



Report to: Development Services Committee

Meeting Date: July 8, 2025

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**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

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**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 m<sup>2</sup> (11,291 ft<sup>2</sup>) 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 42<sup>nd</sup> 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:**

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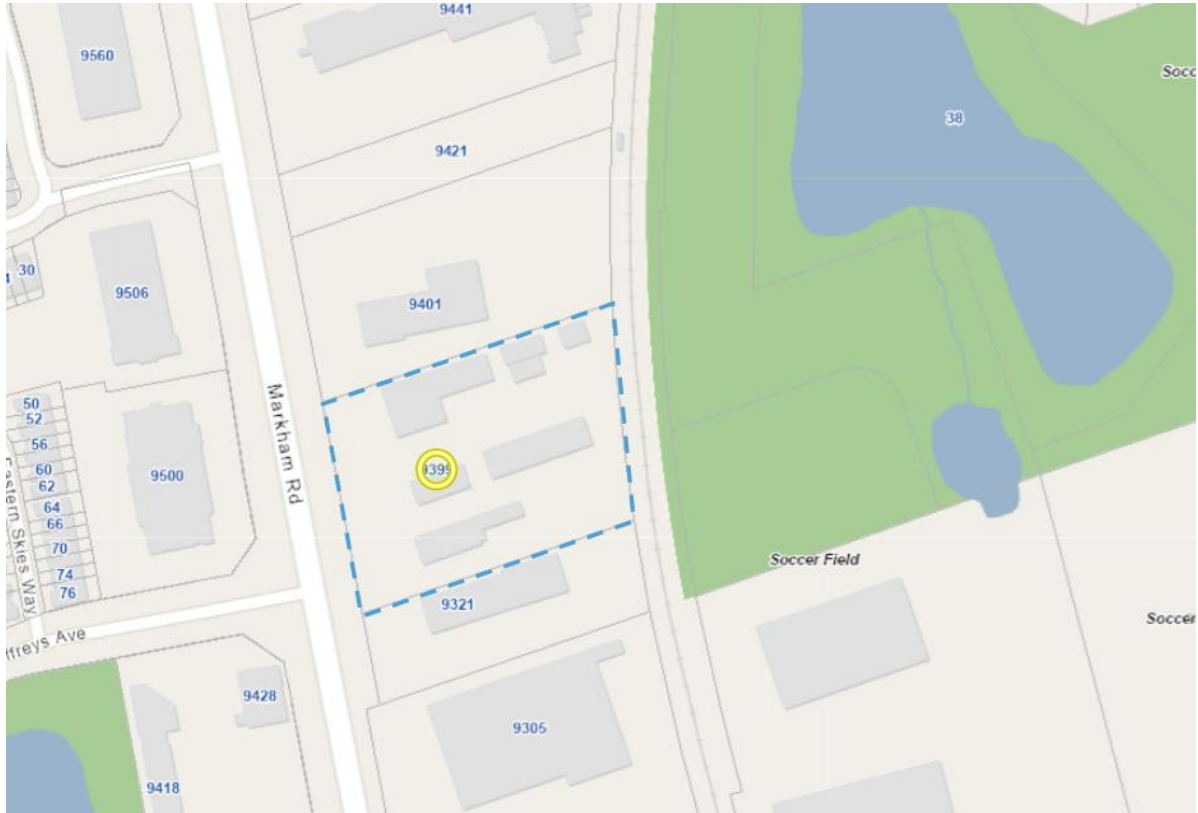
Frank Clarizio  
Director, Engineering

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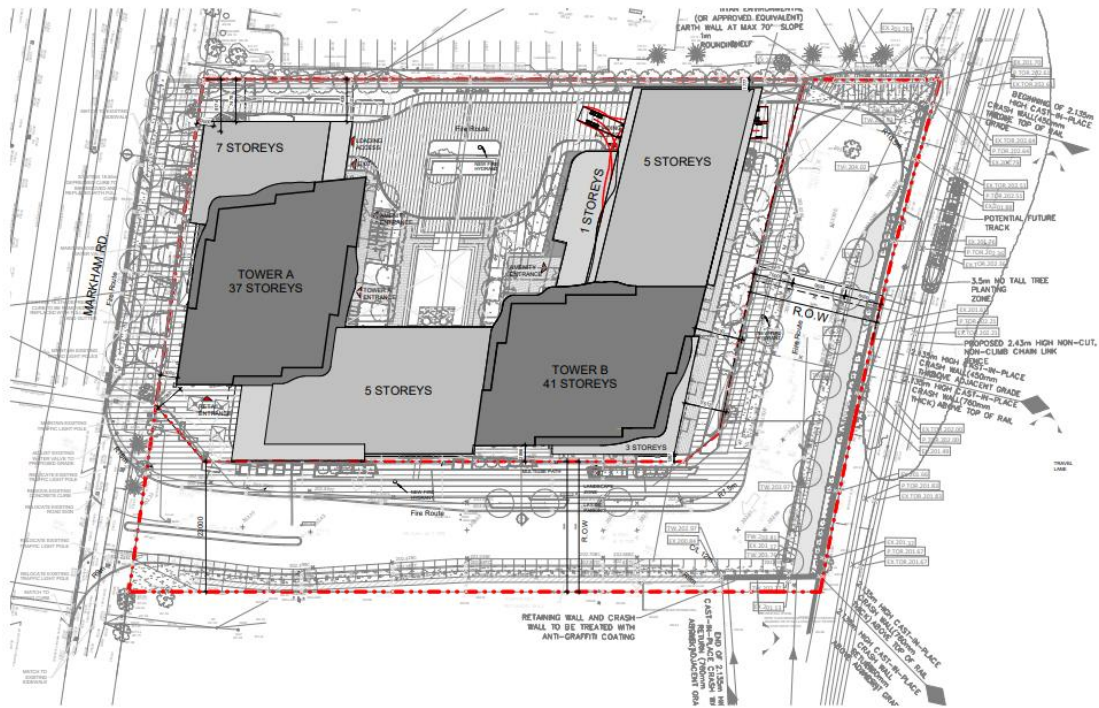
Trinela Cane  
Commissioner, Corporate Services &  
Acting Commissioner, Development  
Services

**ATTACHMENTS:**

Figure 1 – Site Location Map  
Figure 2 – Site Plan



**Figure 1: Site Location Plan**



### Figure 2 Site Plan