

I am strongly against the CF Markville Mall Master Plan and adopted Official Plan Amendment No. 272. These plans will cause many problems to the area, to the society, and the city even to other cities (eg. transportation overload). For example:

1. traffic jam: it will cause more air pollution and accidents, cause more time to go out and back, and do everything in a rush. that causes people to get less rest or sleep, this may cause depression or family problems. Also children grow up in problem families that are not good for them and for schools and the society and the country.

2. transportation issues: overloaded transportation this small area added so many people, many of the area people have to go far away to get jobs. going downtown will overload the yonge street subway.....

3. overloaded hospitals, schools, doctors offices.....

4. air more pollution for the area due to:

a) Very slow traffic and many more people living in the small area. let's say it takes an extra 10 to 30 minutes to go through this area how many vehicles go through this area in a day, in a year, in 100 years that produce so much air pollution to the atmosphere, this is not good for everyone in the world, also that wasting so much people's time adding together.

b) Many more people living in the same area.

5. We will get a lot of dust and noise for years during the construction. I live within 500 meters to the mall it will be worse for us

6. block sunlight and sky view. our big backyard, big glass door and big windows facing south east (to Markville Mall). In the morning the sunlight get in big part of my floor. If there are buildings in the mall they will block the morning sunlight for me.

7. The house's value will go down (depreciate) because of the above problems. the quality of life will go down for the area

Markham is so big there is so much empty land. Please do not overload any areas. If possible, let's keep people happy or make them happier. do not give them suffering. Life is hard and don't make it harder!

With kindest regards,

Qiang Fa Liang

A house owner in madsen crescent in markham

May 21, 2025

Dear Members of Markham Council,

I would like to bring forward a concern regarding the Markville Secondary Plan. While this plan undoubtedly brings exciting opportunities for the city, developers, and residents, it also poses serious challenges for existing businesses operating within the proposed boundaries.

As a long-standing business owner in the area—and speaking on behalf of many other commercial tenants—we respectfully request some clarity on the anticipated timelines for development. This information is critical for us to make informed decisions regarding lease renewals and long-term planning.

My family business has operated in Markham for over four decades, employing local residents and contributing to the city's economy. Our building, which falls within the Markville Secondary Plan boundaries, is currently slated for future residential condominium development. While we understand that, as tenants, we may not have a formal voice in land use changes, we ask that the impacts on existing businesses be acknowledged and considered.

Without an approximate timeline for when these developments may occur—whether it's in 3 years, 10 years, or 20 years—businesses like ours are left in a precarious position. For example, if I sign a 5-year lease renewal in 2027, only to find out shortly afterward that redevelopment is imminent, we risk not having sufficient time to secure a new location. This could lead to the closure of long-established operations, job losses, and significant financial hardship for dozens of businesses in the area.

We understand that timelines can shift and that development planning is complex. However, even tentative timelines would help us prepare and avoid being blindsided by changes that directly affect our ability to operate. Under the current Commercial Tenancies Act, we have little protection in such situations—so all we're asking for is transparency and consideration.

Thank you for taking the time to hear this concern, and for your attention to the needs of the businesses that continue to support the Markham community.

Steven Langenhuizen

Planning and Development Services
101 Town Centre Boulevard
City of Markham
ON L3R 9W3

May 30, 2025
File: 12179

Attn: Duran Wedderburn

Re: Objection Letter Regarding Markville Secondary Plan
25 Heritage Road
City of Markham

1.0 INTRODUCTION

Weston Consulting has been retained by the registered owner of property municipally addressed as 25 Heritage Road in the City of Markham (herein referred to as the “**Subject Property**”) to undertake this Letter of Objection. The Subject Property is legally described as:

PT LT 11 CON 7 MARKHAM PT 2 65R4960 ; MARKHAM

1.1 Purpose

This Letter of Objection has been prepared in response to the draft Markville Secondary Plan that has been released which incorporates and redesignates the Subject Property. This Letter provides a summary of applicable planning policies and an overview of the neighbourhood and Secondary Plan context, including an assessment of local open space and connectivity, to inform a planning opinion that concludes the proposed use does not represent good planning or an appropriate land use for the Subject Property.

2.0 PROPERTY DESCRIPTION AND NEIGHBOURHOOD CONTEXT

The Subject Property is located near the intersection McCowan Road and Heritage Road in the City of Markham. The surrounding area is characterized by low-rise detached dwellings, mature streetscapes, and a well-developed network of local roads that support a walkable, community-oriented environment. The Subject Property is currently occupied by a freestanding multi unit industrial building primarily consisting of automotive related uses.

North: Located north of the Subject Property are primarily industrial uses fronting Heritage Road as well as the Wesley Christian Academy.

East: To the east, the Subject Property is similarly located nearby industrial uses, primarily related to automotive uses.

South: South of the Subject Property are commercial uses occupied primarily by restaurants.

West: To the west of the Subject Property are commercial uses within a single-storey plaza, as well as CF Markville Mall located further west across McCowan Road.



Figure 1: Air Photo of Subject Property

3.0 MARKVILLE SECONDARY PLAN STUDY

The City of Markham has undertaken the Markville Secondary Plan Study to establish a comprehensive planning framework for a key intensification area within the City's urban structure. Encompassing approximately 110 hectares, the Study Area is centered around Markville Mall and extends along the Highway 7 corridor. It includes a diverse mix of existing land uses and presents opportunities for infill, redevelopment, and infrastructure coordination. Among the key priorities of the Study are achieving transit-oriented development, promoting complete communities, and ensuring an appropriate distribution of public spaces, including the provision of approximately 6 hectares of new parkland.



Figure 2: Draft Markville Secondary Plan

According to the most recent draft of the Markville Secondary Plan, the Subject Property—currently occupied by an active industrial use—is identified for future public parkland. This proposed designation does not reflect the current use or strategic location of the site. The Subject Property is situated adjacent to lands identified for service employment, a land use category intended to support modern, low-impact employment functions such as light industrial, research and development, office, and other service-oriented businesses. These uses are increasingly found in integrated, mixed-use environments, particularly within higher-density urban nodes, and are recognized for their compatibility with both residential and commercial land uses. Given this context, there is no evident need for the Subject Property to act as a transition or buffer between land uses, nor does it demonstrate physical or locational characteristics that would prioritize it as an ideal parkland candidate.

Moreover, the Subject Property is currently subject to mixed-use permissions, further reinforcing its appropriateness for development that contributes to the City's intensification objectives. Its proximity to existing and planned transit infrastructure, adjacency to employment-generating uses, and frontage along a key street network provide a strong foundation for accommodating urban growth. Retaining the site for employment-supportive or mixed-use redevelopment would align with the principles of compact, transit-supportive development and optimize the use of serviced land within the built boundary.

It is acknowledged that the Markville Secondary Plan Study remains in progress, currently in Phase 4 of a six-phase process. The final phase, Phase 6: Implementation, is anticipated to occur in Q2 to Q4 of 2025, at which point a finalized Secondary Plan will be brought forward for Council consideration. As the plan is still in draft

form, further technical refinements and land use adjustments are expected. This presents an opportunity for the City to reconsider the proposed parkland designation on the Subject Property in favour of a land use outcome that more effectively leverages its locational attributes and compatibility with surrounding development.

The City of Markham is currently undertaking the Markville Secondary Plan Study to guide future development within a defined portion of the City's urban area. The study area encompasses approximately 110 hectares, with the most recent draft envisioning 6 hectares of dedicated parkland distributed throughout the plan area. As part of this ongoing process, the Subject Property has been identified for future parkland use. The land is more suitable for a use that generates employment rather than being designated as parkland. The current industrial use of the site supports approximately 10–15 jobs daily. Re-designating the Subject Lands to parkland would not represent sound planning, especially given the site's location within a Major Transit Station Area (MTSA). Provincial policy targets a minimum of 200 jobs and people per hectare within MTSA's, and converting employment lands to parkland would undermine these objectives.

4.0 PLANNING POLICY FRAMEWORK

4.1 Planning Act, R.S.O. 1990

The *Planning Act* is provincial legislation that governs all land use matters within the Province of Ontario. The sections of the *Planning Act* relevant to our planning opinion are outlined below.

Section 3 of the *Planning Act* identifies matters of provincial interest and serves as a foundational framework for Ontario's policy-led planning system. The Provincial Policy Statement (PPS) provides policy direction on these matters as they relate to land use planning and development. A detailed discussion of applicable PPS policies is provided in Section 4.2 of this letter.

Section 16 of the *Planning Act* governs the secondary plan policies related to land use designation, including the location and distribution of parkland. This section also addresses broader themes such as land use compatibility, connectivity, and community infrastructure.

In this report, we will focus specifically on the location, necessity, and quantification of parkland space within the planning area. The analysis will be guided by relevant policy frameworks and planning principles to ensure the parkland is appropriately integrated, accessible, and supports the needs of current and future residents.

Sections 42 and 51(1) of the *Planning Act* establish the legislative framework for parkland dedication in Ontario. These provisions enable approval authorities to require the conveyance of land for park or other public recreational purposes as a condition of development or redevelopment.

With the introduction of **Bill 23, the *More Homes Built Faster Act, 2022***, amendments were made to modernize the parkland dedication process. Notably, the legislation discussed permitting **privately owned publicly accessible spaces (POPS)** to be counted toward fulfilling parkland dedication requirements, subject to certain conditions and municipal approval.

As a result, we have quantified the privately owned publicly accessible space (POPS) at approximately **3 hectares**, representing **6 to 8 percent** of the total development area. Figure 3 illustrates the breakdown used to calculate the 6 percent figure. This includes landscaped courtyards, pedestrian mews, and publicly accessible plazas. The POPS figure has been incorporated into the overall parkland provision calculation, in alignment with recent legislative amendments introduced through **Bill 23**. While the City of Markham has not yet implemented a formal credit system for POPS toward parkland dedication, other York Region municipalities, such as the City

of Vaughan, have adopted policies permitting up to 100% credit, as outlined in Parkland Dedication By-law 168-2022 appended below. Other municipalities that have also adopted a credit system for POPS toward parkland dedication include the Town of Newmarket and the City of Brampton.



Figure 3: Breakdown of POPS – 6% of Total Development Area

As outlined in the Parkland Acquisition Strategy (2021-2031) prepared by Hemson Consulting (August 2022), prior to the passage of Bill 23 in November 2022, Privately Owned Public Spaces (POPS) were considered as a potential strategy for parkland dedication by the City of Markham. The strategy also proposed reductions in parkland dedication requirements for certain types of housing:

- A 35% reduction for purpose-built rental units.
- A 50% reduction for affordable rental units.

If these provisions are applied, the parkland dedication requirements for properties within secondary plans could potentially be reduced, especially if property owners opt to include affordable housing or purpose-built rental housing in their developments. This approach could have a significant impact on the overall parkland dedication obligations, particularly in light of the evolving policy landscape under Bill 23.

As per **Section 8.1.2 of the Land Use Existing Conditions & Assessment (March 2023)**, the Markville Secondary Plan area currently contains **4.7 hectares** of parkland. The City has established a target of achieving

6 hectares of parkland within the Secondary Plan area, based on a provision rate of **1.2 hectares of City Parks per 1,000 people**, including **0.4 hectares per 1,000 people** specifically within intensification areas.

It is important to note that the Markville Secondary Plan report does not account for **privately owned publicly accessible spaces (POPS)**, which were introduced as eligible contributions toward parkland dedication under **Bill 23**. When factoring in the **approximately 3 hectares of POPS** identified in **Appendix 1**, the total public realm contribution amounts to **7.7 hectares**, thereby exceeding the City's target of 6 hectares for the Markville Secondary Plan area. Therefore, as the City's 6-hectare parkland target for the Secondary Plan area can be achieved without the inclusion of the subject lands, and given that the required parkland dedication will be exceeded through other means, it is of our opinion that the subject property is not required to be conveyed as parkland.

4.2 Provincial Planning Statement (2024)

The **Provincial Planning Statement (PPS), 2024**, released on **October 20, 2024**, reflects a foundational shift in Ontario's land use planning framework, replacing the previous Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe. The PPS, 2024 is aligned with the provincial government's commitment to enabling the construction of **1.5 million new homes by 2031**, with an overarching objective of increasing the **supply and mix of housing options** across Ontario to support a growing population and labour force.

The PPS, 2024 provides comprehensive **province-wide policy direction** on land use planning and development, focused on achieving **complete communities** and efficient use of land, infrastructure, and public service facilities. Key policy directions include:

- Promoting **densities for new housing** that make efficient use of land, resources, and infrastructure;
- Supporting **development and intensification** in **Strategic Growth Areas** and **Major Transit Station Areas (MTSAs)**;
- Encouraging a **compact built form** and **transit-supportive development**;
- Enhancing **multi-modal access** to transit and major trip generators;
- Ensuring that **public streets and spaces** are safe, inclusive, and designed to foster community interaction and active transportation;
- Requiring planning for water, sewer, and stormwater systems that accommodate growth and optimize existing infrastructure.

The PPS also mandates that municipalities delineate the boundaries of **Major Transit Station Areas (MTSAs)** on higher-order transit corridors, and uphold **minimum density targets**, including:

- **200 residents and jobs per hectare** for areas served by subway;
- **150 residents and jobs per hectare** for areas served by the GO Transit rail network.

The **Subject Property** is located within an **MTSA** associated with **Centennial GO Station** and therefore must meet a **minimum density target of 150 residents and jobs per hectare**. Planning for this area must ensure a mix of uses and built form that supports this target, while aligning with PPS objectives for complete, transit-oriented communities.

Chapter 2: Building Homes, Sustaining Strong and Competitive Communities Chapter 2 of the PPS describes how healthy, liveable, and safe communities are sustained. The following is an assessment of the relevant policies and how the proposed amendment addresses them”

Planning authorities should support the achievement of complete communities by:

- a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, longterm care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;*
- b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and*
- c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.*

2.2.1 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:

- a) establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;*
- b) permitting and facilitating:*
 - 1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and*
 - 2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;*
- c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and*
- d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.*

The Subject Property, currently an underutilized employment use/plaza, presents an ideal opportunity for redevelopment that supports the creation of both housing and employment within a Major Transit Station Area (MTSA). Its strategic location adjacent to Centennial GO Station positions it well to contribute meaningfully toward achieving the Provincial Planning Statement, 2024 target of 150 residents and jobs per hectare.

Redevelopment of this site would align with provincial objectives by optimizing land use near transit, enhancing housing

supply, and supporting economic activity—all while contributing to a **compact, complete, and transit-supportive community**.

Section 2.3.1 - Settlement Areas and Settlement Area Boundary Expansions, states the following:

1. *Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.*
2. *Land use patterns within settlement areas should be based on densities and a mix of land uses which:*
 - a. *efficiently use land and resources;*
 - b. *optimize existing and planned infrastructure and public service facilities;*
 - c. *support active transportation;*
 - d. *are transit-supportive, as appropriate; and*
 - e. *are freight-supportive.*
3. *Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.*
4. *Planning authorities shall establish and implement minimum target*

The Subject Property is located approximately 800 metres from Centennial GO Station, placing it within a walkable distance to higher-order transit. The site is well-served by existing soft and hard infrastructure, including public transit, road networks, water and sanitary services, and access to community amenities. This makes it a strong candidate for redevelopment into a mixed-use, purpose-built rental building, supporting both housing diversity and transit-oriented growth.

Such redevelopment would align with the **Provincial Planning Statement, 2024** by facilitating intensification in a strategic location, enhancing the housing supply, and promoting complete communities near major transit investments.

Section 3.9 - Public Spaces, Recreation, Parks, Trails and Open Space, states that:

1. *Healthy, active, and inclusive communities should be promoted by:*
 - a. *planning public streets, spaces and facilities to be safe, meet the needs of persons of all ages and abilities, including pedestrians, foster social interaction and facilitate active transportation and community connectivity;*
 - b. *planning and providing for the needs of persons of all ages and abilities in the distribution of a full range of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources.*

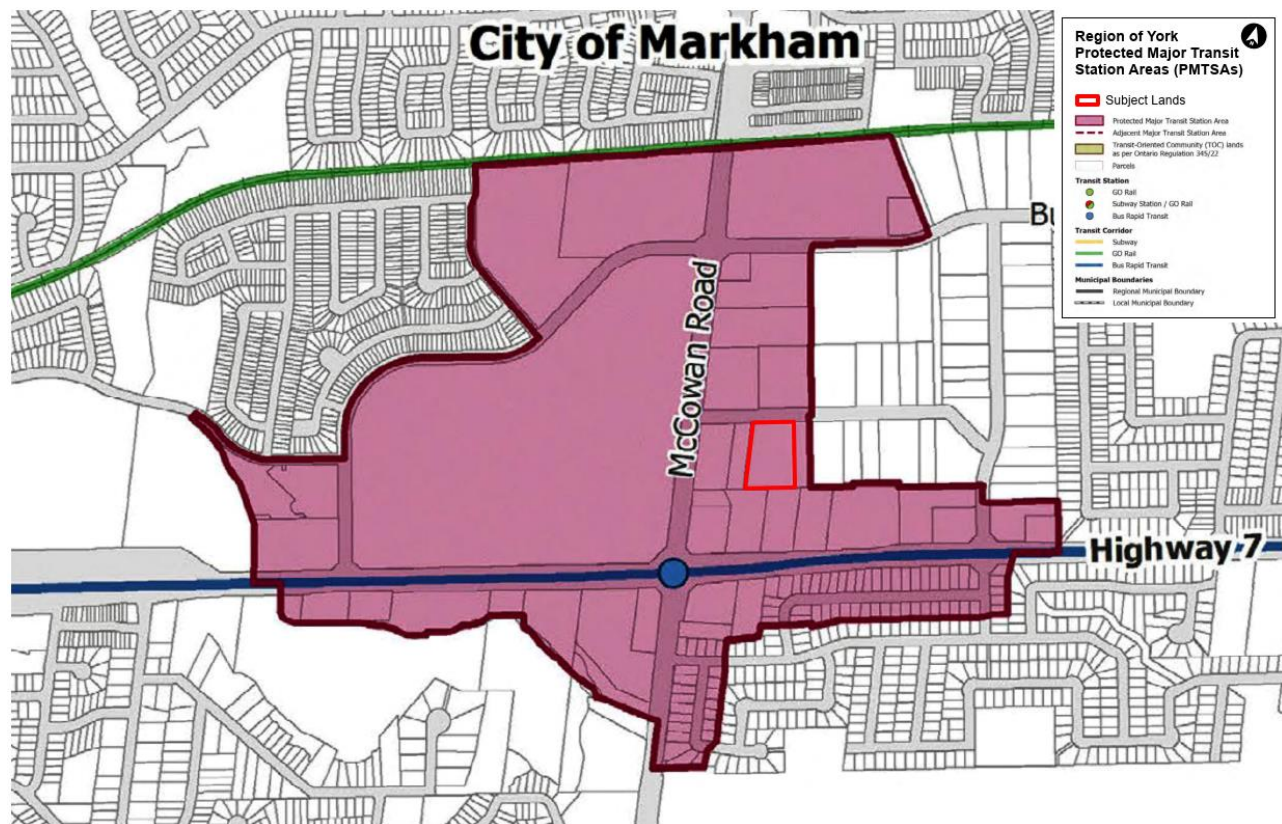


Figure 4: Centennial GO Protected Major Transit Station Area

4.3 York Region Official Plan (2022)

The York Region Official Plan, 2010 (YROP 2010) provided direction on land use planning matters across the Region, including housing, transportation, and natural heritage. All local municipal Official Plans were required to conform to the YROP 2010.

In 2019, York Region initiated a Municipal Comprehensive Review (MCR) to update the Official Plan in alignment with current Provincial Plans and policies. As a result, in July 2022, Regional Council adopted the new York Region Official Plan (herein referred to as the “YROP”). This updated Plan establishes the framework for growth and development to the year 2051 and applies to all nine local municipalities within the Region, including the City of Markham.

The Ministry of Municipal Affairs and Housing approved the 2022 YROP in November 2022, making it the official replacement for the 2010 Plan. The updated Plan conforms with Provincial policy and emphasizes the importance of collaboration with Indigenous Peoples and Communities in building inclusive and coordinated communities.

The Study Area is located within York Region’s Urban Area and is designated as both Community Area and Employment Area. To achieve its 2051 vision, the 2022 YROP outlines seven major goals that provide high-level direction for specific objectives. These include delivering services that support residents and businesses and promoting resilience in response to evolving economic and environmental conditions.

New policies introduced in the Plan aim to ensure that employment areas remain competitive, adaptable, and well-connected. The Plan places a strong emphasis on transit-oriented development, particularly within Major Transit Station Areas (MTSAs)—strategic locations where high-density employment, residential, and retail uses are encouraged to co-locate. By aligning land use with workforce trends, emerging technologies, and regional infrastructure investment, the 2022 YROP supports inclusive, sustainable, and future-ready job growth.

The Subject Property, as outlined in Option 1 of the *Markville Secondary Plan Study Draft Interim Report & Development Options (December 2023)*, is not dedicated as parkland (Figure 5). Rather, its location within proximity to transit and its designation as Employment Area presents a strong opportunity for intensification and job creation that can contribute toward achieving the minimum density target established for Employment Areas in Appendix 1 of the 2022 YROP. Specifically, the East Markham Employment Area Zone is required to achieve a minimum density of 50 jobs per hectare. Utilizing the subject lands for employment, rather than for parkland, supports this target and is consistent with regional growth management objectives.

Additionally, Section 8.5 of the YROP states that the intent of Service Employment areas is to accommodate employment uses that serve the daily needs of local residents, such as offices and other similar uses. Based on this policy direction, and the fact that Mixed-Use Residential areas to the west of the Subject Property will also include retail and office uses, it is our opinion that a physical buffer is not warranted between these two designations. These land uses are not only compatible, but are intended to operate in a complementary manner. Therefore, the introduction of a buffer in this context is neither supported by York Region planning policy nor justified by good planning principles.

Option 1 - Summary

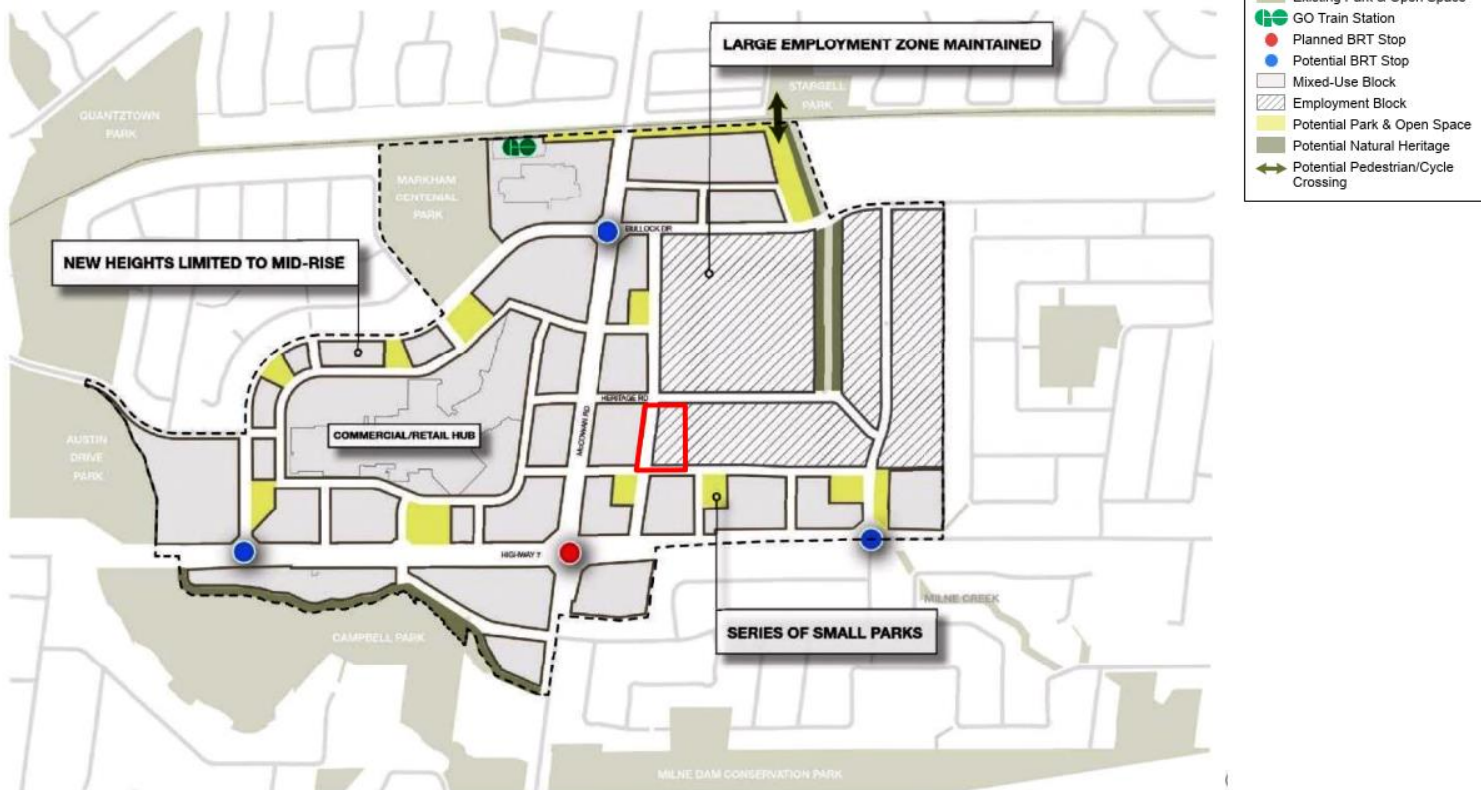


Figure 5: Option 1 of the Markville Secondary Plan Study Draft Interim Report & Development Options (December 2023)

4.4 City of Markham Official Plan (2014)

The Markham Official Plan 2014 provides the policy framework to guide land use, growth, and development across the City of Markham to the year 2031. Rooted in principles of sustainability, complete communities, and urban design excellence, the Plan sets out a vision for managing population and employment growth while protecting cultural heritage, agricultural lands, and the natural environment. It aligns with the broader policy direction of the York Region Official Plan and provincial plans such as the Growth Plan for the Greater Golden Horseshoe.

The Markham Official Plan identifies a structured approach to accommodating growth through intensification, transit-oriented development, and the creation of vibrant, mixed-use centres and corridors. It also supports economic development by designating and protecting employment lands, fostering innovation, and promoting Markham's role as a key employment and technology hub in the Region.

It should be noted that certain portions of the text, maps, and appendices of the Official Plan remain subject to appeals before the Ontario Land Tribunal (OLT), as identified by accompanying text boxes within the document.

The version of the Plan in effect includes policies approved by York Region, along with the Partial Approval Orders issued by the OLT.

As Markham continues to evolve as one of Canada's most diverse and dynamic urban centres, the Official Plan serves as a foundational document guiding how the city grows while maintaining a high quality of life for residents and advancing long-term sustainability goals.

Section 8.5.4 of the Official Plan states that *"Lands designated 'Service Employment' are intended to accommodate uses that serve and support other business uses and employees in Markham, but that are not provided for in other 'Employment Lands'. Some of these uses may also serve residents, and therefore benefit from their transit accessible corridor locations or proximity to 'Residential' areas. It is the intent of this Plan that the introduction of potentially sensitive land uses in these areas be restricted and monitored to minimize conflicts and protect adjacent industrial and warehouse uses from incompatible development."*

Section 10.8.2 of the Official Plan outlines the parkland dedication requirements, including the percentage or area required for development, as noted below.

10.8.2.1 That as a condition of development approval of land, Markham may, through the implementing parkland dedication by-law, require that land be conveyed for parks and other recreational purposes in an amount not exceeding:

- a) for lands proposed for industrial or commercial purposes, 2 percent of the gross land proposed for development or redevelopment area;
- b) for lands proposed for all other land uses, except for residential purposes, 5 percent of the gross land proposed for development or redevelopment area; and
- c) for lands proposed for residential purposes:
 - i. where the residential development is comprised of detached and semi-detached dwellings, 1 hectare per 300 dwelling units, provided that in no case shall the conveyance be less than 5 percent of the gross land proposed for development or redevelopment area;
 - ii. where the residential development is comprised of townhouse, stacked townhouse or small multiplex buildings containing 3 to 6 units, 1 hectare per 300 dwelling units or 1.2 hectares per 1,000 persons, whichever is the lesser, provided that in no case shall the conveyance be less than 5 percent of the gross land proposed for development or redevelopment area; and
 - iii. where the residential development is comprised of apartment buildings containing more than 6 units, 1.2 hectares per 1,000 persons, subject to any dedication adjustment permitted by an implementing parkland dedication by-law, provided that in no case shall the conveyance be less than 5 percent of the gross land proposed for development or redevelopment area. (YR Mod. 106)

10.8.2.2 That for lands that include a mixture of land uses, conveyance requirements are the sum of the parkland conveyances for each individual use as identified above. For uses described in a) and b) above, the land area for the purposes of calculating the amount of required parkland conveyance shall be determined by the sum of:

- a) the gross floor area of that part of the ground floor exclusively devoted such uses, and
- b) any surface parking area exclusively devoted to such uses.

10.8.2.3 That notwithstanding 10.8.2.1 above, the City may make further adjustments to the parkland conveyance requirements for any development approval, in accordance with the Planning Act, the parkland dedication by-law and/or any applicable development agreement.

This section is not aligned with the draft amendments introduced by Bill 23, nor does it incorporate the draft changes made to the Planning Act as a result of the Bill. Additionally, this section is currently under appeal, and the Official Plan, which dates back to 2014, needs to be updated to reflect the recent legislative changes.

4.4.1 Markville Secondary Plan Study Policies

Section 6.3.2: *“Based on Markham’s parkland targets (0.4 ha/1000 persons in intensification areas), approximately 11.3 ha of parkland (City Parks) are required in the Study Area to service the forecasted population. Of this, approximately 6.0 ha of park space is proposed within the study and is comprised of various sized park and parkette spaces. Parkland dedication will be further evaluated in the Community and Facilities Strategy.”*

As per Section 6.3.2 of the Markville Secondary Plan, a total of 6 hectares of parkland dedication is required. However, this requirement does not account for privately owned publicly accessible spaces (POPS). When including the proposed POPS, the total area dedicated to publicly accessible open space exceeds the 6-hectare requirement, as demonstrated in Appendix 1.

4.5 City of Markham Zoning By-law 2024-19

The City of Markham Zoning By-law must be updated to reflect the land use designations and policies introduced through the Markville Secondary Plan. This update is necessary to bring the Zoning By-law into conformity with the Secondary Plan and to enable the appropriate implementation of its vision and objectives.

6.0 CONCLUSION

Based on our review, we conclude that the Markville Secondary Plan area could provide more than the required parkland, without the dedication of the Subject Property, when considering recent draft changes to the Planning Act under Bill 23, which allow for the inclusion of Privately Owned Publicly Accessible Spaces (POPS) as part of parkland dedication. In our opinion, the Secondary Plan is not as progressive as anticipated, particularly when compared to the approaches adopted by municipalities such as Vaughan.

Dedicating this particular site as parkland would significantly limit its employment potential — especially given its strategic location within a Major Transit Station Area (MTSA), where the provincial policy direction is to support high-density employment and residential growth near transit infrastructure. Moreover, current planning policy does not require a buffer between prestige employment and mixed-use designations.

Rather than dedicating this land solely for park or buffer purposes, a more appropriate and efficient use would be to support prestige employment opportunities, or potentially a mixed-use development that includes an affordable housing component. This approach would better align with policy objectives for MTSA and represent a more optimized use of the land.

Yours Truly,
Weston Consulting
Per:



Katie Pandey, MAES, MCIP, RPP
Associate

APPENDIX I –City of Vaughan By-law No. 168-2022

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 168-2022

A By-law to require the conveyance of land and payment-in-lieu thereof for park or other public recreational purposes in the City of Vaughan repealing and replacing By-laws 139-90, 205-2012 and 007-2018.

WHEREAS section 42 of the *Planning Act*, RSO 1990, c P.13, as amended, authorizes local municipalities to pass By-laws requiring that land or payment-in-lieu thereof be conveyed to the local municipality as a condition of development or redevelopment of land;

AND WHEREAS the Council of The Corporation of the City of Vaughan wishes to use this authority to further the acquisition of lands and payment-in-lieu for park and other public recreational purposes;

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

Section 1 – Definitions and Applicability

1(1) DEFINITIONS

In this By-law:

- a) **“Act”** means the *Planning Act*, RSO 1990, c P.13 as amended.
- b) **“accessory”** means incidental, subordinate, and devoted exclusively to a principal use, *building* or *structure*.
- c) **“additional residential unit”** means a self-contained *residential unit* with full kitchen and bathroom facilities within or as an *accessory* to an existing *residential unit* such as a basement apartment or secondary suite. For the purposes of this By-law, a standalone *residential unit* that is detached from an existing *residential unit* within the same lot is not to be considered an *additional residential unit*.
- d) **“apartment building”** means a residential *building*, or the *residential use* portion of a mixed-use building, other than a *townhouse* containing

four or more *residential units* each of which shall have access to above grade common halls, stairs, elevators, and yards.

- e) **“building”** means a fully enclosed *structure*, whether temporary or permanent, used or erected for shelter, accommodation or enclosure of persons, animals, materials or equipment, but does not include a house trailer or mobile home.
- f) **“building permit”** means a permit issued under the *Building Code Act, 1992, SO 1992, c 23* which permits the construction of a *building* or *structure*, or which permits the construction of the foundation of a *building* or *structure*.
- g) **“City”** means The Corporation of the City of Vaughan.
- h) **“commercial purpose”** means the use of the land, *structure* or *building* for the purpose of buying and selling commodities or supplying of services as distinguished from such uses as manufacturing or assembling of goods, warehousing and construction.
- i) **“development”** means the construction, erection or placing of one or more *buildings* or *structures* on land or the making of an addition or alteration to a *building* or *structure* that has the effect of substantially increasing the size or useability thereof, or the laying out and establishment of a commercial parking lot.
- j) **“duplex”** means a *building* comprising, by horizontal division, two *residential units*, each of which has a separate entrance to grade.
- k) **“gross floor area”** means the total area of all of the floors in a building above grade measured from the outside of the exterior walls, but excluding bicycle parking within a building.
- l) **“multiple unit building”** means where the development consists of multiple *residential units* within buildings that are not included in the definition of *single detached residential*, or *semi-detached residential*, or *townhouse*. For clarity “multiple unit building” includes *stacked townhouse*, *semi-detached duplex*, *triplex*, *semi-detached triplex*, and *apartment building*.

- m) **“home occupation”** means an occupation permitted in a *residential unit* and which,
- i. is clearly secondary to the use of the *residential unit*;
 - ii. does not change the external character of the *residential unit*; and
 - iii. does not create or become a public nuisance, with respect to noise, traffic, or parking.
- n) **“industrial purpose”** means the use of land, *building* or *structure* for the construction, warehousing, manufacturing, processing or assembly of materials to finished products or byproducts, including the storage of such materials and products.
- o) **“institutional purpose”** means the use of any land, *building* or *structure* by any organization owned or operated for religious, educational, charitable, recreational, or governmental purposes, whether or not supported in whole or in part by public funds.
- p) **“owner”** means the owner of the land to be developed or redeveloped including the person who has made under lawful authority the *development* or *redevelopment* application for which parkland dedication requirements are imposed by this By-law.
- q) **“mixed-use development”** means a *building* or *structure* containing a residential and non-*residential use* other than a *home occupation*.
- r) **“place of worship”** means gatherings of a religious or faith-based organization for spiritual purposes.
- s) **“privately owned public space”** means open space that is privately owned and maintained but is a publicly accessible space complementing public parks or offering other public programming purposes secured by an easement with the *City*.
- t) **“redevelopment”** means construction, erection or placing of one or more *buildings* or *structures* on land where all or part of a *building* or *structure* has previously been demolished on such land or changing the use from a residential to non-*residential use* or from a non-residential to

residential use or from one form of *residential use* to another form of *residential use*.

- u) **“residential purpose” and “residential use”** both mean the use of land, *buildings* or *structures* for human habitation.
- v) **“residential unit”** means one or more habitable rooms designed, occupied, or intended to be occupied as living quarters as a self-contained unit and shall, at a minimum, contain sanitary facilities, accommodation for sleeping and a kitchen.
- w) **“semi-detached duplex”** means one of a pair of attached *duplexes*, each *duplex* divided vertically from the other by a party wall.
- x) **“semi-detached residential”** means a *building* divided vertically into two *residential units*.
- y) **“semi-detached triplex”** means one of a pair of *triplexes* divided vertically one from the other by a party wall.
- z) **“single detached residential”** means a *building* consisting of one *residential unit* that is not attached to another *structure* above grade.
- aa) **“stacked townhouse”** means a building, other than a *townhouse* or *apartment building*, containing at least three *residential units*, each *residential unit* being separated from the other vertically and/or horizontally, and each *residential unit* having an entrance to grade shared with no more than three other units.
- bb) **“stand-alone residential addition”** means a second *residential unit* that is detached from an existing *residential unit* within the same lot.
- cc) **“structure”** means anything constructed or erected and is fixed to or supported by the ground or attached to another structure that is fixed to or supported by the ground.
- dd) **“strata park”** means City-owned parkland in the form of a publicly accessible open space located on top of *structures*, including but not limited to parking garages and underground storm water facilities. The strata component of this definition refers to the horizontal delineation of

legal ownership as described in the *Condominium Act, 1998*, SO 1998, c 19.

- ee) **“townhouse”** means a *building*, up to three storeys in height, situated on a single parcel and part of a row of at least three but no more than six attached *residential units*.
- ff) **“temporary building or structure”** means a temporary use permitted under a *City* zoning By-law enacted per section 34 of the *Act*.
- gg) **“triplex”** means a *building* comprising three *residential units*, each of which has a separate entrance to grade.

1(2) This By-law applies to all lands within the corporate limits of the *City*.

Section 2 – Land Dedication Requirement

2(1) As a condition of *development* or *redevelopment* of lands in the *City*, Council hereby requires that land be conveyed to the *City* for park or other public recreational purposes such that:

- a) In the case of land proposed for *development* or *redevelopment* for a *commercial purpose* or an *industrial purpose*, two percent (2%) of the said lands shall be conveyed.
- b) In the case of lands proposed for *development* or *redevelopment* for a *residential purpose*, which includes residential portions of a *mixed-use development*, or other purpose not mentioned in section 2(1)a), five percent (5%) of the lands shall be conveyed.
- c) In the case of a *mixed-use development* or *redevelopment* where the non-residential *gross floor area* represents equal to or less than twenty percent (20%) of the total *gross floor area*, no parkland dedication shall be imposed on the non-residential portion.
- d) As an alternative to requiring the conveyance provided for in section 2(1)b), in case of lands proposed for *development* or *redevelopment* for a *residential purpose*, the *City* may elect that land be conveyed at a rate of one (1) hectare for each three hundred (300) *residential units* proposed.

- 2(2)** Where a single parcel of land is proposed for *development* or *redevelopment* for purposes referred to in both sections 2(1)a) and 2(1)b), the respective parkland dedication rates shall be applied in the same proportion as the *gross floor area* for section 2(1)a) purposes relative to the *gross floor area* for section 2(1)b) purposes.
- 2(3)** Notwithstanding any other sections in this By-law and subject to any applicable restrictions provided by the *Act*, the *City* may determine at its sole discretion,
- a) the location, configuration and encumbrances of land required for conveyance; and
 - b) when payment-in-lieu of land conveyance or a combination of payment and land are acceptable.

Section 3 – Lands Acceptable for Conveyance and Parkland Credits

- 3(1)** The *City* requires lands that fully meet the *City's* requirements for parklands, which can include passive recreation uses. Such lands accepted by the *City* for dedication shall receive full **(100%)** credit towards satisfying the parkland dedication requirements for a *development* or *redevelopment*.
- 3(2)** The *City* will accept the following encumbered lands at a full **(100%)** credit towards satisfying the parkland dedication requirements for a *development* or *redevelopment*:
- a) *Strata parks*.
 - b) Land encumbered by underground storm water facilities, utility corridors, and other publicly owned infrastructure.
 - c) Land that forms part of the Natural Heritage Network and associated buffers.
 - d) Land encumbered by floodplains.
 - e) Land encumbered by sustainability features.
 - f) Land within the Greenbelt or Oak Ridges Moraine.
- 3(3)** Consideration and provision of parkland credits for the encumbered lands provided in section 3(2) shall require the *owner* to enter into an agreement with the *City* for dedication of land that,
- a) is permit-ready for active and/or passive park programming;

- b) is designed and developable to *City* standards;
- c) does not prohibit or restrict public programming;
- d) will be open and accessible to the public at all times;
- e) meets any further applicable criteria in the *City's* Official Plan or Secondary Plan; and
- f) meets requirements of the Greenbelt or the Oak Ridges Moraine policies where applicable.

3(4) Through the development approval process, *City* Council may choose to accept land proposed as a *privately owned public space* at full (**100%**) credit towards satisfying the parkland dedication requirements for a *development* or *redevelopment*. Consideration and provision of parkland credits for a *privately owned public space* shall require the *owner* to enter into an agreement with the *City* providing that the *privately owned public space*,

- a) is designed, developed and maintained to *City* standards;
- b) is open and accessible to the public at all times; and
- c) meets any further applicable criteria in the *City's* Official Plan or Secondary Plan.

3(5) Notwithstanding sections 3(2) and 3(4), lands not acceptable for parkland dedication and any credit are the following:

- a) Lands with poor drainage, erosion issues, extreme slopes and other adverse physical conditions.
- b) Lands required to accommodate open storm water management facilities.
- c) Lands deemed by the *City* to be contaminated in any way.
- d) Lands that prohibit or restrict public programming.

3(6) Where on-site land dedication is not feasible, through the development approval process, *City* Council may accept off-site land dedication it considers suitable towards meeting the overall parkland dedication requirement for a *development* or *redevelopment*.

Section 4 – Payment-in-Lieu of Parkland Dedication

- 4(1)** Despite section 2(1), the *City* may elect, in its sole discretion, for a payment-in-lieu including where no reasonable prospect for land dedication exists including, but not limited to,
- a) where land conveyance would render the remaining portion of the subject lands unsuitable or impractical for *development* or *redevelopment*;
 - b) where the amount of land conveyance does not meet the *City's* Official Plan definitions of parklands or provide a parkland configuration acceptable to the *City*; or
 - c) where existing parks and other recreational spaces are available and deemed sufficient by the *City* to accommodate further *development* or *redevelopment*.
- 4(2)** Calculations of payments-in-lieu shall be net of the value of any land conveyance made towards the overall parkland dedication requirement for a *development* or *redevelopment*.
- 4(3)** Subject to section 4(4), the amount of payment-in-lieu shall be the value of the land otherwise required to be conveyed.
- 4(4)** A payment-in-lieu for a *multiple unit building development* or *redevelopment* shall be the lesser of,
- a) the value of land using a rate of one hectare for each five hundred (500) *residential units* based on the subject site land value; or
 - b) a payment calculated by multiplying the number of *residential units* for the *residential purpose* with the applicable unit rate of,
 - i. **\$11,300** per unit on the day this By-law comes into full force and effect;
 - ii. **\$15,050** per unit effective March 1, 2023;
 - iii. **\$20,050** per unit effective March 1, 2024;
 - iv. **\$27,994** per unit effective March 1, 2025; and
 - v. subject to a **4.25%** increase on each one-year anniversary after March 1, 2025 without amendment to this By-law.

- 4(5)** A payment-in-lieu for a *stand-alone residential addition* shall be a set rate payment of,
- a) **\$1,356** per unit on the day this By-law comes into full force and effect;
 - b) **\$1,806** per unit effective March 1, 2023;
 - c) **\$2,406** per unit effective March 1, 2024;
 - d) **\$3,359** per unit effective March 1, 2025; and
 - e) subject to a **4.25%** increase on each one-year anniversary after March 1, 2025 without amendment to this By-law.
- 4(6)** While the *City* may rely on other appraisal information to determine the value of the land for payment-in-lieu, where payment-in-lieu is permitted and is not being calculated pursuant to section 4(4)b) or 4(5) the *owner* shall provide an appraisal to the *City* which shall,
- a) be obtained by the *owner* at their sole expense;
 - b) be conducted by a certified professional appraiser designated as an Accredited Appraiser by the Appraisal Institute of Canada with experience appraising all types of real property;
 - c) state the criteria used to determine the value presented in the appraisal; and
 - d) cannot be accepted by the *City* if the appraisal date is more than one (1) year prior to the valuation date.
- 4(7)** The valuation date of land value for payment-in-lieu, including determining what unit rate shall apply under section 4(4)b), shall be the day before the day the required first *building permit* is issued for the *development* or *redevelopment*.

Section 5 – When Additional Parkland Dedication is Required

- 5(1)** No additional land conveyances or payment-in-lieu shall be required for subject lands for which a previous parkland dedication land conveyance or payment-in-lieu was made unless,
- a) there is an increase in the number of *residential units* (excluding *additional residential units*) that generates additional dedication requirements;

- b) there is additional land area added to the *development* or *redevelopment* that generates additional dedication requirements; or
 - c) land or *buildings* originally proposed for *development* or *redevelopment* for a *commercial purpose* or *industrial purpose* are now proposed to be used for *residential purposes*.
- 5(2)** If additional land or payment-in-lieu is required, the land conveyed and accepted as parkland dedication at the time and/or payment-in-lieu already given for parkland dedication by the subject lands shall be factored into the determination of the additional contribution.

Section 6 – Exemptions, Payment Deadlines and Other Administration

- 6(1)** This By-law may be referred to as the “Parkland Dedication By-law”.
- 6(2)** Notwithstanding any other sections in this By-law, no parkland dedication is required for the following exempt categories:
- a) *Development* or *redevelopment* as a *place of worship*.
 - b) *Development* or *redevelopment* of land, *buildings* or *structures* that is a long-term care home as defined by the *Long-Term Care Homes Act, 2007*, SO 2007, c 8 or other residential hospices that receive government funding for their nursing services.
 - c) *Development* or *redevelopment* of land, *buildings* or *structures* for affordable housing per the definition in the Provincial Policy Statement issued under section 3 of the *Act*.
 - d) *Development* or *redevelopment* of land being undertaken by a not-for-profit organization.
 - e) *Development* or *redevelopment* of land, *buildings* or *structures* owned by and used for the purposes of the *City* or Corporation of the Region of York.
 - f) *Development* or *redevelopment* of land, *buildings* or *structures* owned by and used for the purposes of a Board of Education, a university or a school as defined in the *Education Act*, RSO 1990, c E.2 or a college established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*, SO 2002, c 8, Sched F.

- g) *Development or redevelopment* of land, *buildings* or *structures* owned and used by the Cortellucci Vaughan Hospital.
 - h) Replacement of any *building* that is a direct result of destruction due to fire or other cause demonstrably beyond the control of the *owner*, provided that no intensification or change in use is proposed, including but not limited to an increase in total *residential unit* count.
 - i) The enlargement of an existing single detached or semi-detached *residential unit*.
 - j) *Additional residential units* up to a maximum of five units.
 - k) Enlargement of an existing *commercial purpose, industrial purpose or institutional purpose building or structure* where the size of the subject site is unchanged.
 - l) *Temporary buildings or structures*.
- 6(3)** When parkland dedication is required, title to any land and payment-in-lieu shall be received by the *City*,
- a) according to the specific payment conditions for the *development or redevelopment*; or
 - b) in all other cases prior to the issuance of a *building permit* or, if more than one *building permit* is required, the day before the day the first permit is issued.
- 6(4)** All payment-in-lieu received by the *City* under this By-law shall be remitted into the Parkland Reserve Fund.
- 6(5)** In administering the Parkland Reserve Fund, the *City* shall,
- a) maintain records of all remittances and expenditures from the fund;
 - b) invest fund money in securities as permitted by the *Municipal Act, 2001*, SO 2001, c 25 with any earnings returned to the fund; and
 - c) issue publicly available reports on the fund in a frequency and format as prescribed by the *Act*.
- 6(6)** Should any section or part of a section of this By-law be determined by a court or tribunal of competent jurisdiction to be invalid or of no force and effect, that

section or part shall be severable and the remainder of this By-law will continue to operate in full force and effect.

Section 7 – Coming Into Force and Transition

- 7(1)** This By-law comes into full force and effect on September 18, 2022 and previous By-laws 139-90, 205-2012, and 007-2018 are repealed on that date.
- 7(2)** This By-law does not frustrate or supersede the terms of any executed agreement on the conveyance of land or payment-lieu for parkland dedication between an *owner* and the *City*.

Enacted by City of Vaughan Council this 28th day of June, 2022.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk