Portions of the Subject Lands are located within the TRCA’s Regulated Area and requires their review and approval in accordance with Ontario Regulation 166/06

The Subject Lands are located partially within the regulatory flood hazard and erosion hazards associated with the Rouge River Valley and within the area of interference of an unevaluated wetland. TRCA reviewed the Applications and noted that the Proposed Development is inconsistent with the emerging MCSP and does not include the Rougeside Promenade Extension. TRCA is unable to conduct a comprehensive review of the Applications until this matter is resolved. TRCA further notes that a future trail is shown at the south side of the Subject Lands that would require a future crossing of the Rouge River, which does not align with the City’s Trails Master Plan. Additional crossings of the valley are not supported by the TRCA. The proposed future trail and bike path depicted on the submitted plans should be consistent with the City’s Trails Master Plan.

Once the City supports, in principle, the Proposed Development concept, TRCA will work with the Applicant to establish the development limits on the Subject Lands. The Proposed Development must be located outside of TRCA’s natural system and any development in the SPA must be floodproofed. TRCA also indicated that the floodplain delineation has not been finalized, and further analysis will be required based on revised plans. Based on the key issues noted above and the detailed technical comments outlined in TRCA’s review letter to the Applicant, TRCA has confirmed that they are unable to support an approval of this application at this time.

g) Natural Heritage Considerations

Natural Heritage Staff completed the review of the Applications and note that the portion of the Subject Lands located within the SPA shall comply with the height and density permissions of the in-force land use designations. As such, heights shall be limited to a maximum of three storeys within the SPA and the draft Official Plan Amendment must clearly exclude the SPA lands from the proposed site-specific height and density provisions.

The Applicant is required to submit a buffer restoration plan for the vegetation protection zones associated with any significant woodland and significant valleylands. Furthermore, a

revised Environmental Impact Study (“EIS”) shall also be submitted addressing Staff’s comments including, but not limited to, identifying hazard lands to be conveyed to the City, and more analysis to demonstrate how the proposed development can be constructed in compliance with the Endangered Species Act and Species at Risk Act due to the proximity of the parking areas and access routes from the Rouge River meander belt. This area is a Regulated Habitat for Redside Dace and considered a Habitat for Endangered and Threatened Species under the Provincial Planning Statement.

In accordance with Section 4.6.1 c) of OPA 21, Hazard Lands shall be conveyed to the City as a condition of development approval and are defined by the greater of the stable top-of-bank, the Regulatory Flood Line, and the 10 m environmental buffer. A revised EIS, Site Plan, draft ZBA and OPA are required to identify Hazard Lands, if any, to be conveyed to the City and to be designated and zoned “Greenway” or “Open Space”.

h) Parkland Considerations

The Applications include park lands within the regulatory floodplain limit, which is not permitted. As per Section 4.3.2.3 c) of the 2014 OP, “parks must not be encumbered by uses that would take away from the enjoyment or use of the park”. Staff do not support parkland within the floodplain as they are considered encumbered and are not able to support necessary park programming facilities. The Applicant’s grading plan shows up to 18.4% slopes the proposed parks, which do not meet the City’s standards where slopes must be between 2 to 4% across the entire park block to provide positive surface drainage suitable for park programming and accessibility.

Furthermore, Section 4.3.2.3 a) of the 2014 OP, require parks to have frontage on one or more public street or publicly accessible private streets. The City’s park block standards require maximum public street frontage along the edges to ensure visibility and safety. The City’s best practice is to provide a minimum 50 m (164 ft) public street frontages for high visibility, pedestrian safety and access, and servicing and maintenance access.

The proposed parks do not match the location of the parkland identified in the emerging MCSP (Figure 7), which identifies the portion east and south of the future Rougeside Promenade Extension as parkland. However, Staff note that the lands to the south of Rougeside Promenade would be constrained and likely designated “Greenway”, to be conveyed to the City, pending the review of a revised EIS as noted in the Natural Heritage section above. Therefore, the viability of parkland on the Subject Lands is dependent on the outcome of future EIS studies and confirmation of the limits of the Greenway lands.

i) Servicing Considerations: The proposed servicing shall align with the Master Servicing Report for the MCSP

The water and wastewater servicing strategy to service the Proposed Development shall align with the overall servicing strategy for the MCSP area, as identified through the Municipal Servicing Study, which is currently in progress. The proposed density does not align with the current draft MCSP servicing strategy. As such, the Proposed Development must be revised to align with the draft servicing study, otherwise additional analysis may need to be conducted to determine an appropriate servicing strategy. Furthermore, Staff note that the density of the

Proposed Development is a significant increase from the population allocated to the existing sanitary sewer on Highway 7.

York Region also noted that the Proposed Development will require water and wastewater servicing allocation from the City. If the City does not grant this development the required allocation from the Region's existing capacity assignments to date, then the development may require additional infrastructure based on conditions of future capacity assignment.

j) Metrolinx Considerations

Metrolinx confirmed that their comments on the Pre-Application Consultation have not been fully addressed. The Proposed Development must be set back 30 m from the rail corridor and a safety barrier is required in the event of a train derailment scenario. A 3.5 m vegetation setback is also required. Metrolinx further noted that additional drainage from the Proposed Development is not permitted onto Metrolinx-owned lands, and a revised Stormwater Management Report is required for further review. Metrolinx also noted that the Traffic Noise Feasibility Assessment submitted by the Applicant did not incorporate the correct rail date; as such, a revised assessment is required for further review.

k) Housing Considerations

The Proposed Development will provide for a mix of residential unit sizes including 90 three-bedroom units (10%) at approximately 89.19 m² (960 ft²) and 148 (17%) two-bedroom units at 64.66 m² (696 ft²) which are suitable for families, and 443 (51%) one-bedroom units at 59.74 m² (643 ft²) and 182 (21%) studio apartments at 47.29 m² (509 ft²). Notwithstanding the proposed unit mix and sizes, the Applicant does not specifically provide affordable housing units, as defined by the Official Plan. The Official Plan defines "affordable" as the least expensive of the following:

- a) housing for which the purchase or rental price results in annual accommodations costs not exceeding 30% of gross annual household income for low and moderate income households; or
- b) housing for which the purchase or rental price is at least 10% below the average purchase price of a resale unit or average rent of a unit in the regional market area.

York Region notes that affordable rental housing is a priority for the Region. Staff further note that Council adopted the July 2021 Housing Choices: Markham's Affordable and Rental Housing Strategy, which identified the need for affordable housing, purpose-built rental, senior-focused housing, and family-sized units. Staff encourage the Applicant to consider these housing types as part of any future development on the Subject Lands.

l) Urban Design Considerations: Location of commercial units, Sun/Shadow Analysis, and Wind Study Analysis

The Applicant proposed four commercial units within the ground floor of the Proposed Development with access from the interior private driveway. Retail building entrances, following Section 3.6.2 - Urban Edge, subsection b) of OPA 21, should front onto Highway 7 to allow for direct pedestrian access at street level.

Urban Design Staff note that the proposed commercial uses do not adequately address the primary street frontage along Highway 7 and lack a clear pedestrian connection from the

public sidewalk to support street animation and accessibility. Non-residential uses should be located along the public street frontage to enhance visibility, support a more active streetscape, and encourage pedestrian activity.

Urban Design Staff reviewed the submitted Sun and Shadow Study and note that the proposed enclosed courtyard at-grade will remain shadowed for most of the day, from 9:18 am to 6:18 pm during the spring (March 21) and fall (September 21) equinoxes, and will be significantly and consistently shadowed by the podium and the proposed towers.

Urban Design Staff reviewed the submitted Pedestrian Level Wind Study and note that uncomfortable at-grade pedestrian wind conditions are identified in several key areas including near the Tower B residential lobby and other building entrances, along pedestrian walkways flanking the internal driveway corridor, and within the passenger pick-up/drop-off zone. These conditions occur in the spring and winter seasons within the area between the enclosed courtyard opening to the north and the two-storey podium to the south, creating a wind tunnel condition that will impact pedestrian comfort.

m) York Catholic District School Board (“YCDSB”) Considerations

YCDSB expressed concerns with approving site-specific development applications with densities that exceed the proposed MCSP Update study. Given that the MCSP update has not yet been finalized and the phasing of the MCSP is unknown, YCDSB advised it is premature to provide formal comments on site-specific development proposals until the MCSP update is complete. Moreover, YCDSB advises that the updated projection of 139,000 people in the MCSP area directly impacts their student accommodation. If there is limited or no opportunity for the YCDSB to secure school sites within the MCSP to accommodate the proposed growth, then YCDSB may need to bus students living within Markham Centre to schools outside the area permanently. As such, YCDSB recommends the City consider provisions in the planning of the transportation network to accommodate increased traffic volumes, including the need for many school buses during peak time.

CONCLUSION:

This report identifies many concerns by York Region, TRCA, Metrolinx, YCDSB, and Staff that the Applicant did not address from the Pre-Application Consultation to the submission of the Applications. The Proposed Development and subject Applications are not appropriate and do not represent good land use planning. The Applicant seeks approval in isolation of the surrounding area, rather than through a comprehensive and coordinated manner. Furthermore, the Proposed Development completely disregards the planned function of the municipal structure identified within the Official Plan and Secondary Plan, is not appropriate in the context of the existing and emerging land use context, and does not provide for the critical future road network to accommodate the anticipated population growth of the broader area. Therefore, Staff recommend refusal of the Applications.

FINANCIAL CONSIDERATIONS:

This report has no financial impact to the Operating Budget or Life Cycle Reserve Study.

HUMAN RESOURCES CONSIDERATIONS:

Not Applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Applications do not align with the City's strategic priorities in the context of growth management and municipal services to ensure safe and sustainable communities.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Applications were circulated to various departments and external agencies.

RECOMMENDED BY:

Giulio Cescato, MCIP, RPP
Director of Planning and Urban Design

Trinela Cane
Interim Commissioner of Development Services

ATTACHMENTS:

Figure 1: Location Map

Figure 2: Area Context and Zoning

Figure 3: Aerial Photo

Figure 4: Conceptual Site Plan

Figure 5: Conceptual 3D Views

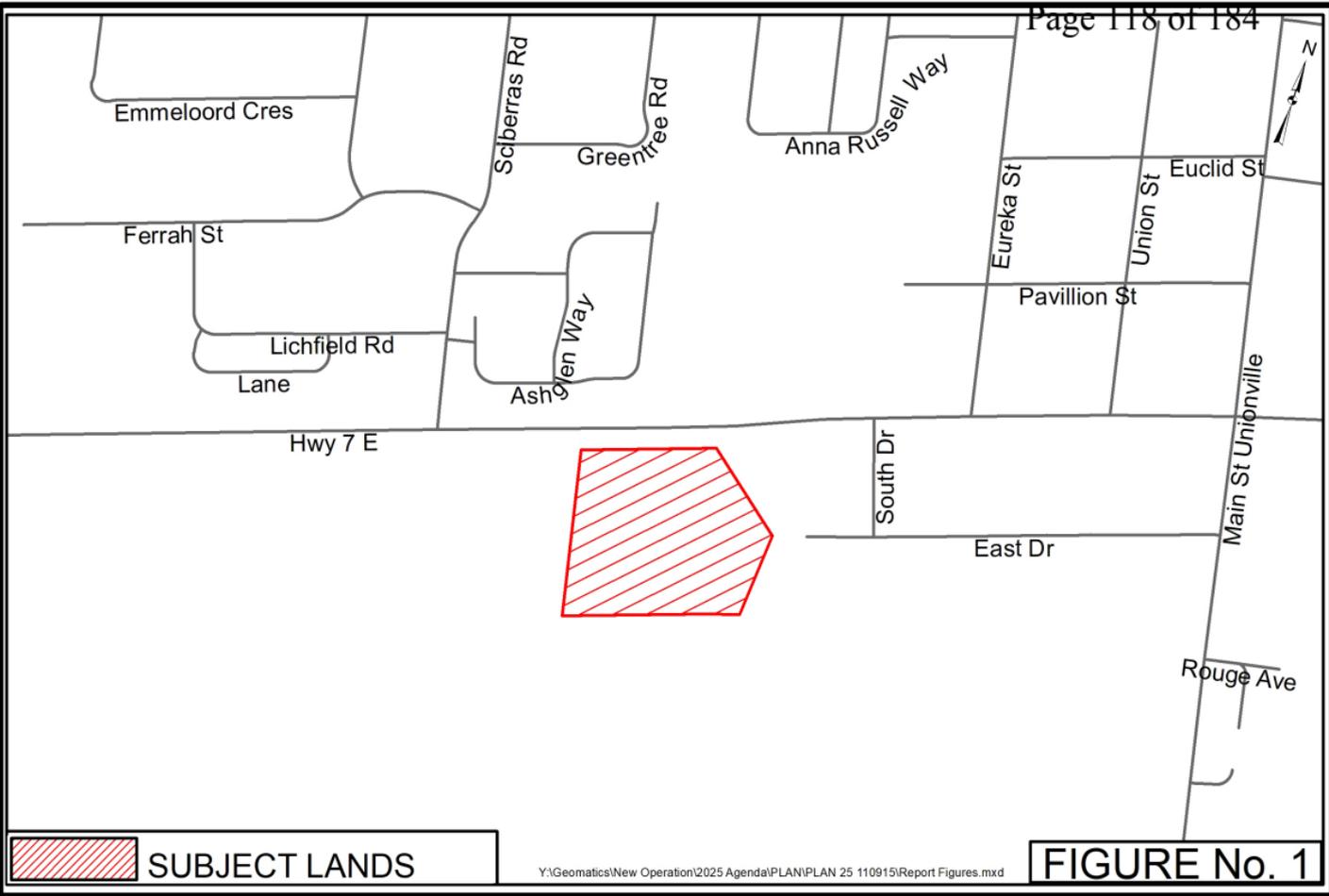
Figure 6: Major Transit Station Area

Figure 7: Draft 2024 MCSP Land Use Map

Appendix 'A': Heritage Markham Committee Meeting Minutes

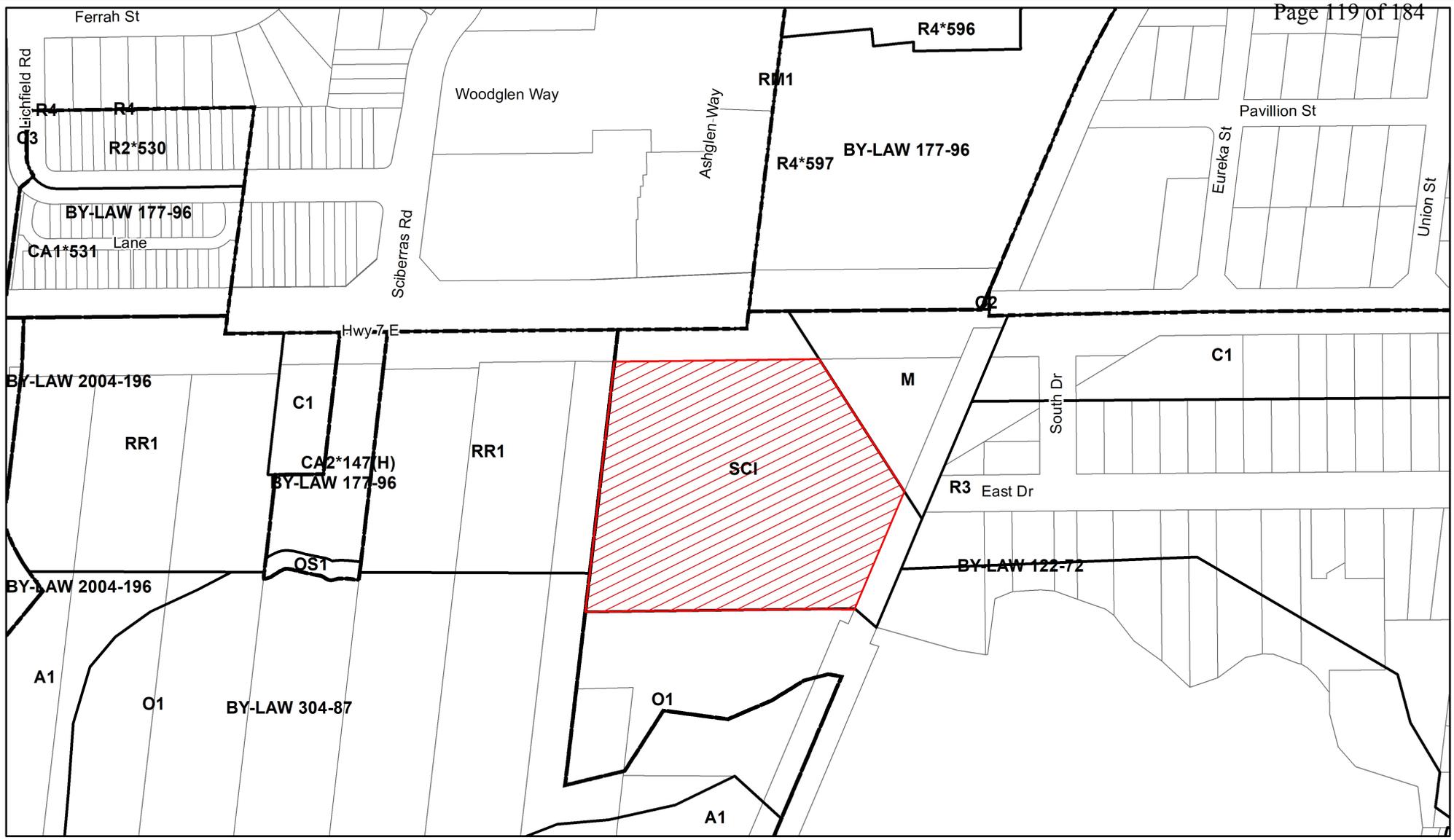
Appendix 'B': Statutory Public Meeting Minutes

File path: Amanda\File 25 110915\Documents\Recommendation Report



 SUBJECT LANDS

FIGURE No. 1



AREA CONTEXT / ZONING

APPLICANT: Transmark Developments Ltd.
4261 Highway 7

FILE No. PLAN 25 110915

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MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: BE

Checked By: ML

DATE: 3/21/2025

FIGURE No. 2

 SUBJECT LANDS





AERIAL PHOTO (2024)

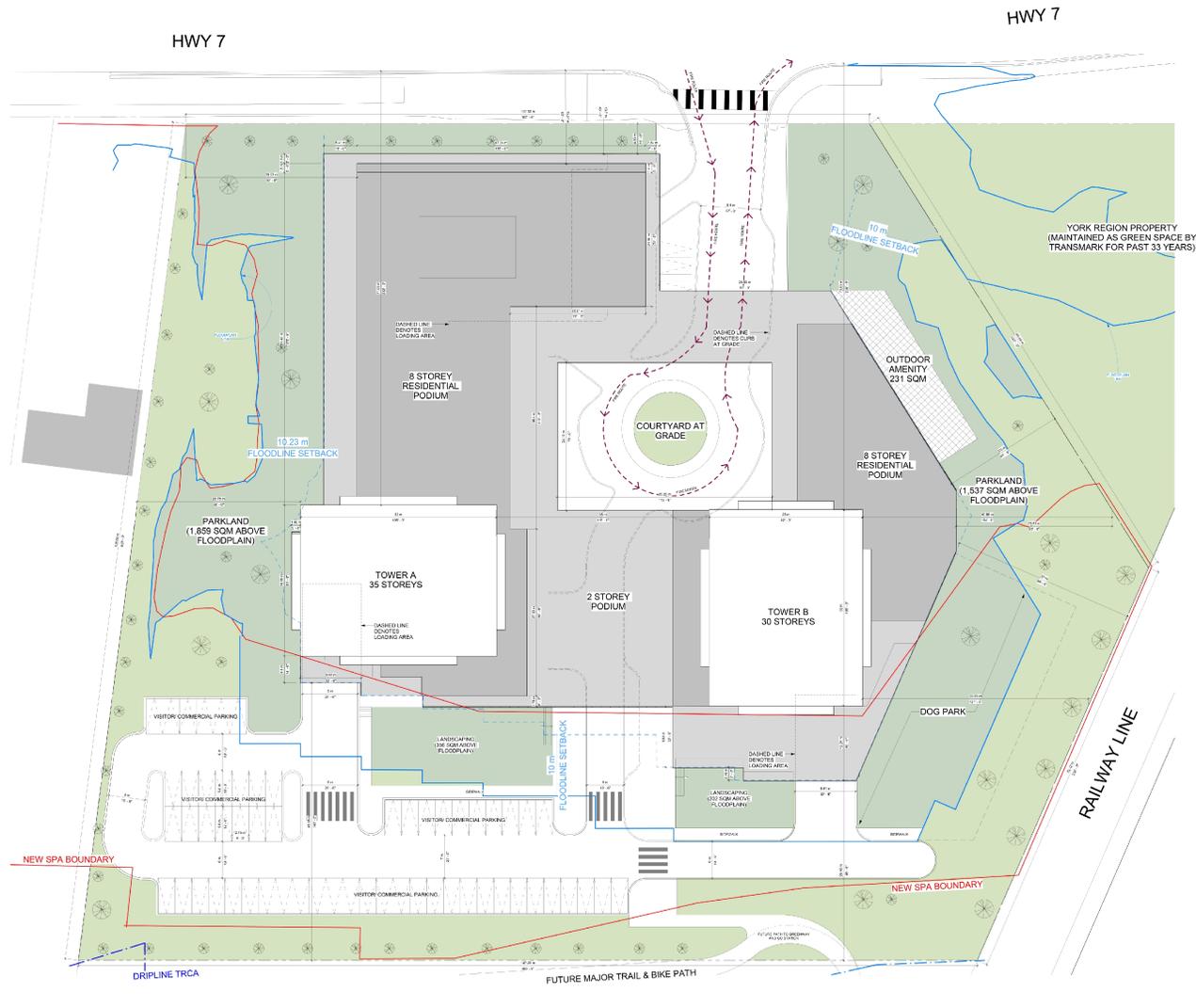
APPLICANT: Transmark Developments Ltd.
4261 Highway 7

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 SUBJECT LANDS



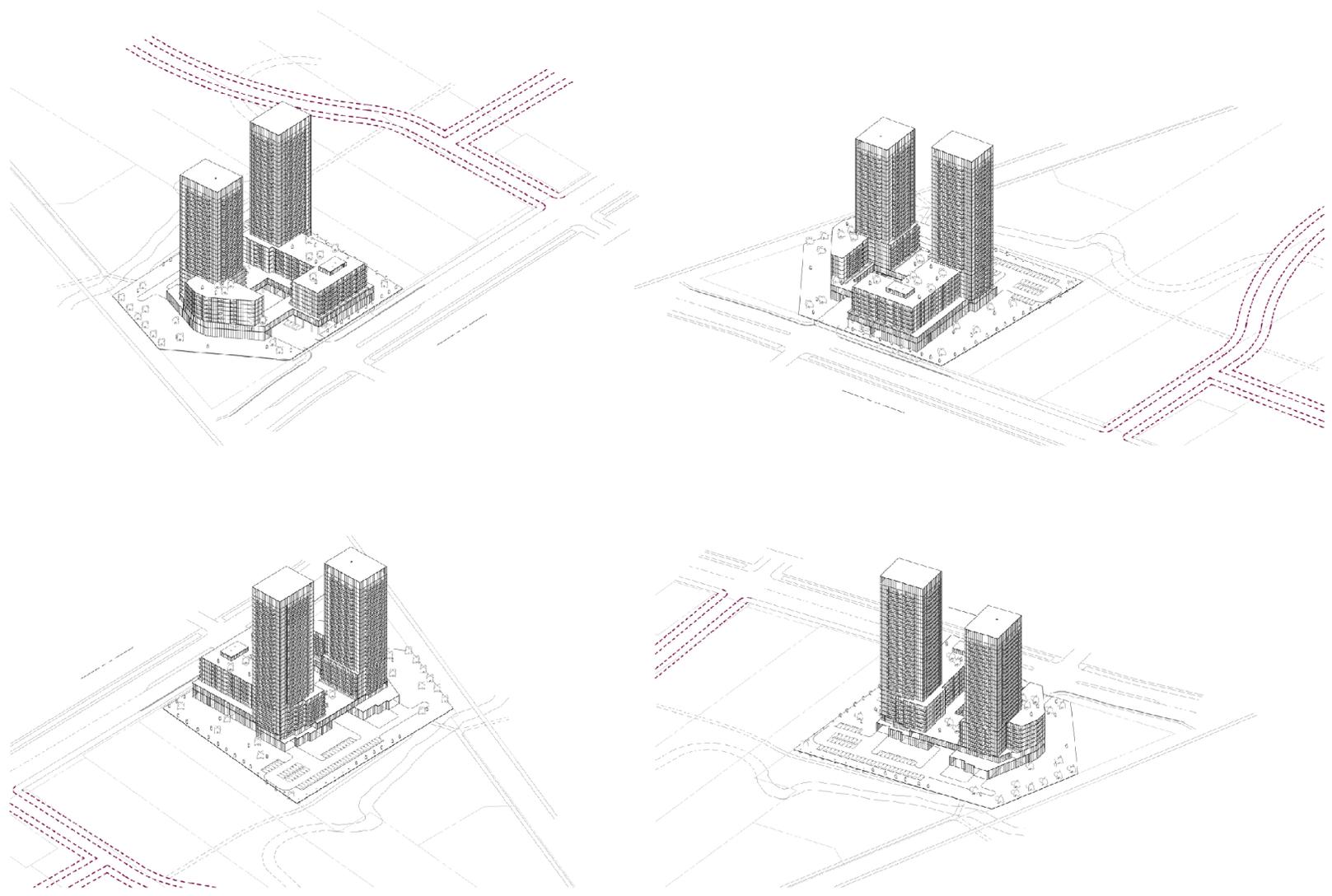


CONCEPTUAL SITE PLAN

APPLICANT: Transmark Developments Ltd.
4261 Highway 7

FILE No. PLAN 25 110915

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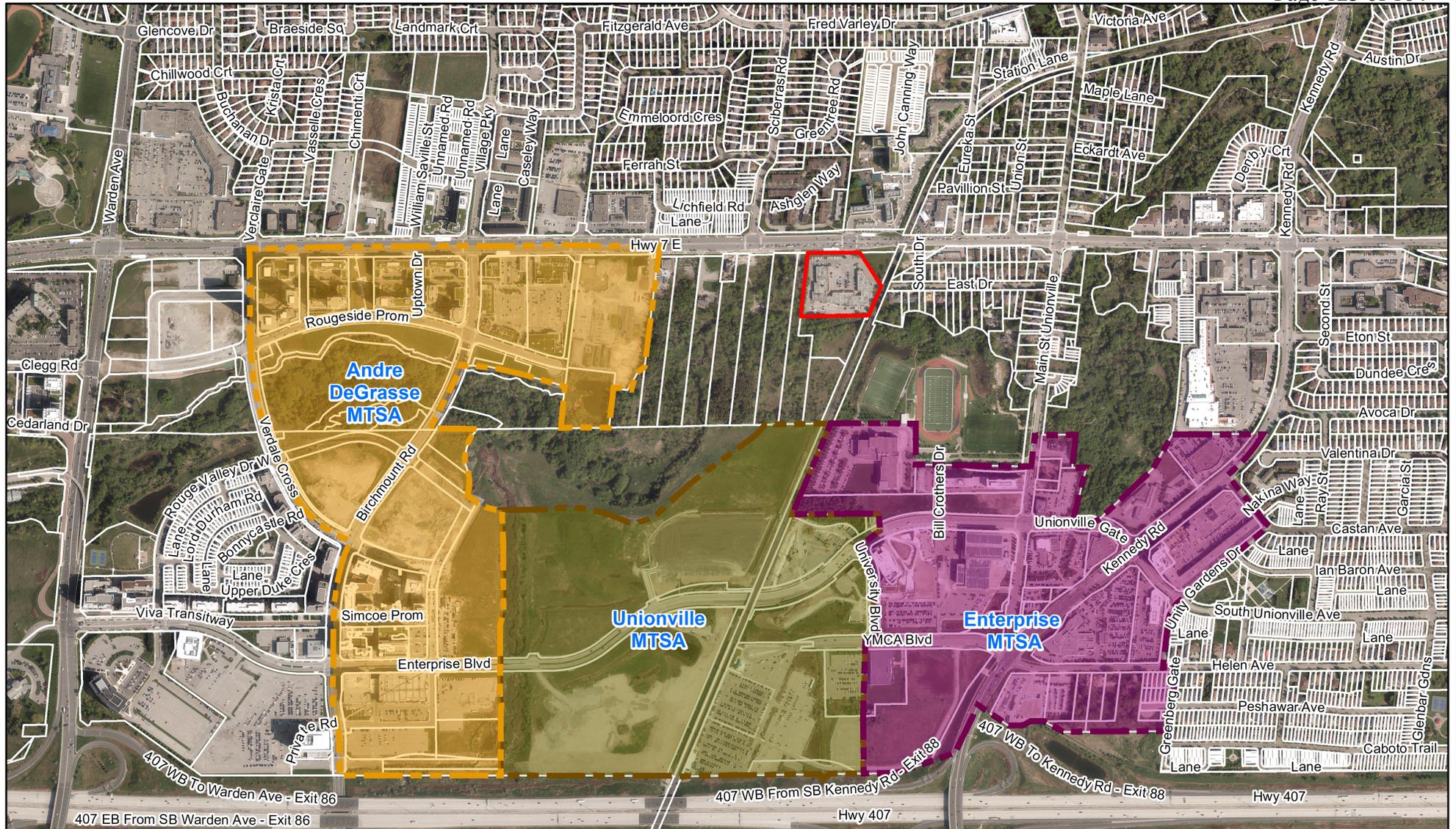


CONCEPTUAL 3D VIEWS

APPLICANT: Transmark Developments Ltd.
4261 Highway 7

FILE No. PLAN 25 110915

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Major Transit Station Area (MTSA)

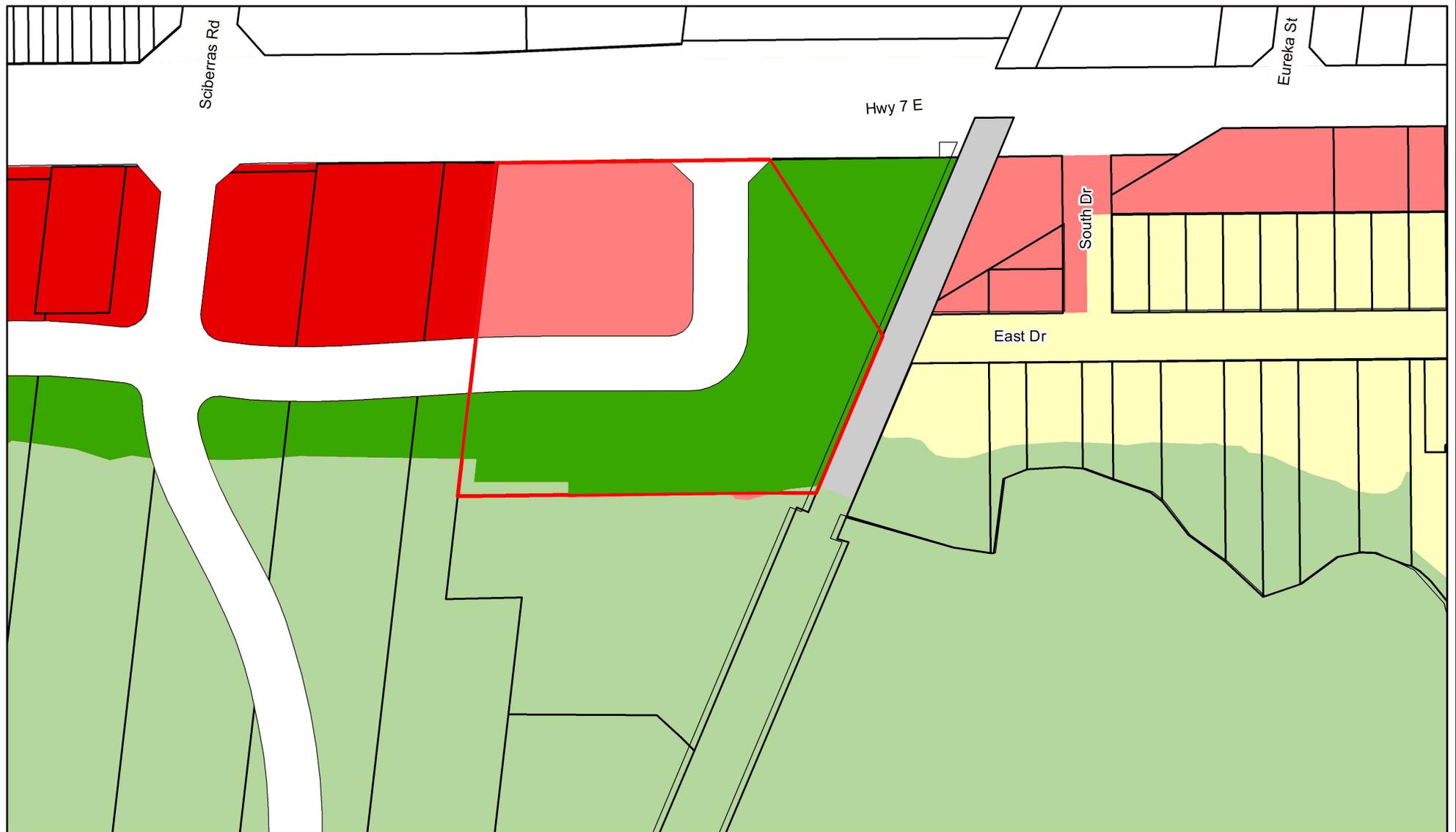
APPLICANT: Transmark Developments Ltd.
4261 Highway 7

FILE No. PLAN 25 110915

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 SUBJECT LANDS



2024 DRAFT MCSP LAND USE MAP

- Mixed Use Mid Rise
- Mixed Use Low Rise
- Residential Low Rise
- Greenway
- Public Park

 SUBJECT LANDS



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HERITAGE MARKHAM

EXTRACT

Date: May 23, 2025

To: R. Hutcheson, Manager of Heritage Planning

E. Manning, Senior Heritage Planner

EXTRACT CONTAINING ITEM # 6.1 OF THE FIFTH HERITAGE MARKHAM
COMMITTEE HELD ON MAY 14, 2025

6. PART FOUR - REGULAR

6.1 OFFICIAL PLAN AMENDMENT & ZONING BY-LAW AMENDMENTS APPLICATION

4261 HIGHWAY 7 EAST (16.11)

File Number:

25 110915 PLAN

Extracts:

R. Hutcheson, Manager, Heritage Planning

E. Manning, Senior Heritage Planner

Evan Manning, Senior Planner, introduced the Official Plan Amendment & Zoning By-Law Amendments Application for 4261 Highway 7 East which is adjacent to the Unionville Heritage Conservation District boundary.

Barton Leung, Senior Planner for the Central District, was in attendance to respond to questions from the Committee on the proposal. Mr. Leung advised that the Statutory Development Services Public Meeting for this application is scheduled to be held on May 20, 2025.

The Committee provided the following feedback on the Official Plan Amendment and Zoning By-Law Amendments Applications:

Heritage Impact

- The proposed height lacks the appropriate transition to the adjacent Unionville Heritage Conservation District.
- The proposal does not respect the adjacent Unionville Heritage Conservation District.

- Stronger policies are needed to restrict building heights near heritage districts to protect their character and integrity.

Urban Planning & Precedent

- The proposal should follow the height envisioned in the draft Markham Secondary Plan which contemplates a step-down in building height along Highway 7 from Warden Avenue eastwards.
- The proposal should transition downward in height from the recently approved adjacent-8 story building.
- The previously approved Union Villa (12 stories) was mentioned as an exception to the desired height transition due it being an affordable seniors' residence.

Planning Process Concerns

- Noted the need to have a clear and consistent position among Planning and Heritage staff due to the possibility of the application being appealed to the Ontario Land Tribunal.
- Other concerns included possible shadow, environmental, and traffic impacts.

Policy and Legal Framework

- The 2014 Official Plan definition of *adjacent* as a 60-meter buffer (the distance from a protected heritage property/district that triggers heritage review) was discussed.
- That proposed amendments by the Province may remove the requirement for certain planning studies (e.g. shadow and wind studies) that potentially weaken heritage protections.

Most of the Committee Members expressed strong opposition to the proposal due to its height, scale and massing relative to the low-rise character of the Unionville Heritage Conservation District.

Recommendation:

The Heritage Committee does not support the proposed development due to a lack of appropriate transition to the adjacent heritage Conservation District, particularly with respect to height, massing and design.

Carried



MEETING EXTRACT

DEVELOPMENT SERVICES PUBLIC MEETING

May 20, 2025

ITEM 4.3 - TRANSMARK DEVELOPMENTS LTD. AT 4261 HIGHWAY 7 EAST (WARD 3), APPLICATION FOR OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT

4.3 PUBLIC MEETING INFORMATION REPORT, TRANSMARK DEVELOPMENTS LTD. AT 4261 HIGHWAY 7 EAST (WARD 3), APPLICATION FOR OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT

TO PERMIT A MIXED-USE, HIGH-RISE DEVELOPMENT CONSISTING OF A 30- AND 35-STOREY TOWER WITH 864 RESIDENTIAL UNITS AND 2,335 M² (25,131 FT²) OR RETAIL SPACE AT 4261 HIGHWAY 7 EAST (WARD 3), FILE NO. PLAN 24 25 110915 (10.3, 10.5)

The Public Meeting this date was to consider an application submitted by Transmark Developments Ltd.

The Committee Clerk advised that 175 notices were mailed on April 30, 2025 and a Public Meeting sign was posted on April 29, 2025. There was one written submission received regarding this proposal.

Stephen Lue, Senior Manager, Development, introduced the item.

Melissa Leung, Senior Planner, gave a presentation regarding the proposal, the location, surrounding uses and outstanding issues.

Stephan Kuzoff, Transmark Developments Ltd., provided a presentation on the proposed development application. Mr. Kuzoff expressed concern about the City's future plans to extend the Rougeside Promenade through his property as it would leave him with little land to develop.

Mr. Lue explained the rationale for the future extension of Rougeside Promenade, noting the extension is needed to accommodate the planned population of Markham Centre. Mr.

Lue emphasized that the purpose of tonight's Public Meeting is to review the Applicant's development application.

Sandra Tam, representing the Unionville Residents Association, provided a deputation in strong opposition to the development proposal. Ms. Tam suggested that the proposal should follow good planning principles and the emerging Markham Centre Secondary Plan, and that the heights of the towers should be limited to 3 storeys and decrease towards the heritage district. Ms. Tam also expressed concern that the development application does not include the proposed road through the property, as indicated in the emerging Markham Centre Secondary Plan. Ms. Tam asked Council to reject the application due it not aligning with emerging Markham Centre Secondary Plan.

The Committee provided the following feedback on the proposed development:

- Expressed concern that the proposed height of the towers in the development application does not align with the emerging Markham Centre Secondary Plan or the vision for the Unionville Conservation District.
- Expressed concern that the plans for the Unionville GO Station are not known at this time.
- Suggested that the City could possibly support four to eight storeys on the Subject Lands due to it being located far enough from the Unionville Conservation District while remaining respectful of the Heritage District and the Mainstreet Unionville Vision Plan which only envisions three-storey developments along this stretch of Highway 7.
- Noted that the road network being proposed in the emerging Markham Centre Secondary Plan is critical to the overall plan for the area.
- Suggested that the City needs to understand what an underpass through the rail tracks would look like in this area along with any impacts of potential grade separation on Highway 7.
- Noted that City should work with the Applicant to optimize the development potential of the lands.

Staff responded and provided clarification to inquiries from the Applicant and the Committee.

Moved by Reid McAlpine

Seconded by Regional Councillor Jim Jones

- 1. That the deputation by Sandara Tam, Unionville Residents Association, be received; and,**
- 2. That the written submission by Kate Cooper (Bousfield's Inc.) be received; and,**

3. That the report entitled “PUBLIC MEETING INFORMATION REPORT, Application for an Official Plan and Zoning By-law Amendment to permit a mixed-use, high-rise development consisting of a 30-and 35-storey tower with 864 residential units located at 4261 Highway 7, Ward 3, File No. PLAN 25 110915”, be received; and,
4. That the Record of the Public Meeting held on May 20, 2025 with respect to the proposed Official Plan and Zoning By-law Amendment applications, be received; and,
5. That the application by Transmark Developments Ltd. for a proposed Official Plan and Zoning By-law Amendment (PLAN 25 110915) be referred back to Staff for a report and a recommendation; and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried



**Development Services Commission
PUBLIC MEETING INFORMATION
REPORT**

| | | | |
|--------------------------|---|---------------|-----|
| Date: | Tuesday, July 8, 2025 | | |
| Application Type: | Zoning By-law Amendment (the “Request”) | | |
| Proponent: | City of Markham | | |
| Proposal: | City-initiated Zoning By-law Amendment to permit outdoor storage on city-owned lands, outside of lands designated Greenway or within any flood regulated areas or hazardous lands, as defined by the Toronto and Region Conservation Authority and identified in the 2014 Official Plan | | |
| Location: | City-wide | | |
| File Number: | PR 25 124252 | Wards: | All |
| Prepared By: | Brad Roberts, Manager of Zoning and Special Projects | | |
| Reviewed By: | Stephen Lue, RPP MCIP, Senior Development Manager | | |

PURPOSE

This preliminary information pertains to the City-Initiated proposed Zoning By-law Amendment to permit outdoor storage on City-owned lands, outside of lands designated Greenway or within any flood regulated areas or hazardous lands, as defined by the Toronto and Region Conservation Authority (the “TRCA”) and in the 2014 Official Plan, in the City of Markham (the “Subject Lands”).

NEXT STEPS

- Statutory Public Meeting, in accordance with the Planning Act is scheduled for July 8, 2025
- Consider input received at the statutory Public Meeting and commenting agencies to inform revisions to the draft Zoning By-law Amendments, where appropriate
- If approved, send the Zoning By-law Amendment to Council for enactment

LOCATION

The affected areas are comprised of all lands owned by the City of Markham, as shown on Figure 1.

BACKGROUND

In the past, the City has encountered situations where the outdoor storage of equipment and materials on lands owned by the municipality are not permitted given the restrictions in numerous and many outdated zoning by-laws. However, the advantages to allowing outdoor storage on city-owned lands include the following:



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- **Proximity to Work Sites:** Storing equipment and materials near active or recurring work areas (e.g., parks, roads, utilities) reduces transportation time and fuel costs
- **Rapid Response:** Allows quick access to tools, seasonal equipment, or emergency materials, improving response times during storms, road repairs, or infrastructure maintenance
- **Storage for Service Vehicles and Equipment:** Maintenance vehicles, traffic signs, winter sand/salt, and landscaping tools need secure, easily accessible storage options
- **Supports City Projects:** Outdoor storage of materials may reduce delays for city-initiated projects or sponsored events
- **Temporary and Seasonal Use:** Outdoor storage is often temporary and does not require permanent infrastructure

The City is cognizant that there are lands currently under its ownership that have environmental constraints and therefore, the proposed draft Zoning By-law Amendment would not permit such outdoor storage on lands designated Greenway or within any flood regulated areas or hazardous lands as defined by the TRCA, as identified in the 2014 Official Plan.

The proposed Zoning By-law Amendment (the “ZBA”) enables permissions to allow outdoor storage on lands owned by a Public Authority

The City-initiated Draft Zoning By-law Amendment (Appendix 1) would provide opportunities for the outdoor storage of equipment, materials, and maintenance supplies on lands that are owned by a Public Authority, with certain restrictions.

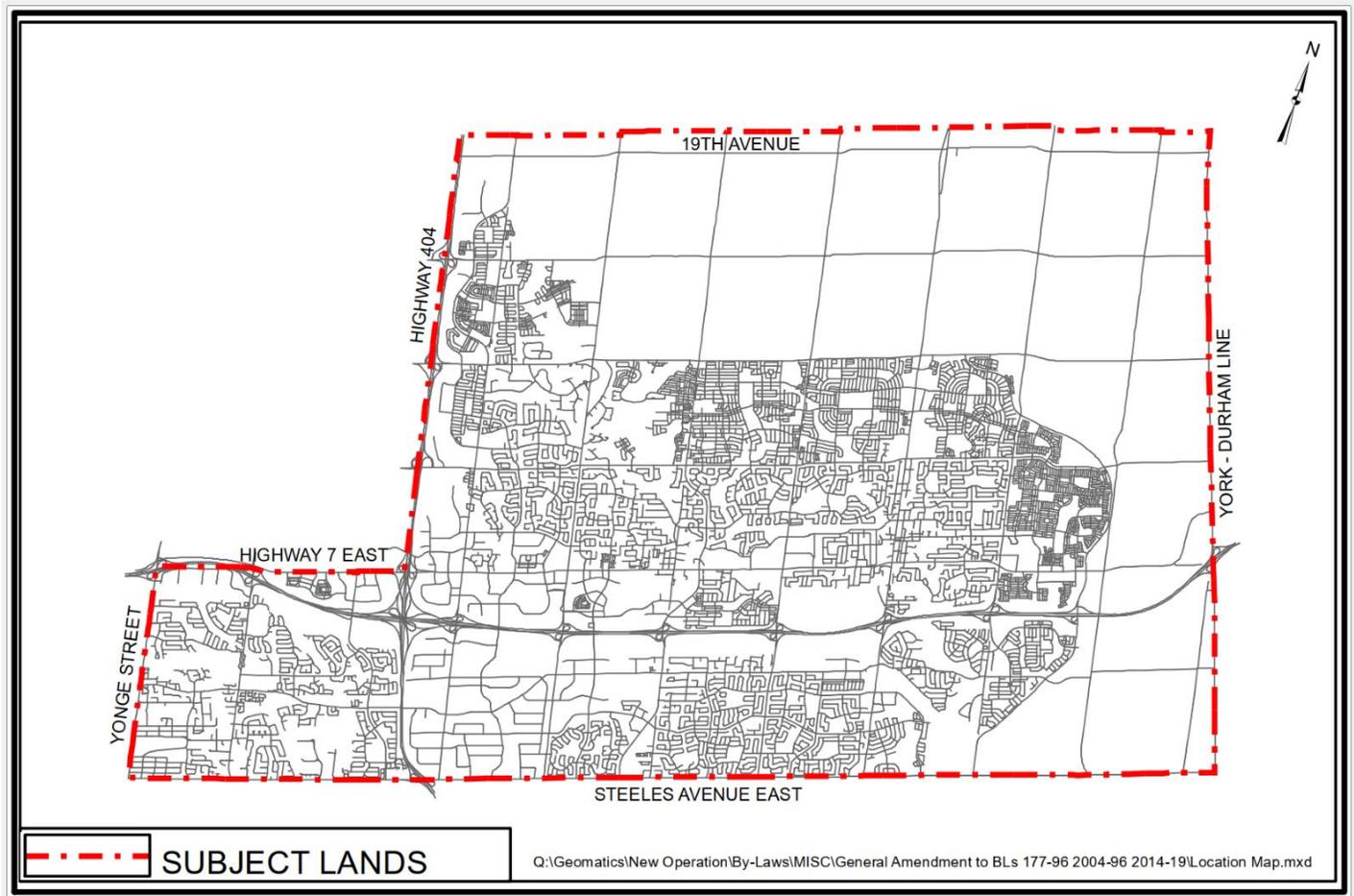
Accompanying Figure and Appendix:

Figure 1: Subject Lands Location Map

Appendix 1: Proposed Zoning By-law Amendment



Figure 1: Subject Lands Location Map





Appendix 1: Draft Zoning By-law Amendment

BY-LAW 2025-_____

A By-law to amend By-law 2237, 2053, 1767, 2150, 2151, 1229, 122-72, 88-76, 163-78, 184-78, 118-79, 153-80, 165-80, 90-81, 47-85, 304-87, 19-94, 177-96, 2004-196 and 2024-19, as amended

The Council of The Corporation of the City of Markham hereby enacts as follows:

1. That By-law 2024-19, as amended, is hereby further amended as follows:
 - 1.1 That Section 4.6 a) is amended to add the following:

“(xv) **Accessory outdoor storage** or **outdoor storage uses** on lands owned by the **City**.”
 - 1.2 That Section 4.6 b) iii) is repealed and replaced with the following:

“iii) **Accessory outdoor storage** or **outdoor storage uses** are permitted subject to the following:

 - (a) Where **accessory outdoor storage** or **outdoor storage uses** are specifically permitted in the **zone**; and,
 - (b) On lands owned by the **City**, not within the Greenway One (GWY1) and Greenway Two (GWY2) **zones**, or within any flood regulated areas or **hazardous lands** as defined by the Toronto and Region Conservation Authority.”
2. That By-law 2004-196, as amended, is hereby further amended as follows:
 - 2.1 That Section 4.16 b) iii) is repealed and replaced with the following:

“iii) *outdoor storage* or *outdoor storage uses* are permitted subject to the following:

 - (a) Where *outdoor storage* or *outdoor storage uses* are specifically permitted in the *zone*; and,
 - (b) On lands owned by the *corporation*, not within the Greenway designation as shown on Map 3 of the City’s 2014 Official Plan, or within any flood regulated areas or hazardous lands as defined by the Toronto and Region Conservation Authority.”



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3. That By-law 177-96, as amended, is hereby further amended as follows:

3.1 That Section 6.19 b) is repealed and replaced with the following:

“b) *outdoor storage* or *outdoor storage uses* are permitted subject to the following:

- i) Where *outdoor storage* or *outdoor storage uses* are specifically permitted in the *zone*; and,
- ii) On lands owned by the *Corporation*, not within the Greenway designation as shown on Map 3 of the City’s 2014 Official Plan, or within any flood regulated areas or hazardous lands as defined by the Toronto and Region Conservation Authority.”

4. By-law’s 2237, 2053, 1767, 2150, 2151, 1229, 122-72, 88-76, 163-78, 184-78, 118-79, 153-80, 165-80, 90-81, 47-85, 304-87, and 19-94, as amended, are hereby further amended as follows:

4.1 “Notwithstanding any other provision in this by-law, accessory outdoor storage or outdoor storages use are permitted subject to the following:

- i) Where accessory outdoor storage or outdoor storage uses are specifically permitted in the zone; and,
- ii) On lands owned by the Corporation of the City of Markham, not within the Greenway designation as shown on Map 3 of the City’s 2014 Official Plan, or within any flood regulated areas or hazardous lands as defined by the Toronto and Region Conservation Authority.”

Read and first, second and third time and passed on _____, 2025.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW 2025-XXX

A By-law to amend By-laws 2237, 2053, 1767, 2150, 2151, 1229, 122-72, 88-76, 163-78, 184-78, 118-79, 153-80, 165-80, 90-81, 47-85, 304-87, 19-94, 177-96, 2004-196 and 2024-19, as amended.

Lands Affected

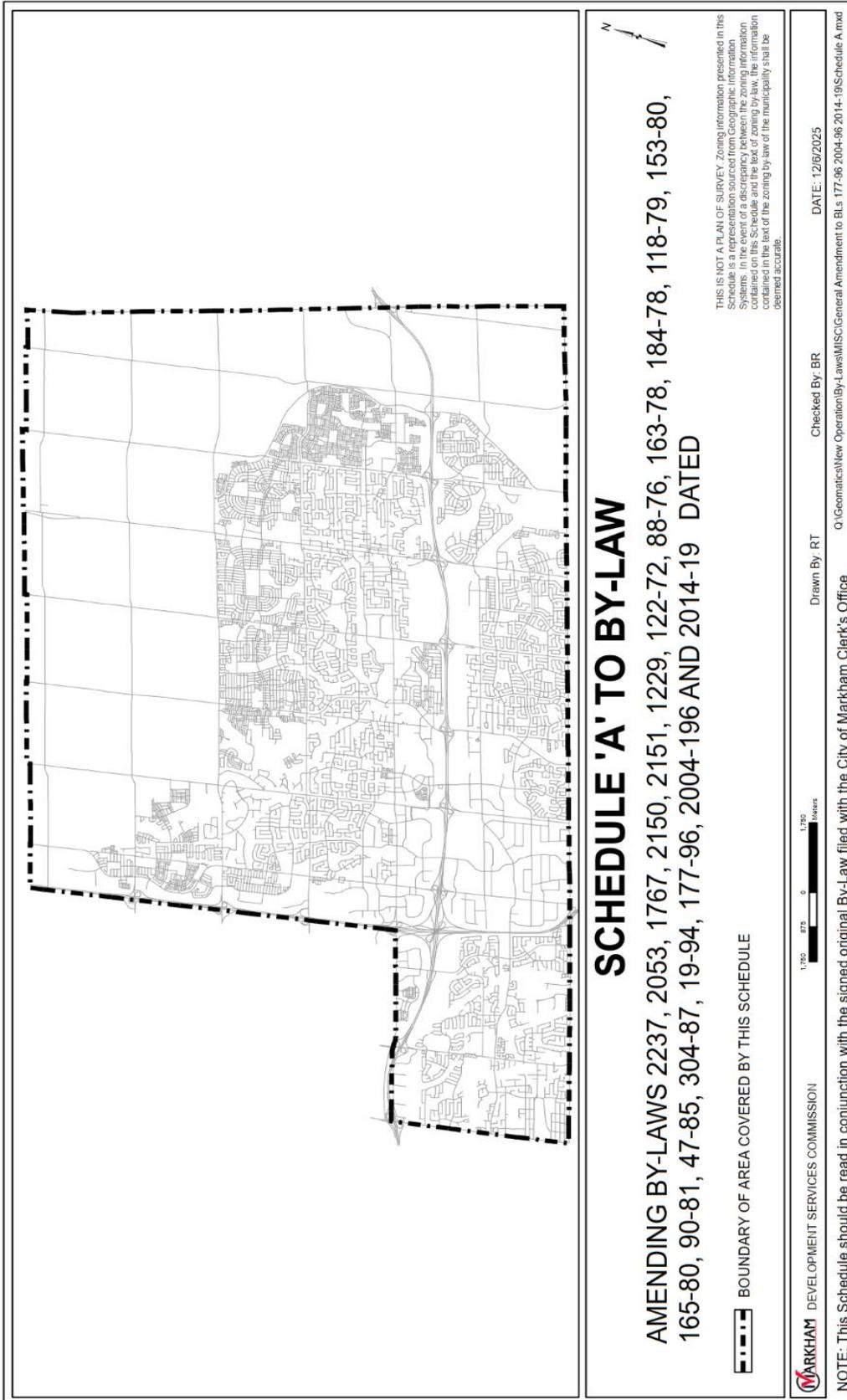
The proposed by-law amendment applies to all lands owned by the City of Markham and regulated under By-laws 2237, 2053, 1767, 2150, 2151, 1229, 122-72, 88-76, 163-78, 184-78, 118-79, 153-80, 165-80, 90-81, 47-85, 304-87, 19-94, 177-96, 2004-196 and 2024-19, as amended.

Purpose and Effect

The purpose and effect of this By-law is to permit outdoor storage on lands under By-laws 2237, 2053, 1767, 2150, 2151, 1229, 122-72, 88-76, 163-78, 184-78, 118-79, 153-80, 165-80, 90-81, 47-85, 304-87, 19-94, 177-96, 2004-196 and 2024-19, as amended and owned by the City of Markham.



Development Services Commission PUBLIC MEETING INFORMATION REPORT





Report to: Development Services Committee

Meeting Date: July 8, 2025

SUBJECT: Recommendation Report - Parkland Dedication By-law Update

PREPARED BY: Jyoti Pathak, Project Manager, Parks Planning, ex 2034

REVIEWED BY: Richard Fournier, Sr. Manager
Parks Planning, Design & Construction, ex 2120

RECOMMENDATION:

1. That the July 8, 2025 report titled 'Parkland Dedication By-law Update' be received; and,
2. That Council approve the corresponding by-law 'Parkland Conveyance By-law' at the July 8, 2025 Council meeting; and further,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to seek approval of an updated 'Parkland Conveyance By-law' attached as 'Attachment A' in response to Bill 23 and the related changes to section 42 and section 51.1 of the Planning Act. Considering recent legislative changes, the update aims to maximize parkland specifically for residential subdivision proposals for which the alternative rate is applicable for medium and high-density residential and mixed-use blocks.

BACKGROUND:

Section 42 of the Planning Act authorizes Council to pass a by-law to require the conveyance of land, or payment in lieu of such conveyance, for park or other public recreational purposes as a condition of development or redevelopment of land. A by-law is also required to apply alternative criteria pursuant to section 42 and section 51.1, as outlined in the Planning Act.

The City of Markham's Parks Plan (2022) establishes a minimum citywide parkland provision target of 1.2 hectares of parkland per 1000 population.

Markham's current Parkland Dedication By-law- 2022-102 was passed by Council in September 2022 in response to Bill 197. The by-law is currently under appeal to the Ontario Land Tribunal (OLT).

Shortly after passing the 2022 Parkland Dedication By-law, the province passed Bill 23, 'More Homes Built Faster Act' which included a series of changes to section 42 of the Planning Act, including alternative criteria for parkland conveyance. Some of these amendments came into force effective November 28, 2022 or later, and others have not yet been proclaimed into force at the time of this report.

OPTIONS/ DISCUSSION:

Staff initiated the review and update of the Parkland Dedication By-law in response to the changes in legislation through Bill 23. The updated by-law will ensure the City continues to utilize available tools to optimize parkland and to require conveyance of land or payment in lieu of such conveyance for parks and other recreational purposes to meet the needs of the growing population as permitted by the Planning Act.

The scope of the project included a review of the current legislation, Markham's existing Parkland Dedication By-law and preparation of a new Parkland Conveyance By-law. The following is a list of relevant legislation and City of Markham policies, plans, and documents that help inform this report and Staff's recommendation:

1. Bill 23

The amendments currently in force and effect are the following:

- Subsections 42(2.1) - 42(2.4): The determination of parkland dedication for a building permit issued within two years of a Site Plan and/or Zoning By-law Amendment approval would be subject to the requirements of the by-law as at the date of the planning application submission.
- Statutory exemptions for two additional accessory residential units
- Reduction to the alternative requirements provisions:
 - Subsection 42(3): For land conveyance, the alternative requirement of 1 hectare (ha.) per 300 dwelling units is reduced to 1 ha. per 600 net residential units.
 - Subsection 42(6.0.1): For payment in lieu of conveyance of land the alternative requirement of 1 ha. per 500 dwelling units is reduced to 1 ha. per 1,000 net residential units.
 - Subsection 42 (3.3): Parkland conveyance and payment in lieu both are now capped at 10% of the land area, or land value, where the land proposed for development is less than 5 ha, and 15% of the land area or land value where the land proposed for development is 5 ha. or greater.

-
- Subsections 42 (1.1) and 42(3.0.3): Statutory exemption for affordable residential units and attainable residential units, as defined in subsection 4.1 (1) of the Development Charges Act, 1997,
 - Subsection 42(1.2): A by-law passed under section 42 of the Planning Act does not apply to non-profit housing development defined in subsection 4.2 (1) of the *Development Charges Act, 1997*.

Parkland Regulation to enable the owners to identify lands for conveyance, as outlined below, has not been issued yet by the Province and new parkland powers and appeals in subsections 42(4.30) to (4.39) are still waiting to be proclaimed

- Applicants will be allowed to identify lands to meet parkland conveyance requirements, within regulatory criteria. These lands may include encumbered lands and Privately Owned Publicly Spaces (POPS). The suitability of land for parks and recreational purposes will be appealable to the Ontario Land Tribunal.

2. Current Legislation - Section 42 of the Planning Act

Under section 42 of the Planning Act, the City may require, as a condition of development or redevelopment, through by-law, conveyance of land or payment in lieu of parkland. The Planning Act establishes a general/ standard rate of up to two per cent (2%) of the land proposed for development or redevelopment for commercial and industrial purposes (or payment in lieu thereof), and five per cent (5%) of land (or payment in lieu thereof), proposed for all other development or redevelopment.

Section 42 also permits municipalities to utilize an “alternative requirement” whereby a municipality may require parkland for the land proposed for development or redevelopment for residential purposes, be conveyed to the municipality for park or other recreational purposes at a rate of one hectare for every 600 net residential units proposed. Alternatively, Council may require payment in lieu of land, calculated by using a rate of one hectare for each 1,000 net residential units proposed or such lesser rate as may be specified in the by-law.

The alternative requirement results into a greater parkland requirement compared to the standard rate of 5% for the proposed medium and high-density residential developments.

3. Current Legislation - Section 51.1 of the Planning Act

Subsection 51.1(2) of the Planning Act allows municipalities to apply an alternative rate of one hectare for each 600 net residential units proposed or at such lesser rate as may be determined by the municipality in the case of a subdivision proposed for residential purposes. To maximize parkland conveyance post Bill 23, the most effective approach is to apply the alternative rate criteria upfront at the time of approval of a draft plan of subdivision based on the number of net residential units proposed. At this stage in the development, there is the greatest opportunity to identify and secure the most optimal locations and largest contiguous parkland.

4. Official Plan Requirement

For the alternative requirement to be included in a by-law, a municipality's Official Plan must contain specific policies dealing with the provision of land for park or other public recreational purposes and the use of the alternative requirement.

The alternative requirement authorized by subsection 42(3) of the Planning Act may not be provided for in a by-law passed under this section unless there is an official plan in effect in the local municipality that contains specific policies dealing with the provision of lands for park or other public recreational purposes and the use of the alternative requirement.

Markham Official Plan 1987 Policy 3.9.4 is currently in effect which deals with the provision of lands for park or other public recreational purposes and the use of the alternative requirement for residential purposes.

5. Parks Plan (2022)

The Parks Plan (2022) is a statutory document approved by Council under section 42 of the Planning Act. The Parks Plan establishes the community's need for parkland and sets out a citywide parkland provision target of 1.2 hectares of parkland per 1,000 population. Council has approved a reduced parkland provision target of 0.4 hectare of parkland per 1,000 population for the proposed intensification areas within Markham.

6. Integrated Leisure Master Plan (ILMP) 2019

The Integrated Leisure Master Plan is a long-range planning study for Markham's parks, recreation, arts & culture and library facilities and services. It identifies current needs, service improvements, and future facility provision strategies. The City of Markham is committed to providing safe, accessible, and community-responsive services and facilities that appeal to a wide range of interests and abilities. Bill 23 changes have significantly impacted the City's ability to achieve outdoor recreation facility provision targets and updating the Parkland Conveyance By-law supports meeting ILMP objectives.

Relying only on parkland conveyance provisions permitted under the Planning Act for acquisition of parkland through approval of development applications is no longer sufficient enough to achieve the parkland targets outlined in the City's Official Plan and Parks Plan due to the amendments to the Planning Act, through Bill 23.

With property values demonstrating a continued increase over the long term and accelerated by market demand for housing, to avoid reduction in service levels, parkland acquisition will need to be supplemented with community benefits charges, tax supported funding and other funding sources to deliver adequate and timely parks infrastructure.

Land Valuation for the purpose of calculation of payment in lieu of land

The updated by-law will continue to provide a fair approach to determine market values of development lands through site-specific appraisals for all uses. Staff does not support identifying residential unit rate or average land values in the by-law for the purpose of calculation of payment in lieu of land conveyance as they can become outdated quickly and individual properties may have unique features that impact value. Site specific appraisals will deliver more accurate and fair valuations than utilizing averages.

Alternative forms of parkland infrastructure

The City's existing parks system includes alternative forms of parks as follows:

Strata Parks are typically located above private parking garage structures in residential condominiums. The strata park has a higher total cost of ownership to the City compared to a conventional park in terms of operating, rehabilitation and replacement costs, to be carried out over the course of its lifecycle.

Dual-use Parks are parks encumbered with underground public stormwater management tanks and associated infrastructure.

Privately Owned Public Spaces (POPS):

The City currently does not accept POPS for fulfillment of the parkland conveyance requirement under the Planning Act. In some cases, POPS are being considered and approved to form part of the City's open space system to contribute towards active transportation network/ system or trails. Typically, the City does not accept trails and active transportation links as parkland conveyance.

Staff intends to undertake a city-wide POPS Standards and Guideline Study as part of the Urban Parks Strategy project.

Alternative Infrastructure Policy (AIP) (2016)

AIP applies to all infrastructure constructed to support development, which is to be assumed by the City, and that will be more costly for the City to operate, maintain, repair, and replace than more conventional forms of infrastructure that are currently maintained by the City. This Policy sets out a framework for the City to approve alternative forms of infrastructure and the recovery of additional costs incurred by the City in respect of the alternative forms of infrastructure. Where a developer seeks to build infrastructure that has a higher total cost of ownership and more expensive to repair or replace than City Conventional Infrastructure, the City may request payment of the cost differential, based on the cost for two (2) lifecycles to a maximum of 50 years.

New Parkland Conveyance By-law

Staff are recommending a new Parkland Conveyance by-law, included as Attachment 'A' which is consistent with section 42 of the Planning Act and the parkland dedication policies currently in effect in the City's Official Plan.

The updated by-law will:

- Establish criteria to maximize the alternative requirement of parkland for site plan and subdivision proposals
- Continue to use the greater of the standard requirement and alternative requirement to calculate parkland conveyance for residential developments
- Incentivize Commercial, Industrial and Institutional Redevelopment by calculating the amount for payment in lieu only for the area of the property impacted due to the redevelopment, if the proposed addition is 50% or more of the existing gross floor area.
- Increase the requirement for development and redevelopment for all other purposes other than industrial, commercial and residential from two percent (2%) to the standard rate of five per cent (5%).
- Incentivizes the high-density residential and commercial mixed-use development or redevelopment by waiving parkland requirements (or equivalent of payment in lieu) for the portion of the building that is for non-residential use.
- Provide flexibility to consider off-site parkland, strata, dual-use or Privately Owned Public Spaces (POPS).
- Provide clarification of what lands will be used for calculation of parkland conveyance and what type of lands will not be accepted as parkland
- Continue to provide a fair approach in determination of market values of development lands through site-specific appraisals for all uses.
- Identify the types of developments which are exempt from the parkland dedication requirement.

As part of the process to develop a new Parkland Conveyance By-law, and as required by subsection 42(3.1) of the Planning Act, staff has consulted with internal stakeholders, TRCA and provided an update at the Markham City Builders Forum on April 22, 2025. Staff made a presentation and provided an overview of the proposed changes to the by-law and received feedback.

The City's use of the permitted statutory alternative rates makes this new by-law appealable. Appeals to OLT are limited specifically to policies related to the alternative rate for land conveyance, and the alternative rate for payment in lieu of land. The last day for appealing the by-law is August 15th, 2025 which is 40 days after Council approval. After passing the by-law, the city will publish notice of by-law passage within 20 days, before July 28th, 2025.

Conclusion

The City is experiencing a significant deficit in the amount of parkland conveyance (or payment in lieu) as a result of the More Homes, Built Faster Act, severely impacting the City's ability to achieve its parkland needs, and service level targets.

Staff are bringing forward this updated Parkland Conveyance By-law to bring it into compliance with Bill 23 legislative requirements and to establish criteria to maximize the alternative parkland requirement for residential purposes permitted in section 42 of the Planning Act. This by-law update also proposes increasing the rate to 1 ha per 600 net residential units which is currently set as 0.55 ha per 500 dwelling units in the Parkland dedication By-law-2022-102. The new by-law is consistent with section 42 of the Planning Act and the Parkland Dedication policies currently in effect in the City's Official Plan.

The new Parkland Conveyance By-law will replace the current Parkland Dedication By-law and will allow the City to maximize the parkland requirement using the alternative rate for medium and high-density residential developments and redevelopment blocks included in the plans of subdivisions and site plans.

The by-law supports the City's vision of safe, sustainable, healthy and complete neighborhoods and communities.

FINANCIAL CONSIDERATIONS

Parkland Reserve Fund

Section 42(15) of the Planning Act requires that all funds collected through payment in lieu of parkland dedication or the sale of lands dedicated as parkland be deposited in a special account to be spent only for the acquisition of land, the construction, improvement or repair of buildings, and the acquisition of machinery for park and other recreational purposes.

The City maintains a Parkland Reserve Fund created pursuant to this section.

This reserve fund is one of the primary funding sources for parkland acquisitions and is used through the capital budget planning process, subject to Council approval.

Staff anticipate that the City will be able to acquire more parkland (or payment in lieu) by replacing the reduced alternative rate of 0.55 ha per 500 dwelling units identified in the Parkland Dedication By-law 2022-102 with the maximum permitted alternative rate according to the Planning Act.

Operating Impact

If the land value appraisal submitted by the landowner is not satisfactory, the updated by-law proposes that the City obtain an independent site-specific appraisal. Any costs to obtain an appraisal will be managed through Legal Services Operating Budget.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Parkland Dedication By-law update is aligned with Building Markham's Future Together: 2020-2026 Strategic Plan, particularly with the goals of Engaged, Diverse, Thriving and Vibrant City, a Safe, Sustainable and Complete Community and Stewardship of Money & Resources.

BUSINESS UNITS CONSULTED AND AFFECTED:

Parks Planning, Development Planning, Policy Planning, Recreation, Building Standards, Real Property, Legal Services and Finance have been consulted.

RECOMMENDED BY:

Giulio Cescato
M.C.I.P., R.P.P.
Director of Planning &
Urban Design

Trinela Cane
Acting Commissioner of
Development Services

ATTACHMENTS:

Attachment A – Proposed Parkland Conveyance By-law



Attachment A - Parkland Conveyance By-law -2025-XX.docx

A by-law to require the conveyance of land for park or other public recreation purposes as a condition of the development or redevelopment of land within the City of Markham or the payment of money in lieu of such conveyance, pursuant to the Planning Act, RSO 1990, cP.13, as amended, and to repeal By-law-2022-102 (Parkland Dedication By-law)

WHEREAS Section 42(1) of the Planning Act, RSO 1990, c P.13 (the “Planning Act”), as amended authorizes the Council of the Municipality to require, by By-law, the conveyance of land for park or other public recreational purposes as a condition of the development or redevelopment of land within the Municipality or any part thereof, or to require the payment of money in lieu of such a conveyance;

WHEREAS Section 42(6) of the Planning Act further provides that if a rate authorized by subsection (1) applies, the Council of the Municipality may require the payment of money in lieu to the value of the land otherwise required to be conveyed;

WHEREAS The Corporation of the City of Markham (the “City”) has an Official Plan in effect that contains specific policies dealing with the provision of lands for park or other public recreational purposes and the use of the alternative requirement authorized under section 42(3) of the Planning Act, RSO 1990, c P.13;

AND WHEREAS the City has approved a Parks Plan which examines the need for parkland in the City and determines that alternative rates for parkland conveyance and payments in lieu of conveyance are to be applied to promote high density Residential developments and to achieve minimum 1.2 hectares of parkland per one thousand people across the City.

NOW THEREFORE the Council of the Corporation of the City of Markham enacts as follows:

Short Title:

1. This By-law may be referred to as the Parkland Conveyance By-law.

Severability:

2. If a court of competent jurisdiction declares any provision or part of a provision of this By-law to be invalid, illegal, unenforceable or of no force and effect, it is the intention of Council in enacting this By-law that the remainder of this By-law will continue to remain in full force and effect.

Definitions:

3. The following definitions apply in this By-law:
 - a) **“Agricultural or farm purposes”** means the use of land, buildings or structures that are used for the purposes of or in conjunction with animal farming, the growing of crops including grains and fruit, market gardening, horticulture or any other use that is customarily associated with a farming operation of a Bona fide farmer;

- b) **“Board of Education”** has the same meaning as “board” as that term is defined in the Education Act, RSO 1990, c E.2, as amended, or any successor thereto;
- c) **“Bona fide farmer”** means an individual currently actively engaged in a farm operation with a valid Farm Business Registration number in the City of Markham;
- d) **“Building”** means a building as defined in the Ontario Building Code, O. Reg. 332/12, as amended, or any successor thereto;
- e) **“Building Code Act”** means the Building Code Act, SO 1992 chapter 23 and includes any amendments thereto, successor legislation, and where the context requires includes precursor legislation;
- f) **“By-law”** means this Parkland Conveyance By-law;
- g) **“Cemetery”** means land set aside to be used for the interment of human remains and includes a mausoleum, columbarium or other structure intended for the interment of human remains;
- h) **“City”** means the City of Markham or The Corporation of the City of Markham, and includes all land within its geographic boundaries, as the context dictates;
- i) **“College”** means a college established under the Ontario Colleges of Applied Arts and Technology Act, 2002, as amended, or any successor thereto;
- j) **“Commercial purposes”** means the use of non-residential land, buildings or structures for offices, sales and services, other than for Agricultural, Industrial, or Institutional purposes;
- k) **“Conservation Authority”** means a conservation authority established by or under Conservation Authorities Act R.S.O. 1990, CHAPTER C.27 as amended, or any successor thereto;
- l) **“Council”** means the Council for the City of Markham;
- m) **“Develop”** means:
 - i. the construction, erection or placing of one or more buildings on land
 - ii. the making of an addition or alteration to a building that has the effect of substantially increasing the size by increasing the Gross Floor Area of the building by fifty-percent (50%) or more, or by substantially increasing the usability thereof
 - iii. the addition of one or more new Residential Unit(s)
 - iv. the laying out and establishment of a Commercial parking lot
 - v. “Developed”, “Development”, “Redevelop”, “Redeveloped” and “Redevelopment” have their corresponding meanings
- n) **“Gross Floor Area”** has the same meaning given to Floor Area, Gross in the Zoning By-law;
- o) **“Industrial purposes”** means the use of land, buildings or structures used for or in connection with:

- i. manufacturing, producing, fabricating, processing, storing or distributing goods;
 - ii. research or development in connection with manufacturing, producing, fabricating or processing goods;
 - iii. retail sales by a manufacturer, producer, fabricator or processor of goods they manufactured, produced, fabricated or processed, if the retail sales are at the site where the manufacturing, producing, fabricating or processing takes place; or,
 - iv. office or administrative purposes, if they are,
 - a. carried out with respect to manufacturing, producing, fabricating, processing, storing or distributing of goods; and,
 - b. in or attached to the building or structure used for that manufacturing, producing, fabricating, processing, storing or distributing;
- p) **“Institutional purposes”** means the use of land, buildings or structures for a public or non-profit purpose including a religious, charitable, educational, health or welfare purpose, and without limiting the generality of the foregoing, may include such uses as schools, hospitals, places of worship, recreation facilities, community centres and government buildings;
- q) **“Land”** means, for the purposes of this By-law, the lesser of the area defined as:
- i. The whole of a parcel of property or parcels of property associated with the Development or Redevelopment; or
 - ii. The whole of a lot or lots or a block or blocks on a registered plan of subdivision or a unit or units within a vacant land condominium that is associated with the Development or Redevelopment.
 - iii. For Industrial or Commercial Redevelopment, the portion of property where the Development or Redevelopment is occurring.
- r) **“Market Value”** means the value of the Land determined in accordance as nearly as may be with section 14 of the Expropriations Act, RSO 1990 c E.26, as amended or any successor thereto, as of the day before the day of the issuance of the first building permit for each phase of the Development, as permitted by the Planning Act;
- s) **“Owner”** means, in respect of the Land on which the Development is to take place, the registered owner of the Land;
- t) **“Parkland”** means land for parks and other public recreational purposes;
- u) **“Planning Act”** means the Planning Act, RSO 1990 c P.13 and includes any amendments thereto, successor legislation, and where the context requires includes precursor legislation;
- v) **“Qualified Appraiser”** means a member of the Appraisal Institute of Canada in good standing;

- w) **“Record of Site Condition”** means a record of site condition under Part XV. 1 of the Environmental Protection Act, RSO 1990 c E.19, as amended, or any successor thereto;
- x) **“Residential purpose”** means the use of Land, Building or structure containing one or more Residential units;
- y) **“Residential unit”** means a unit that,
 - i. consists of a self-contained set of rooms located in a building or structure,
 - ii. is used or intended for use as residential premises, and
 - iii. contains kitchen and bathroom facilities that are intended for the use of the unit only;
- z) **“Temporary Sales Structure”** means a structure used for the principal purpose of promoting the sale of new Residential units, and which will be demolished within no more than three years of completion;
- aa) **“University”** means a university to which the University Expropriation Powers Act, RSO 1990, c U.3, as amended, or any successor thereto, applies; and
- bb) **“Zoning By-law”** means the City’s Comprehensive Zoning By-law No. 2024-19, as amended, or any successor thereto.

General Requirement:

- 4. The By-law applies to the entirety of the City, and the City is hereby established as an area for which the conveyance of a portion of Land to be Developed or Redeveloped, or the payment of money in lieu of such conveyance, shall be required as a condition of Development or Redevelopment.
- 5. No person shall Develop or Redevelop Land within the City unless they have first conveyed a portion of the Land to the City for Parkland, or paid money in lieu of such conveyance, in accordance with this By-law.

Delegation of Authority - Conveyance of a Portion of Land or Money in Lieu:

- 6. The Commissioner of Development Services or designate is authorized to determine the specific combination of conveyance of a portion of the Land for Parkland and/or payment of money in lieu of such conveyance on a site specific basis shall be required. Unless expressly specified as Council authority, all administrative authority for the management of this By-law is delegated to the Commissioner of Development Services or their designate.
- 7. The Commissioner of Development Services shall have regard for this By-law, the relevant policies of the City’s Official Plan, and general conformity with any other policies and guidelines established by the City from time to time for the determination of whether a conveyance of a portion of the Land for Parkland or the payment of money in lieu of such conveyance or a combination thereof shall be required.
- 8. The authority to establish the Market Value of Land for the purpose of calculating any required payment pursuant to this By-law is hereby delegated to the Senior Manager of Real Property or designate.
- 9. Council retains the authority to determine at its discretion: i) whether a conveyance of a portion of the Land for Parkland or the payment of money

in lieu of such conveyance shall be required; and ii) an alternative process to that set out in this By-law to determine the Market Value of the Land. The decisions pursuant to Sections 6, 7, and 8 must not be contrary to or inconsistent with any resolution of Council passed at any time prior to the issuance of a building permit.

Where Conveyance of a Portion of the Land Required:

10. Where it has been determined that a portion of the Land will be required to be conveyed to the City as Parkland, the following shall apply:
 - a) Where Land in the City is to be Developed or Redeveloped for Commercial Purposes or Industrial Purposes, a portion of the Land not exceeding 2% of the total area of the Land shall be conveyed to the City for Parkland.
 - b) Where Land in the City is to be Developed or Redeveloped for Residential purposes, the greater of:
 - i. a portion of the Land not exceeding 1 hectare (1ha) per six-hundred (600) Net Residential Units proposed as part of the Development or Redevelopment, or
 - ii. five percent (5%) of the total area of the Land
 shall be conveyed to the City for Parkland.
 - c) In all other cases other than for Commercial Purposes, Industrial Purposes, or Residential purposes, a portion of the Land not exceeding five percent (5%) of the total area of the Land shall be conveyed to the City for Parkland.

11. Where a Development or Redevelopment will include a mix of uses, and two or more of the requirements under section 10 a) - c) of this By-law may apply to the Development or Redevelopment, the area of the Land required to be conveyed to the City for Parkland shall be determined by applying whichever requirement(s) under section 10 a) - c) of this By-law applies to the Development or Redevelopment which results in the greatest total combined area of the Land being required to be conveyed to the City for Parkland. In calculating the requirements under each of section 10 a) - c) of this By-law only the portion of Land or Residential Units associated with the purposes listed in the applicable subsection shall be used for calculating the total area of Land required to be conveyed to the City for Parkland.

Acceptance of Land for Park or Other Public Recreational Purposes:

12. Any portion of Land required to be conveyed to the City for Parkland shall be:
 - a) Fee Simple, free of encumbrances except as may be satisfactory to the City Solicitor; and
 - b) In a physical condition satisfactory to the City and in accordance with the requirements of the City's Official Plan and other policies respecting the acquisition of real property.

13. The City, in its sole discretion, may require that the Owner pay for, obtain, and provide a Record of Site Condition to be filed in respect of the Land prior to accepting the conveyance of a portion of the Land for Parkland required under this By-law.

14. The following shall not be accepted by the City in satisfaction of a requirement to convey a portion of the Land for Parkland under this By-law:

- a) Areas of Land that are natural heritage and hydrologic features identified as part of the City's Natural Heritage Network including any required vegetation protection zone in the City's Official Plan, an approved Secondary Plan, or through an environmental impact study accepted by the City;
 - b) Areas of Land that are hazardous lands and hazardous sites that are susceptible to flooding, have poor drainage, erosion issues, extreme slopes, wetlands or other environmental or physical conditions that would interfere with their potential use as a public park;
 - c) Areas of Land that are required to accommodate stormwater management ponds;
 - d) Areas of Land that are deemed to be contaminated in any way, subject to acceptance by the City pursuant to section 13 of this By-law;
 - e) Land for trails or active transportation purposes;
 - f) Areas of land containing a heritage building and/or cultural landscape that is designated to be of cultural value or interest pursuant to Part IV of the Ontario Heritage Act;
 - g) Areas of Land that are used or proposed to be used for utility corridors or other infrastructure incompatible with their use as a public park;
 - h) Land that is encumbered by such easements or other instruments that would unduly restrict or prohibit public recreational use;
 - i) Land outside the Development, subject to the discretion of the Commissioner of Development Services and the Senior Manager of Real Property or designates;
 - j) Any land unsuitable for public recreational programming and deemed unacceptable by the City for Parkland or other recreational purposes, in the Commissioner of Development Services or designates sole and unfettered discretion, acting reasonably.
15. Where conveyance of a portion of the Land is not feasible, an off-site Parkland conveyance that is accessible to the area where the Land is located, may be substituted for conveyance of a portion of the Land, provided that:
- a) The off-site Parkland is a good physical substitute for any on-site Conveyance;
 - b) The Market value of the off-site Parkland is equal to the Market value of the portion of the Land that would otherwise be required; and
 - c) Both the City and the Owner agree to the substitution.
16. Any costs associated with a conveyance of a portion of Land for Parkland purposes required under this By-law, including but not limited to costs related to the preparation and registration of documents, surveys or reference plans, and any applicable taxes, shall be borne by the person seeking to Develop or Redevelop the Land at no cost to the City.
17. Any requirement to convey a portion of Land to the City for park and other recreational purposes is fulfilled only when title of that portion of the Land is transferred to the City and required agreement(s) have been entered into.
18. The City may accept conveyance of alternative forms of parkland including Privately Owned Public Spaces, Strata Park or Encumbered Parkland and apply appropriate parkland credits according to the provisions of the Planning Act.

Payment of Money in Lieu of Conveyance:

19. The City may determine, in its discretion, whether it seeks a conveyance of a portion of Land for Parkland, a payment of money in lieu of conveyance of a portion of Land for Parkland, or a combination of Conveyance of a portion of a portion of Land and payment in lieu of conveyance in order to satisfy the requirements of this By-law.
20. Where it has been determined that the payment of money will be required in lieu of a conveyance of a portion of the Land for Parkland, the following shall apply:
 - a) Where Land in the City is to be Developed or Redeveloped for Commercial purposes or Industrial purposes, the payment required in lieu of the conveyance of a portion of the Land for Parkland shall be two percent (2%) of the Market Value of the Land.
 - b) Where Land is to be Developed or Redeveloped for Residential purposes, the payment required in lieu of the conveyance of a portion of the Land for Parkland shall be the greater of:
 - i. the equivalent Market Value of 1 hectare (1ha) per one-thousand (1000) net Residential Units proposed to be added by the Development or Redevelopment, or;
 - ii. Five-percent (5%) of the total Market Value of the Land.
 - c) In all other cases other than Commercial purposes, Industrial purposes or Residential purposes, the payment required in lieu of the conveyance of a portion of the Land for Parkland shall be five percent (5%) of the Market Value of the Land.
21. Where a Development or Redevelopment will include a mix of uses, and two or more of the requirements under section 20 a) - c) of this By-law may apply to the Development or Redevelopment, the payment required in lieu of a conveyance of a portion of the Land to the City for Parkland shall be determined by applying whichever requirement(s) under section 20 a) - c) of this By-law applies to the Development or Redevelopment which will result in the greatest combined total payment to the City being required. In calculating the requirements under each of section 20 a) - c) of this By-law only the portion of Land or Residential Units associated with the purposes listed in the applicable subsection shall be used for calculating the payment required in lieu of a conveyance of a portion of the Land to the City for Parkland.

Determination of Market Value:

22. The Owner of the Land shall obtain and furnish the City with an appraisal of the Market Value of the Land from a certified professional appraiser of real estate who is designated as an Accredited Appraiser by the Appraisal Institute of Canada (AIC), and who is a member in good standing of the AIC, at no expense to the City. All appraisals must comply with the current Canadian Uniform Standards of Professional Appraisal Practice (CUSPAP) as adopted by the Appraisal Institute of Canada. No limiting conditions will be accepted that restricts distribution of the appraisal report, in part or in whole, to Owner(s) of the subject property, any representative of the Owner, or representative of the City.
23. Where the City is satisfied with the Market Value determined by the appraisal submitted in accordance with section 22 of this By-law, that value shall be used in the determination of the payment required.
24. Where the City is not satisfied with the Market Value determined by the appraisal submitted in accordance with Section 22 of this By-law, the City may obtain its own appraisal of the Market Value of the Land from a

certified professional appraiser of real estate who is designated as an Accredited Appraiser by the Appraisal Institute of Canada (AIC), and who is a member in good standing of the AIC, which appraisal shall be shared with the Owner of the Land. The City may also provide Market Data to the Owner's Appraiser to support an alternative fair Market value, without obtaining a formal appraisal report from the AIC.

25. Where the City has obtained an appraisal under section 24 of this By-law, the Owner of the Land may agree to fix the Market Value of the Land in accordance with the appraisal obtained by the City, or the City and the Owner of the Land may agree to fix the Market Value of the Land at another amount, which shall in no case be less than the lowest estimate of Market Value in either appraisal or more than the highest estimate of Market Value in either appraisal.
26. Where the City has obtained an appraisal under section 24 above, or provided Market Data information, and the City and the Owner of the Land cannot agree on the Market Value of the Land to be used in determining the required payment, the Market Value may be fixed in accordance with subsections 42(10) to 42(13) of the Planning Act.
27. Appraisals submitted to or obtained by the City for the purposes of this By-law shall be considered valid for a maximum period of six (6) months from the date the appraisal was completed, or such lesser time as may be specified in the appraisal.

No building without payment:

28. If a payment is required pursuant to section 20 or 21 above, no person shall construct a building on the Land proposed for Development or Redevelopment unless the payment has been made or arrangements for the payment satisfactory to the City have been made.

Payment Under Protest:

29. Any person who is required to pay money in lieu of a conveyance of a portion of Land to be Developed or Redeveloped may make that payment under protest in accordance with section 42(12) of the Planning Act. Subsections 42 (10), (11), (12) and (13) of the Planning Act shall govern any dispute that arises out of application of this section.

Form of Payment:

30. Any payment of money required under this By-law shall be made in the form of cash, certified cheque, bank draft or another form acceptable to the City.
31. Payment of any amount required under this By-law does not include any applicable taxes, which may be added to the payment required.

Special Account:

32. All money received by the City in lieu of the conveyance of a portion of Land for Parkland, or received on the sale of any property that has been conveyed to the City pursuant to this By-law, shall be paid into a special account established in accordance with section 42(15) of the Planning Act, and used only as permitted under that Act or any successor thereto, or any other general or special Act.
33. The City Treasurer shall give Council the financial statement of the any special account established pursuant to this By-law in accordance with the requirements of subsections 42(17) and (18) of the Planning Act.

Other Powers Not Affected:

34. Nothing in this By-law is intended to or has the effect of restricting or derogating from the authority of Council to require a conveyance for Parkland or the payment of money in lieu of such conveyance as a condition of the approval of a plan of subdivision in accordance with section 51.1 of the Planning Act, or the authority of Council, the committee of adjustment or any successor body thereto established under section 44 of the Planning Act, to require a conveyance for Parkland or the payment of money in lieu of such conveyance as a condition of the approval of a consent given under section 53(12) of the Planning Act.

Reduction for Previous Conveyance or Payment in Lieu:

35. If a portion of the Land has been previously conveyed or is required to be conveyed for Parkland, or a payment of money in lieu of such conveyance has been made or is required to be made under this By-law, a previous By-law passed under section 42 of the Planning Act, or as a condition of an approval under section 51.1 or 53 of the Planning Act, no additional conveyance or payment shall be required under this By-law as a condition of Development or Redevelopment of the Land unless:
- a) There is a change in the proposed Development or Redevelopment which would increase the density of the Development or Redevelopment; or
 - b) Land originally proposed for Development or Redevelopment for commercial or industrial purposes is now proposed for Development or Redevelopment for other purposes.
36. Where section 35 applies, and a change referred to in (a) or (b) of that section has occurred, any conveyance that has previously been made or is required to be made for Parkland, or any payment of money that has previously been made or is required to be made in lieu of such conveyance, as the case may be, shall be credited in calculation of the requirement for parkland conveyance or the payment of money in lieu of such conveyance under this By-law.

Legislative Caps on Alternative Rates

37. Where a portion of the Land is required to be conveyed at the rate of 1 hectare for each 600 net Residential Units pursuant to section 10(b)(i) or 11, or where a payment of money in lieu of conveyance is required at the rate of 1 hectare for each 1,000 net Residential Units pursuant to section 20 (b)(i) or 21, the maximum amount of parkland to be conveyed or payment in lieu of conveyance shall be:
- a) In the case of Land proposed for development or redevelopment that is five hectares or less in area, 10% of the land area or 10% of the Market value of the land as the case may be; or
 - b) In the case of Land proposed for development or redevelopment that is greater than five hectares in area, 15% of the land area or 15% of the Market value of the Land as the case may be.

Exemptions from General Requirement:

38. The Parkland Conveyance By-law does not apply to the following classes of Development or Redevelopment:
- a) Development or Redevelopment of Land owned by and/ or used for the purposes of the City;

- b) Development or Redevelopment of Land owned by and used by a Board of Education;
- c) Development or Redevelopment of Land owned by a College or University for non-commercial, institutional and/or educational purposes;
- d) Development or Redevelopment of a hospital as defined in Section 1 of the Public Hospitals Act;
- e) Development or Redevelopment of Land owned by and used for the purposes of the Regional Municipality of York;
- f) Development or Redevelopment of Land owned and used for the purposes of conservation by a Conservation Authority;
- g) The enlargement of an existing Residential unit;
- h) Development or Redevelopment that consists solely of a Temporary Sales Structure;
- i) Development or Redevelopment on any Land for a non-residential Agricultural building or structure, used for Agricultural or farm purposes by a Bona fide farmer;
- j) Development or Redevelopment that consists solely of the replacement of any Building destroyed due to fire or a natural cause beyond the control of the Owner of the Land, within four years of the destruction provided that no intensification or change in use is proposed, including but not limited to increasing the total number of Residential units, increasing the usability or size of the Gross Floor Area of the original Building by more than fifty percent;
- k) Development or Redevelopment of a cemetery exempt from taxation under the Assessment Act, R.S.O. 1990, c. A.31, or any successor thereof;
- l) Such other land uses, projects or specific Development or Redevelopment as may be exempted by resolution of Council.

Repeal:

- 39. By-law 2022-102 is repealed immediately upon the coming into force of this Parkland Conveyance By-law.
- 40. This By-law does not frustrate or supersede the terms of any executed agreement on the conveyance of land or payment in lieu of parkland dedication between the Owner and the City.

Coming Into Force:

- 41. This By-law shall come into force on the day it is passed.

Read a first, second, and third time and passed on July 8, 2025.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



[Delete page if not required]

EXPLANATORY NOTE

BY-LAW NO: 2025-xxxxxxxxxx
xx By-law

Title
Description

Insert Details below.



MEMORANDUM

To: Mayor and Members of Council

From: Huyen Hare, Manager of Economic Development
Department of Growth, Culture and Entrepreneurship

Date: July 8, 2024

Re: FIRA Robo World Cup 2025 Daegu, South Korea - Flag Ceremony to handover to Markham 2026

RECOMMENDATION:

The purpose of this memo is to seek the Council's approval for:

- 1) That the Memorandum titled, "FIRA Robo World Cup 2025 Daegu, South Korea - Flag Ceremony to handover to Markham 2026", be received; and,
- 2) That Council approve two representatives from the City of Markham to participate in the 2025 FIRA Robo World Cup in Daegu, Aug 8-19, 2025, to receive the flag in support of Markham hosting the FIRA 2026 Robo World Cup & Summit; and,
- 3) That the allocation of \$23,036 from Economic Development budget to cover costs related to travel and programming be approved; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

BACKGROUND:

The City of Markham has been awarded the hosting rights for the **FIRA Robo World Cup Open 2026**, which will take place at the **Markham Pan Am Centre from August 6–9, 2026**. This international event is a premier robotics competition drawing over **4,000 athletes, families, and spectators** from around the globe and will position Markham on the world stage as a leader in technology, youth innovation, and sports tourism.

In preparation for hosting the 2026 event, the non-profit Canadian National Robotics Society (CNRS) is leading an official FIRA World Cup Delegation program 2025 to be hosted in **Daegu, South Korea**, during which the ceremonial **flag handover to Markham** will occur. This

symbolic tradition signals the official transition of hosting duties to the next city and is an important opportunity for relationship-building and global exposure.

Attendance by two City of Markham representatives at the FIRA Robo World Cup 2025 in Daegu is critical to the success of our own event in 2026. Their presence will allow for:

- First-hand observation of event operations and logistics
- Direct engagement with FIRA organizers, teams and international stakeholders
- Showcasing Markham, Ontario and Canada as the next host destination, promoting our innovation sector, cultural assets and tourism infrastructure
- Strengthening relationships with sponsors, vendors and participants
- Receiving the FIRA flag, a ceremonial milestone that is key to international event protocol.

Economic Impact for Markham

According to the Pre-Event Economic Impact Report, the 2026 FIRA Robo World Cup is expected to generate significant economic impact:

- Total Business Sales: \$5.97 million (includes \$3.5 million in direct business sales)
- Job Creation: 1,043 jobs supported (771 direct jobs)
- Estimated Room Demand: 2,052 room nights
- Local Lodging Impact: \$718,233
- Food and Beverage Spending: \$764,768
- Retail and Recreation Impact: Over \$1.38 million combined

The event will drive **over 6,000 total visitor days in Markham**, significantly benefiting the local hospitality and retail sector.

Program, Attendance and Budget

- The trip program will take place in Daegu, Korea.
- City of Markham representatives include:
 - Markham Mayor Frank Scarpitti
 - Vice Chair of Economic Development and Ward 6 Councillor Amanda Collucci
- The total travel and programming cost for 2 City members is \$23,036 The cost will be allocated from the Economic Development budget– international program.
- Note: as non-profit organization, the Canadian National Robotics Society (CNRS) would only be able waive the program registration fee of \$220 USD for City representatives.

| | | |
|---|-------------|-----------------|
| Flight (round trip) - economy | \$3,164 x 2 | \$6,328 |
| Accommodation + Programming (10 days inclusive of travel days) | \$8,354 X2 | \$16,708 |
| Total | | \$23,036 |



By-law 2025-53

BEING A BY-LAW TO AUTHORIZE THE EXECUTION OF A HERITAGE EASEMENT AGREEMENT

WHEREAS section 37 (1) of the Ontario Heritage Act, R.S.O. 1990 c.O.18 authorizes the Council of a municipality to pass by-laws providing for the entering into heritage easements with owners of real property or interests in real property for the conservation of property of cultural heritage value or interest;

AND WHEREAS it has been determined that the property identified on Schedule “A” attached to this by-law is of cultural heritage value or interest;

AND WHEREAS Council at its meeting on December 16, 2003 passed By-law 2003-341, being the Heritage Tax Reduction By-law, establishing a program to provide tax reductions or refunds in respect of eligible heritage properties;

AND WHEREAS paragraph 5(ii) of By-law 2003-341 requires that to be eligible for a Heritage Tax Reduction, a property owner must provide proof, satisfactory to the Treasurer of the City, that the property is subject to a heritage easement under section 22 or 37 of the Ontario Heritage Act;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. THAT the Mayor and Clerk be authorized to execute a Heritage Easement Agreement between the City of Markham and the property owner as set out on Schedule “A” attached to this by-law, for the lands described in Schedule “A”, and any other documents required to give effect thereto in a form satisfactory to the City Solicitor.

Read a first, second and third time and passed this 8th day of July, 2025.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

SCHEDULE 'A' TO BY-LAW 2025-53

Being a By-law to authorize the execution
of Heritage Easement Agreements

| PROPERTY OWNER | MUNICIPAL ADDRESS | LEGAL DESCRIPTION |
|----------------|------------------------------|---|
| ZHANG YU | 7822 Highway 7 East, L0H 1J0 | PT LT 11, CON 10 MARKHAM PT 1 64R4520; MARKHAM PIN: 700140009 |



BY-LAW 2025-54

A BY-LAW TO AMEND BY-LAW 2012-27, BEING A BY-LAW TO REGULATE CROSS CONNECTIONS AND BACKFLOW PREVENTION IN A PRIVATE PLUMBING SYSTEM TO INCLUDE AMPS PENALTY PROVISIONS

WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (“*Municipal Act*”) provides that a municipality may pass by-laws respecting health, safety and well-being of persons and protection of persons and property, including consumer protection; and

WHEREAS Section 391(1) of the *Municipal Act* provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it; and

WHEREAS Section 434.1 of the *Municipal Act* provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that a person has failed to comply with a by-law of the municipality passed under the *Municipal Act*; and

WHEREAS Section 434.2(1) of the *Municipal Act* provides that an administrative penalty imposed by a municipality on a person constitutes a debt of the person to the municipality.

NOW THEREFORE the Council of The Corporation of the City of Markham enacts as follows:

That the By-law 2012-27 be amended as follows:

1. That Section **1. Definitions** be amended to include:

- **Administrative Monetary Penalty** means an administrative penalty established by the City By-law No. 2024-137, as amended
- **AMPS By-law** means By-law No. 2024-137, a By-law to establish an Administrative Monetary Penalty System (AMPS) for Contraventions of Designated By-laws in the City of Markham, as amended;

2. That **Section 14. Penalty Provisions** be amended to add the following:

- **14.3** Instead of laying a charge under the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended, for a breach of any provision of this By-law, an

Order, a Work Order, or any other Order issued pursuant this By-law, an Officer may issue an administrative penalty to the person who has contravened this By-law;

1. The Officer has the discretion to either proceed by way of an administrative penalty or a charge laid under the *Provincial Offences Act*. If an administrative penalty is issued to a person for the breach, no charge shall be laid against that same person for the same breach;
2. The amount of the administrative penalty for a breach of a provision of this By-law, a Work Order or Order issued under this By-law is fixed as set out in AMPS By-Law No. 2024-137;
3. A person who is issued an administrative penalty shall be subject to the procedures as provided for in AMPS By-Law No: 2024-137;
4. An administrative penalty imposed on a person pursuant to this By-law that is not paid within 15 days after the day it becomes due and payable, constitutes a debt of the person to the City and may be added to the tax roll and collected in the same manner as municipal taxes.

Read a first, second, and third time and passed on July 8th, 2025

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



BY-LAW 2025-55

A BY-LAW TO AMEND BY-LAW NO. 2024-137, BEING A BY-LAW TO ESTABLISH AN ADMINISTRATIVE MONETARY PENALTY SYSTEM (AMPS) FOR CONTRAVENTIONS OF DESIGNATED BY-LAWS IN THE CITY OF MARKHAM TO INCLUDE PENALTY PROVISIONS FOR CROSS CONNECTIONS & BACKFLOW PREVENTION

WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (“*Municipal Act*”) provides that a municipality may pass by-laws respecting health, safety and well-being of persons and protection of persons and property, including consumer protection; and

WHEREAS Section 391(1) of the *Municipal Act* provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it; and

WHEREAS Section 434.1 of the *Municipal Act* provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that a person has failed to comply with a by-law of the municipality passed under the *Municipal Act*; and

WHEREAS Section 434.2(1) of the *Municipal Act* provides that an administrative penalty imposed by a municipality on a person constitutes a debt of the person to the municipality.

NOW THEREFORE the Council of The Corporation of the City of Markham enacts as follows:

That the AMPS By-law 2024-137 be amended as follows:

1. That Schedule “B” **Designated By-laws** be amended to add Backflow Prevention – Bylaw #2012-27 as Appendix C20:

Schedule “B” Designated By-laws

| DESIGNATED BYLAW NAME | BYLAW # | APPENDIX |
|---------------------------------|----------|----------|
| ANIMAL PROTECTION AND SERVICES | 2018-91 | C1 |
| BUSINESS LICENSING - MOBILE | 2022-20 | C2 |
| BUSINESS LICENSING - STATIONARY | 2018-90 | C3 |
| CANNABIS | 2018-135 | C4 |

| | | |
|--|----------|-----|
| CONSTRUCTION IN-FILL | 2018-77 | C5 |
| FIRE - PRESCRIBE TIMES FOR SETTING FIRES | 85-97 | C6 |
| ANTI-IDLING CONTROL | 2005-192 | C7 |
| KEEP MARKHAM BEAUTIFUL | 2017-27 | C8 |
| NOISE | 2017-74 | C9 |
| PUBLIC NUISANCES | 2018-55 | C10 |
| PARKING | 2005-188 | C11 |
| PARKS | 167-92 | C12 |
| FIRE - RAPID ENTRY KEY BOX | 2001-236 | C13 |
| ROAD OCCUPANCY | 2018-109 | C14 |
| SEWER USE | 2023-53 | C15 |
| SIGNS - GENERAL | 2002-94 | C16 |
| SITE ALTERATION | 2011-232 | C17 |
| TREE PRESERVATION | 2023-164 | C18 |
| WATER USE | 2019-53 | C19 |
| BACKFLOW PREVENTION | 2012-27 | C20 |

2. That Schedule “C” **Tiered Administrative Monetary Penalty Amounts** be amended to include Appendix C20:

**APPENDIX C20
BACKFLOW PREVENTION BYLAW 2012-27**

| ITEM | SECTION | CONTRAENTION SHORT FORM WORDING | AMP TIER 1 | AMP TIER 2 | AMP TIER 3 |
|------|---------|---|---------------|---------------|---------------|
| 1 | 3.0 | Connect to the municipal drinking water system which may under certain circumstance allow water, wastewater, or a pollutant to enter the municipal drinking water system. | \$500.00 | \$750.00 | \$1,000.00 |
| 2 | 7.0 | Fail to complete a <i>Cross Connection Control Survey</i> within a prescribed timeframe. | \$400.00 | \$600.00 | \$800.00 |
| 3 | 7.2 | Fail to install a “Source Isolation” or “Zone Isolation” Backflow Preventer within a prescribed timeframe ordered by the City. | \$800.00 | \$1,200.00 | \$1,600.00 |
| 4 | 8.0.1 | Fail to have an installed Backflow Preventer inspected and tested within a prescribed timeframe. | \$250.00 | \$375.00 | \$500.00 |
| 5 | 9.0 | Fail to take corrective actions on each deficiency identified on the <i>Cross Connection Control Survey</i> within a prescribed timeframe ordered by the City. | \$300.00 | \$450.00 | \$600.00 |
| 6 | 10.0.2 | Fail to apply for a Building Permit for installation or replacement of a Backflow Preventer. | \$250.00 | \$375.00 | \$500.00 |
| 7 | 10.1 | Fail to repair or replace a malfunctioning “Source Isolation” or “Zone Isolation” Backflow Preventer within a prescribed timeframe ordered by the City. | \$500.00 | \$750.00 | \$1,000.00 |

| | | | | | |
|----|------|--|------------|------------|------------|
| 8 | 10.1 | Fail to repair or replace a malfunctioning "Premise Isolation" Backflow Preventer within a prescribed timeframe ordered by the City. | \$800.00 | \$1,200.00 | \$1,600.00 |
| 9 | 10.2 | Fail to install a "Premise Isolation" Backflow Preventer within a prescribed timeframe ordered by the City. | \$1,000.00 | \$1,500.00 | \$2,000.00 |
| 10 | 11.0 | Cause or Permit the removal of an installed Backflow Preventer for purposes other than repair or replacement or due to change of building functions. | \$500.00 | \$750.00 | \$1,000.00 |
| 11 | 13.7 | Obstruct an officer appointed by the City in exercise of their duty. | \$500.00 | \$750.00 | \$1,000.00 |

Read a first, second, and third time and passed on July 8th, 2025

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



BY-LAW 2025-56

A By-law to amend By-law 2237, 2053, 1767, 2150, 2151, 1229, 122-72, 88-76, 163-78, 184-78, 118-79, 153-80, 165-80, 90-81, 47-85, 304-87, 19-94, 177-96, 2004-196 and 2024-19, as amended

The Council of The Corporation of the City of Markham hereby enacts as follows:

1. That By-law 2024-19, as amended, is hereby further amended as follows:
 - 1.1 That Section 4.6 a) is amended to add the following:

“(xv) **Accessory outdoor storage** and **outdoor storage uses** on lands owned by the **City**.”
 - 1.2 That Section 4.6 b) iii) is repealed and replaced with the following:

“iii) **Accessory outdoor storage** or **outdoor storage uses** are permitted subject to the following:

 - (a) Where **accessory outdoor storage** or **outdoor storage uses** are specifically permitted in the **zone**; and,
 - (b) On lands owned by the **City**, not within the Greenway One (GWY1) and Greenway Two (GWY2) **zones**, or within any flood regulated areas or **hazardous lands** as defined by the Toronto and Region Conservation Authority.”
2. That By-law 2004-196, as amended, is hereby further amended as follows:
 - 2.1 That Section 4.16 b) iii) is repealed and replaced with the following:

“iii) *outdoor storage* and *outdoor storage uses* are permitted subject to the following:

 - (a) Where *outdoor storage* or *outdoor storage uses* are specifically permitted in the *zone*; and,
 - (b) On lands owned by the *corporation*, not within the Greenway designation as shown on Map 3 of the City’s 2014 Official Plan, or within any flood regulated areas or hazardous lands as defined by the Toronto and Region Conservation Authority.”
3. That By-law 177-96, as amended, is hereby further amended as follows:
 - 3.1 That Section 6.19 b) is repealed and replaced with the following:

“b) *outdoor storage* and *outdoor storage uses* are permitted subject to the following:

 - i) Where *outdoor storage* or *outdoor storage uses* are specifically permitted in the *zone*; and,
 - ii) On lands owned by the *Corporation*, not within the Greenway designation as shown on Map 3 of the City’s 2014 Official Plan, or within any flood regulated areas or hazardous lands as defined by the Toronto and Region Conservation Authority.”

4. By-law's 2237, 2053, 1767, 2150, 2151, 1229, 122-72, 88-76, 163-78, 184-78, 118-79, 153-80, 165-80, 90-81, 47-85, 304-87, and 19-94, as amended, are hereby further amended as follows:
 - 4.1 "Notwithstanding any other provision in this by-law, accessory outdoor storage and outdoor storages use are permitted subject to the following:
 - i) Where accessory outdoor storage or outdoor storage uses are specifically permitted in the zone; and,
 - ii) On lands owned by the Corporation of the City of Markham, not within the Greenway designation as shown on Map 3 of the City's 2014 Official Plan, or within any flood regulated areas or hazardous lands as defined by the Toronto and Region Conservation Authority."

Read and first, second and third time and passed on July 8, 2025.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW 2025-56

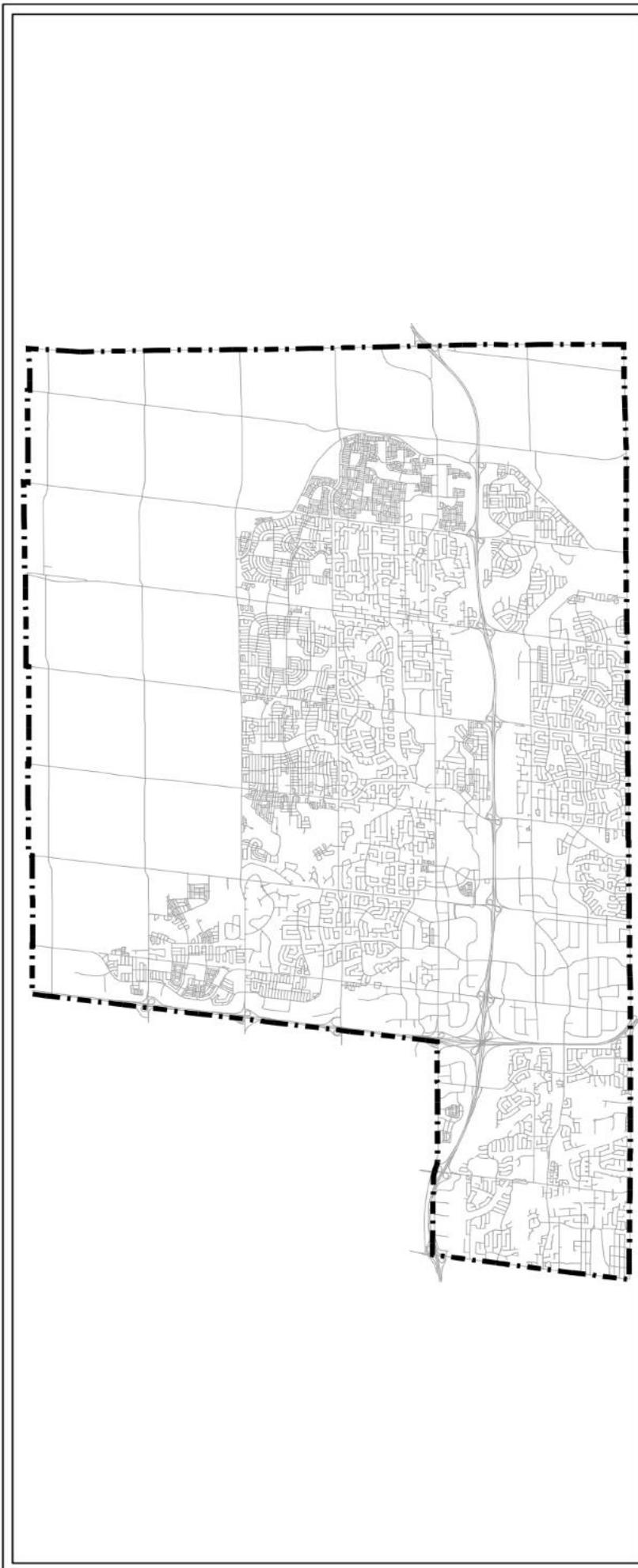
A By-law to amend By-laws 2237, 2053, 1767, 2150, 2151, 1229, 122-72, 88-76, 163-78, 184-78, 118-79, 153-80, 165-80, 90-81, 47-85, 304-87, 19-94, 177-96, 2004-196 and 2024-19, as amended.

Lands Affected

The proposed by-law amendment applies to all lands owned by the City of Markham and regulated under By-laws 2237, 2053, 1767, 2150, 2151, 1229, 122-72, 88-76, 163-78, 184-78, 118-79, 153-80, 165-80, 90-81, 47-85, 304-87, 19-94, 177-96, 2004-196 and 2024-19, as amended.

Purpose and Effect

The purpose and effect of this By-law is to permit outdoor storage on lands under By-laws 2237, 2053, 1767, 2150, 2151, 1229, 122-72, 88-76, 163-78, 184-78, 118-79, 153-80, 165-80, 90-81, 47-85, 304-87, 19-94, 177-96, 2004-196 and 2024-19, as amended and owned by the City of Markham.



SCHEDULE 'A' TO BY-LAW

AMENDING BY-LAWS 2237, 2053, 1767, 2150, 2151, 1229, 122-72, 88-76, 163-78, 184-78, 118-79, 153-80, 165-80, 90-81, 47-85, 304-87, 19-94, 177-96, 2004-196 AND 2014-19 DATED

 BOUNDARY OF AREA COVERED BY THIS SCHEDULE

THIS IS NOT A PLAN OF SURVEY. Zoning information presented in this Schedule is a representation sourced from Geographic Information Systems. In the event of a discrepancy between the zoning information contained on this Schedule and the text of zoning by-law, the information contained in the text of the zoning by-law of the municipality shall be deemed accurate.



 DEVELOPMENT SERVICES COMMISSION

Drawn By: RT Checked By: BR

DATE: 12/6/2025

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the City of Markham Clerk's Office Q:\Geomatics\New Operation\By-Laws\MISC\General Amendment to B.Ls 177-96 2004-96 2014-19\Schedule A.mxd



By-law 2025-57

A by-law to designate part of a certain
plan of subdivision not subject to Part Lot Control

**Please provide date of Council Resolution or Approval (mm/dd/year)-
7/8/2025**

The Council of The Corporation of the City of Markham hereby enacts as follows:

1. That Section 50(5) of the *Planning Act*, R.S.O. 1990, P.13 shall not apply to the lands within the part of a registered plan of subdivision designated as follows:

Blocks 124 to 136, inclusive, on Registered Plan 65M-4808; City of Markham, Regional Municipality of York

2. This By-law shall expire two years from the date of its passage by Council.

Read a first, second, and third time and passed on July 8, 2025.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW NO: 2025-57
Part Lot Control Exemption By-law
2025 115823 000 00 PTLT

Minto Communities Canada
Blocks 124 to 136, inclusive, Plan 65M-4808.

Lands Affected

The lands are located west of Kennedy Road, south of Major Mackenzie Drive East.

This by-law applies to Blocks 124 to 136, inclusive, on Registered Plan 65M-4808.

The purpose of this By-law is to exempt the subject blocks from the part-lot control provisions of the *Planning Act*, R.S.O. 1990, c. P.13, as amended. The effect of this By-law is to facilitate the conveyance of 86 townhouse units.

By-law 2025-58

A by-law to require the conveyance of land for park or other public recreation purposes as a condition of the development or redevelopment of land within the City of Markham or the payment of money in lieu of such conveyance, pursuant to the Planning Act, RSO 1990, c.P.13, as amended, and to repeal By-law-2022-102 (Parkland Dedication By-law)

Date of Council Resolution or Approval (mm/dd/year)- 7/8/2025

WHEREAS Section 42(1) of the Planning Act, RSO 1990, c P.13 (the “Planning Act”), as amended authorizes the Council of the Municipality to require, by By-law, the conveyance of land for park or other public recreational purposes as a condition of the development or redevelopment of land within the Municipality or any part thereof, or to require the payment of money in lieu of such a conveyance;

WHEREAS Section 42(6) of the Planning Act further provides that if a rate authorized by subsection (1) applies, the Council of the Municipality may require the payment of money in lieu to the value of the land otherwise required to be conveyed;

WHEREAS The Corporation of the City of Markham (the “City”) has an Official Plan in effect that contains specific policies dealing with the provision of lands for park or other public recreational purposes and the use of the alternative requirement authorized under section 42(3) of the Planning Act, RSO 1990, c P.13;

AND WHEREAS the City has approved a Parks Plan which examines the need for parkland in the City and determines that alternative rates for parkland conveyance and payments in lieu of conveyance are to be applied to promote high density Residential developments and to achieve minimum 1.2 hectares of parkland per one thousand people across the City.

NOW THEREFORE the Council of the Corporation of the City of Markham enacts as follows:

Short Title:

1. This By-law may be referred to as the Parkland Conveyance By-law.

Severability:

2. If a court of competent jurisdiction declares any provision or part of a provision of this By-law to be invalid, illegal, unenforceable or of no force and effect, it is the intention of Council in enacting this By-law that the remainder of this By-law will continue to remain in full force and effect.

Definitions:

3. The following definitions apply in this By-law:
 - a) **“Agricultural or farm purposes”** means the use of land, buildings or structures that are used for the purposes of or in conjunction with animal farming, the growing of crops including grains and fruit, market gardening, horticulture or any other use that is customarily associated with a farming operation of a Bona fide farmer;
 - b) **“Board of Education”** has the same meaning as “board” as that term is defined in the Education Act, RSO 1990, c E.2, as amended, or any successor thereto;

- c) **“Bona fide farmer”** means an individual currently actively engaged in a farm operation with a valid Farm Business Registration number in the City of Markham.
- d) **“Building”** means a building as defined in the Ontario Building Code Act, as amended, or any successor thereto;
- e) **“Building Code Act”** means the Building Code Act, SO 1992 chapter 23 and includes any amendments thereto, successor legislation, and where the context requires includes precursor legislation;
- f) **“By-law”** means this Parkland Conveyance By-law;
- g) **“Cemetery”** means land set aside to be used for the interment of human remains and includes a mausoleum, columbarium or other structure intended for the interment of human remains;
- h) **“City”** means the City of Markham or The Corporation of the City of Markham, and includes all land within its geographic boundaries, as the context dictates;
- i) **“College”** means a college established under the Ontario Colleges of Applied Arts and Technology Act, 2002, as amended, or any successor thereto;
- j) **“Commercial purposes”** means the use of non-residential land, buildings or structures for offices, sales and services, other than for Agricultural, Industrial, or Institutional purposes;
- k) **“Conservation Authority”** means a conservation authority established by or under Conservation Authorities Act R.S.O. 1990, CHAPTER C.27 as amended, or any successor thereto;
- l) **“Council”** means the Council for the City of Markham;
- m) **“Develop”** means:
 - i. the construction, erection or placing of one or more buildings on land
 - ii. the making of an addition or alteration to a building that has the effect of substantially increasing the size by increasing the Gross Floor Area of the building by fifty-percent (50%) or more, or by substantially increasing the usability thereof
 - iii. the addition of one or more new Residential Unit(s)
 - iv. the laying out and establishment of a Commercial parking lot
 - v. “Developed”, “Development”, “Redevelop”, “Redeveloped” and “Redevelopment” have their corresponding meanings
- n) **“Gross Floor Area”** has the same meaning given to Floor Area, Gross in the Zoning By-law;
- o) **“Industrial purposes”** means the use of land, buildings or structures used for or in connection with:
 - i. manufacturing, producing, fabricating, processing, storing or distributing goods;
 - ii. research or development in connection with manufacturing, producing, fabricating or processing goods;

- iii. retail sales by a manufacturer, producer, fabricator or processor of goods they manufactured, produced, fabricated or processed, if the retail sales are at the site where the manufacturing, producing, fabricating or processing takes place; or,
 - iv. office or administrative purposes, if they are,
 - a. carried out with respect to manufacturing, producing, fabricating, processing, storing or distributing of goods; and,
 - b. in or attached to the building or structure used for that manufacturing, producing, fabricating, processing, storing or distributing;
- p) **“Institutional purposes”** means the use of land, buildings or structures for a public or non-profit purpose including a religious, charitable, educational, health or welfare purpose, and without limiting the generality of the foregoing, may include such uses as schools, hospitals, places of worship, recreation facilities, community centres and government buildings;
- q) **“Land”** means, for the purposes of this By-law, the lesser of the area defined as:
- i. The whole of a parcel of property or parcels of property associated with the Development or Redevelopment; or
 - ii. The whole of a lot or lots or a block or blocks on a registered plan of subdivision or a unit or units within a vacant land condominium that is associated with the Development or Redevelopment.
 - iii. For Industrial or Commercial Redevelopment, the portion of property where the Development or Redevelopment is occurring.
- r) **“Market Value”** means the value of the Land determined in accordance as nearly as may be with section 14 of the Expropriations Act, RSO 1990 c E.26, as amended or any successor thereto, as of the day before the day of the issuance of the first building permit for each phase of the Development, as permitted by the Planning Act;
- s) **“Owner”** means, in respect of the Land on which the Development is to take place, the registered owner of the Land;
- t) **“Parkland”** means land for parks and other public recreational purposes;
- u) **“Planning Act”** means the Planning Act, RSO 1990 c P.13 and includes any amendments thereto, successor legislation, and where the context requires includes precursor legislation;
- v) **“Qualified Appraiser”** means a member of the Appraisal Institute of Canada in good standing;
- w) **“Record of Site Condition”** means a record of site condition under Part XV. 1 of the Environmental Protection Act, RSO 1990 c E.19, as amended, or any successor thereto;
- x) **“Residential purpose”** means the use of Land, Building or structure containing one or more Residential units;

- y) **“Residential unit”** means a unit that,
 - i. consists of a self-contained set of rooms located in a building or structure,
 - ii. is used or intended for use as residential premises, and
 - iii. contains kitchen and bathroom facilities that are intended for the use of the unit only;
- z) **“Temporary Sales Structure”** means a structure used for the principal purpose of promoting the sale of new Residential units, and which will be demolished within no more than three years of completion;
- aa) **“University”** means a university to which the University Expropriation Powers Act, RSO 1990, c U.3, as amended, or any successor thereto, applies; and
- bb) **“Zoning By-law”** means the City’s Comprehensive Zoning By-law No. 2024-19, as amended, or any successor thereto.

General Requirement:

- 4. The By-law applies to the entirety of the City, and the City is hereby established as an area for which the conveyance of a portion of Land to be Developed or Redeveloped, or the payment of money in lieu of such conveyance, shall be required as a condition of Development or Redevelopment.
- 5. No person shall Develop or Redevelop Land within the City unless they have first conveyed a portion of the Land to the City for Parkland, or paid money in lieu of such conveyance, in accordance with this By-law.

Delegation of Authority - Conveyance of a Portion of Land or Money in Lieu:

- 6. The Commissioner of Development Services or designate is authorized to determine the specific combination of conveyance of a portion of the Land for Parkland and/or payment of money in lieu of such conveyance on a site specific basis shall be required. Unless expressly specified as Council authority, all administrative authority for the management of this By-law is delegated to the Commissioner of Development Services or their designate.
- 7. The Commissioner of Development Services shall have regard for this By-law, the relevant policies of the City’s Official Plan, and general conformity with any other policies and guidelines established by the City from time to time for the determination of whether a conveyance of a portion of the Land for Parkland or the payment of money in lieu of such conveyance or a combination thereof shall be required.
- 8. The authority to establish the Market Value of Land for the purpose of calculating any required payment pursuant to this By-law is hereby delegated to the Senior Manager of Real Property or designate.
- 9. Council retains the authority to determine at its discretion: i) whether a conveyance of a portion of the Land for Parkland or the payment of money in lieu of such conveyance shall be required; and ii) an alternative process to that set out in this By-law to determine the Market Value of the Land. The decisions pursuant to Sections 6, 7, and 8 must not be contrary to or inconsistent with any resolution of Council passed at any time prior to the issuance of a building permit.

Where Conveyance of a Portion of the Land Required:

10. Where it has been determined that a portion of the Land will be required to be conveyed to the City as Parkland, the following shall apply:
- a) Where Land in the City is to be Developed or Redeveloped for Commercial Purposes or Industrial Purposes, a portion of the Land not exceeding 2% of the total area of the Land shall be conveyed to the City for Parkland.
 - b) Where Land in the City is to be Developed or Redeveloped for Residential purposes, the greater of:
 - i. a portion of the Land not exceeding 1 hectare (1ha) per six-hundred (600) Net Residential Units proposed as part of the Development or Redevelopment, or
 - ii. five percent (5%) of the total area of the Land
 shall be conveyed to the City for Parkland.
 - c) In all cases other than Commercial Purposes, Industrial Purposes, or Residential purposes, a portion of the Land not exceeding five percent (5%) of the total area of the Land shall be conveyed to the City for Parkland.
11. Where a Development or Redevelopment will include a mix of uses, and two or more of the requirements under section 10 a) - c) of this By-law may apply to the Development or Redevelopment, the area of the Land required to be conveyed to the City for Parkland shall be determined by applying whichever requirement(s) under section 10 a) - c) of this By-law applies to the Development or Redevelopment which results in the greatest total combined area of the Land being required to be conveyed to the City for Parkland. In calculating the requirements under each of section 10 a) - c) of this By-law only the portion of Land or Residential Units associated with the purposes listed in the applicable subsection shall be used for calculating the total area of Land required to be conveyed to the City for Parkland.

Acceptance of Land for Park or Other Public Recreational Purposes:

12. Any portion of Land required to be conveyed to the City for Parkland shall be:
- a) Fee Simple, free of encumbrances except as may be satisfactory to the City Solicitor; and
 - b) In a physical condition satisfactory to the City and in accordance with the requirements of the City's Official Plan and other policies respecting the acquisition of real property.
13. The City, in its sole discretion, may require that the Owner pay for, obtain, and provide a Record of Site Condition to be filed in respect of the Land prior to accepting the conveyance of a portion of the Land for Parkland required under this By-law.
14. The following shall not be accepted by the City in satisfaction of a requirement to convey a portion of the Land for Parkland under this By-law:
- a) Areas of Land that are natural heritage and hydrologic features identified as part of the City's Natural Heritage Network including any required vegetation protection zone in the City's Official Plan, an approved Secondary Plan, or through an environmental impact study accepted by the City;
 - b) Areas of Land that are hazardous lands and hazardous sites that are susceptible to flooding, have poor drainage, erosion issues, extreme

- slopes, wetlands or other environmental or physical conditions that would interfere with their potential use as a public park;
- c) Areas of Land that are required to accommodate stormwater management ponds;
 - d) Areas of Land that are deemed to be contaminated in any way, subject to acceptance by the City pursuant to section 13 of this By-law;
 - e) Land for trails or active transportation purposes;
 - f) Areas of land containing a heritage building and/or cultural landscape that is designated to be of cultural value or interest pursuant to Part IV of the Ontario Heritage Act;
 - g) Areas of Land that are used or proposed to be used for utility corridors or other infrastructure incompatible with their use as a public park;
 - h) Land that is encumbered by such easements or other instruments that would unduly restrict or prohibit public recreational use;
 - i) Land outside the Development, subject to the discretion of the Commissioner of Development Services and the Senior Manager of Real Property or designates;
 - j) Any land unsuitable for public recreational programming and deemed unacceptable by the City for Parkland or other recreational purposes, in the Commissioner of Development Services or designates sole and unfettered discretion, acting reasonably.
15. Where conveyance of a portion of the Land is not feasible, an off-site Parkland conveyance that is accessible to the area where the Land is located, may be substituted for conveyance of a portion of the Land, provided that:
- a) The off-site Parkland is a good physical substitute for any on-site Conveyance;
 - b) The Market value of the off-site Parkland is equal to the Market value of the portion of the Land that would otherwise be required; and
 - c) Both the City and the Owner agree to the substitution.
16. Any costs associated with a conveyance of a portion of Land for Parkland purposes required under this By-law, including but not limited to costs related to the preparation and registration of documents, surveys or reference plans, and any applicable taxes, shall be borne by the person seeking to Develop or Redevelop the Land at no cost to the City.
17. Any requirement to convey a portion of Land to the City for park and other recreational purposes is fulfilled only when title of that portion of the Land is transferred to the City and required agreement(s) have been entered into.
18. The City may accept conveyance of alternative forms of parkland including Privately Owned Public Spaces, Strata Park or Encumbered Parkland and apply appropriate parkland credits according to the provisions of the Planning Act.

Payment of Money in Lieu of Conveyance:

19. The City may determine, in its discretion, whether it seeks a conveyance of a portion of Land for Parkland, a payment of money in lieu of conveyance of a portion of Land for Parkland, or a combination of Conveyance of a portion of a portion of Land and payment in lieu of conveyance in order to satisfy the requirements of this By-law.
20. Where it has been determined that the payment of money will be required in lieu of a conveyance of a portion of the Land for Parkland, the following shall apply:

- d) Where Land in the City is to be Developed or Redeveloped for Commercial purposes or Industrial purposes, the payment required in lieu of the conveyance of a portion of the Land for Parkland shall be two percent (2%) of the Market Value of the Land.
 - e) Where Land is to be Developed or Redeveloped for Residential purposes, the payment required in lieu of the conveyance of a portion of the Land for Parkland shall be the greater of:
 - i. the equivalent Market Value of 1 hectare (1ha) per one-thousand (1000) net Residential Units proposed to be added by the Development or Redevelopment, or;
 - ii. Five-percent (5%) of the total Market Value of the Land.
 - f) In all cases other than Commercial purposes, Industrial purposes or Residential purposes, the payment required in lieu of the conveyance of a portion of the Land for Parkland shall be five percent (5%) of the Market Value of the Land.
21. Where a Development or Redevelopment will include a mix of uses, and two or more of the requirements under section 20 a) - c) of this By-law may apply to the Development or Redevelopment, the payment required in lieu of a conveyance of a portion of the Land to the City for Parkland shall be determined by applying whichever requirement(s) under section 20 a) - c) of this By-law applies to the Development or Redevelopment which will result in the greatest combined total payment to the City being required. In calculating the requirements under each of section 20 a) - c) of this By-law only the portion of Land or Residential Units associated with the purposes listed in the applicable subsection shall be used for calculating the payment required in lieu of a conveyance of a portion of the Land to the City for Parkland.

Determination of Market Value:

- 22. The Owner of the Land shall obtain and furnish the City with an appraisal of the Market Value of the Land from a certified professional appraiser of real estate who is designated as an Accredited Appraiser by the Appraisal Institute of Canada (AIC), and who is a member in good standing of the AIC, at no expense to the City. All appraisals must comply with the current Canadian Uniform Standards of Professional Appraisal Practice (CUSPAP) as adopted by the Appraisal Institute of Canada. No limiting conditions will be accepted that restricts distribution of the appraisal report, in part or in whole, to Owner(s) of the subject property, any representative of the Owner, or representative of the City.
- 23. Where the City is satisfied with the Market Value determined by the appraisal submitted in accordance with section 20 of this By-law, that value shall be used in the determination of the payment required.
- 24. Where the City is not satisfied with the Market Value determined by the appraisal submitted in accordance with Section 22 of this By-law, the City may obtain its own appraisal of the Market Value of the Land from a certified professional appraiser of real estate who is designated as an Accredited Appraiser by the Appraisal Institute of Canada (AIC), and who is a member in good standing of the AIC, which appraisal shall be shared with the Owner of the Land. The City may also provide Market Data to the Owner's Appraiser to support an alternative fair Market value, without obtaining a formal appraisal report from the AIC.
- 25. Where the City has obtained an appraisal under section 24 of this By-law, the Owner of the Land may agree to fix the Market Value of the Land in

accordance with the appraisal obtained by the City, or the City and the Owner of the Land may agree to fix the Market Value of the Land at another amount, which shall in no case be less than the lowest estimate of Market Value in either appraisal or more than the highest estimate of Market Value in either appraisal.

26. Where the City has obtained an appraisal under section 24 above, or provided Market Data information, and the City and the Owner of the Land cannot agree on the Market Value of the Land to be used in determining the required payment, the Market Value may be fixed in accordance with subsections 42(10) to 42(13) of the Planning Act.
27. Appraisals submitted to or obtained by the City for the purposes of this By-law shall be considered valid for a maximum period of six (6) months from the date the appraisal was completed, or such lesser time as may be specified in the appraisal.

No building without payment:

28. If a payment is required pursuant to section 20 or 21 above, no person shall construct a building on the Land proposed for Development or Redevelopment unless the payment has been made or arrangements for the payment satisfactory to the City have been made.

Payment Under Protest:

29. Any person who is required to pay money in lieu of a conveyance of a portion of Land to be Developed or Redeveloped may make that payment under protest in accordance with section 42(12) of the Planning Act. Subsections 42 (10), (11), (12) and (13) of the Planning Act shall govern any dispute that arises out of application of this section.

Form of Payment:

30. Any payment of money required under this By-law shall be made in the form of cash, certified cheque, bank draft or another form acceptable to the City.
31. Payment of any amount required under this By-law does not include any applicable taxes, which may be added to the payment required.

Special Account:

32. All money received by the City in lieu of the conveyance of a portion of Land for Parkland, or received on the sale of any property that has been conveyed to the City pursuant to this By-law, shall be paid into a special account established in accordance with section 42(15) of the Planning Act, and used only as permitted under that Act or any successor thereto, or any other general or special Act.
33. The City Treasurer shall give Council the financial statement of the any special account established pursuant to this By-law in accordance with the requirements of subsections 42(17) and (18) of the Planning Act.

Other Powers Not Affected:

34. Nothing in this By-law is intended to or has the effect of restricting or derogating from the authority of Council to require a conveyance for Parkland or the payment of money in lieu of such conveyance as a condition of the approval of a plan of subdivision in accordance with section 51.1 of the Planning Act, or the authority of Council, the committee of adjustment or any successor body thereto established under section 44 of the Planning Act, to require a conveyance for Parkland or the payment

of money in lieu of such conveyance as a condition of the approval of a consent given under section 53(12) of the Planning Act.

Reduction for Previous Conveyance or Payment in Lieu:

35. If a portion of the Land has been previously conveyed or is required to be conveyed for Parkland, or a payment of money in lieu of such conveyance has been made or is required to be made under this By-law, a previous By-law passed under section 42 of the Planning Act, or as a condition of an approval under section 51.1 or 53(12) of the Planning Act, no additional conveyance or payment shall be required under this By-law as a condition of Development or Redevelopment of the Land unless:
- a) There is a change in the proposed Development or Redevelopment which would increase the density of the Development or Redevelopment; or
 - b) Land originally proposed for Development or Redevelopment for commercial or industrial purposes is now proposed for Development or Redevelopment for other purposes.
36. Where section 35 applies, and a change referred to in (a) or (b) of that section has occurred, any conveyance that has previously been made or is required to be made for Parkland, or any payment of money that has previously been made or is required to be made in lieu of such conveyance, as the case may be, shall be credited in calculation of the requirement for parkland conveyance or the payment of money in lieu of such conveyance under this By-law.

Legislative Caps on Alternative Rates

37. Where a portion of the Land is required to be conveyed at the rate of 1 hectare for each 600 net Residential Units pursuant to section 10(b)(i) or 11, or where a payment of money in lieu of conveyance is required at the rate of 1 hectare for each 1,000 net Residential Units pursuant to section 20 (b)(i) or 21, the maximum amount of parkland to be conveyed or payment in lieu of conveyance shall be:
- a) In the case of Land proposed for development or redevelopment that is five hectares or less in area, 10% of the land area or 10% of the Market value of the land as the case may be; or
 - b) In the case of Land proposed for development or redevelopment that is greater than five hectares in area, 15% of the land area or 15% of the Market value of the Land as the case may be.

Exemptions from General Requirement:

38. The Parkland Conveyance By-law does not apply to the following classes of Development or Redevelopment:
- a) Development or Redevelopment of Land owned by and/ or used for the purposes of the City;
 - b) Development or Redevelopment of Land owned by and used by a Board of Education;
 - c) Development or Redevelopment of Land owned by a College or University for non-commercial, institutional and/or educational purposes;

- d) Development or Redevelopment of a hospital as defined in Section 1 of the Public Hospitals Act;
- e) Development or Redevelopment of Land owned by and used for the purposes of the Regional Municipality of York;
- f) Development or Redevelopment of Land owned and used for the purposes of conservation by a Conservation Authority;
- g) The enlargement of an existing Residential unit;
- h) Development or Redevelopment that consists solely of a Temporary Sales Structure;
- i) Development or Redevelopment on any Land for a non-residential Agricultural building or structure, used for Agricultural or farm purposes by a Bona fide farmer;
- j) Development or Redevelopment that consists solely of the replacement of any Building destroyed due to fire or a natural cause beyond the control of the Owner of the Land, within four years of the destruction provided that no intensification or change in use is proposed, including but not limited to increasing the total number of Residential units, increasing the usability or size of the Gross Floor Area of the original Building by more than fifty percent;
- k) Development or Redevelopment of a cemetery exempt from taxation under the Assessment Act, R.S.O. 1990, c. A.31, or any successor thereof;
- l) Such other land uses, projects or specific Development or Redevelopment as may be exempted by resolution of Council.

Repeal:

- 39. By-law 2022-102 is repealed immediately upon the coming into force of this Parkland Conveyance By-law.
- 40. This By-law does not frustrate or supersede the terms of any executed agreement on the conveyance of land or payment in lieu of parkland dedication between the Owner and the City.

Coming Into Force:

- 41. This By-law shall come into force on the day it is passed.

Read a first, second, and third time and passed on July 8, 2025.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



By-law 2025-52

A By-law to confirm the proceedings of the Council Meeting held on
July 8, 2025.

The Council of The Corporation of the City of Markham hereby enacts as follows:

1. That the action of the Council Meeting held on July 8, 2025 in respect to each motion, resolution and other action passed and taken by the Council at the said meeting is, except where prior approval of the Local Planning Appeal Tribunal is required, hereby adopted ratified and confirmed.
2. That the Mayor and the proper officers of the City are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required and to execute all documents as may be necessary in that behalf and the Clerk is hereby authorized and directed to affix The Corporate Seal to all such documents.

Read a first, second, and third time and passed July 8, 2025.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor