



**SUBJECTS:**

**RECOMMENDATION REPORT**

Red Line Revision Application submitted by Condor Properties Ltd. to change Draft Approved Plan of Subdivision 19TM-18006 and its conditions (Ward 1)  
File No.: PLAN 22 264894

**INFORMATION REPORT**

Request by RDG Gateway Tower One to enter into an agreement under Section 47 (4.4) of the *Planning Act* to facilitate a mixed use development in the Langstaff Gateway Area consisting of two towers (46 and 49 storeys) atop a common podium for Block A on Draft Plan of Subdivision 19TM-18006 (Ward 1)  
File No.: SPC 22 247842

**PREPARED BY:**

Daniel Brutto, MCIP, RPP, CPT ext. 2468  
Senior Planner II, West District

**REVIEWED BY:**

Clement Messere, MCIP, RPP ext. 2191  
Development Manager, West District

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

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**RECOMMENDATIONS:**

- 1) THAT the staff report, dated May 30, 2023, containing the subjects titled, “RECOMMENDATION REPORT, Red Line Revision Application submitted by Condor Properties Ltd. to change Draft Approved Plan of Subdivision 19TM-18006 and its conditions (Ward 1); INFORMATION REPORT, Request by RDG Gateway Tower One to enter into an agreement under Section 47 (4.4) of the *Planning Act* to facilitate a mixed use development in the Langstaff Gateway Area consisting of two towers (46 and 49 storeys) atop a common podium for Block A on Draft Plan of Subdivision 19TM-18006 (Ward 1)”, be received;
- 2) THAT the Red Line Revision Application submitted by Condor Properties Ltd. to change Draft Approved Plan of Subdivision 19TM-18006 and its conditions, attached hereto as Figure 7 and Appendix ‘B’, be approved;
- 3) THAT the Director of Planning and Urban Design or designate, be delegated authority to issue Draft Plan Approval, subject to the revised conditions set out in Appendix ‘B’, as may be amended by the Director of Planning and Urban Design or designate;
- 4) THAT servicing allocation for 1,132 units be assigned to Draft Plan of Subdivision 19TM-18006;

- 5) THAT Council has no objection to the partial demolition of the non-heritage components and foundation of the Munshaw House subject to compliance with the Keep Markham Beautiful By-law requirements, to facilitate its relocation to a temporary storage location pending determination of its final location;
- 6) THAT Council has no objection to the amendment of the existing Designation By-law (2104-20) to address any necessary revisions to the by-law including the legal description for the temporary location and the permanent location;
- 7) THAT the City be authorized to enter in a development agreement with RDG under Section 47 (4.4) of the *Planning Act* to secure site plan like matters;
- 8) THAT the City Solicitor be authorized to negotiate the terms of use of the Community Use Space, if deemed necessary, on terms satisfactory to the City Solicitor in consultation with the Commissioner of Development Services and the Commissioner of Community Services;
- 9) THAT Council authorize the Mayor and Clerk to amend the Construction Agreement, dated September 1, 2017 with Markham Gateway Developments Inc., as necessary, to allow for the construction of additional work, including but not limited to, covering/piping the Pomona Creek and the construction of the culvert over Pomona Mills Creek;
- 10) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

**EXECUTIVE SUMMARY:**

This report recommends approval of the Red Line Revision Application submitted by Condor Properties Ltd. to change Draft Approved Plan of Subdivision 19TM-18006 and its conditions and provides information on the related request by RDG Gateway Tower One to enter into an agreement under Section 47 (4.4) of the *Planning Act* to facilitate a mixed use development for Block A on Draft Plan of Subdivision 19TM-18006.

The 2020 Council approval of Draft Plan of Subdivision 19TM-18006 was based on the Langstaff Gateway Secondary Plan. The Red Line Revision Application proposes changes to both the plan itself and its conditions in response to the vision established by the Province's Bridge Station Transit Orientated Community ("TOC") program in 2021 and the Minister's Zoning Order ("MZO") issued in 2022.

Staff are of the opinion that the Red Line Revision Application to change Draft Approved Plan of Subdivision 19TM-18006 and its conditions maintains the intent of the 2020 Draft Plan of Subdivision and implements the Bridge Station TOC/MZO. The established development blocks and road patterns remain the same, and a park block has been added that is proposed to be conveyed to the City. Provisions have been made to address the heritage protected Munshaw House which will be relocated to a temporary location, pending determination of a final location in the Langstaff Gateway Area. Staff

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recommend that the revised Draft Plan of Subdivision attached hereto as Figure 7 and the revised conditions set out in Appendix 'B' be approved.

The MZO exempts the lands from site plan control approval under Section 41 of the *Planning Act* and therefore they are not subject to the City's Site Plan Control By-law 262-94, as amended. However, the MZO does require the Owner to enter into an agreement with the City dealing with the matters listed in Section 47 (4.4) of the *Planning Act*, which are matters similar to those addressed in a site plan agreement. The related request to enter into an agreement under Section 47 (4.4) of the *Planning Act* facilitates a mixed use development consisting of two towers (46 and 49 storeys) atop a common podium on Block A of Draft Plan of Subdivision 19TM-18006.

Under these circumstances, RDG Gateway Tower One has submitted plans, reports, and other materials that would be normally be submitted as part of a Site Plan Control application in order to facilitate the preparation of an agreement under Section 47 (4.4) of the *Planning Act*. Although the Block A Proposal has changed slightly based on the concept reviewed when the 2020 Draft Plan of Subdivision and Site-Specific By-law were approved by Council, it continues to conform to Site-Specific By-law 2020-11 as approved by Council, that the MZO defers to for the most part.

Staff will continue to work with RDG Gateway Tower One to resolve City and agency comments related to the site plan. Once the comments have been appropriately addressed, Staff will issue endorsement and work with the Owner to prepare and execute a Development Agreement. Prior to execution of the Development Agreement, the revised conditions of Draft Plan of Subdivision 19TM-18006, if approved.

**PURPOSE:**

This report has two purposes, as follows:

1. Provide an overview, evaluation, and staff recommendation with regard to the Red Line Revision Application submitted by Condor Properties Ltd. ("Condor") to change the Draft Plan of Subdivision 19TM-18006 and its conditions (the "Red Line Revision Subdivision Application").
2. Provide an overview of the associated request submitted by RDG Gateway Tower One ("RDG") under Section 47 (4.4) of the *Planning Act* for Block A on Draft Plan of Subdivision 19TM-18006 (the "Block A Request").

**BACKGROUND:**

**Process to Date**

The Red Line Revision Subdivision Application

- April 2018: Draft Plan of Subdivision Application received
- February 2019: Statutory Public Meeting held
- February 2020: Council approved Draft Plan of Subdivision 19TM-18006 subject to conditions
- November 2022: Red Line Revision Subdivision Application received and circulated for review

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- March 2023: 2<sup>nd</sup> submission of Red Line Revision Subdivision Application circulated for review

#### The Block A Request

- August 2022: Block A Request received and circulated for review
- February 2023: 2<sup>nd</sup> Submission received and circulated for review

#### **Location and Area Context**

##### The Red Line Revision Subdivision Application

Figures 1 and 2 show the 6.46 ha (15.97 ac) property (the “Subdivision Lands”) located near the southeast corner of the Yonge Street and Highway 407 interchange, which is mostly vacant and undergoing remediation following decades of occupancy by various industrial and storage operations. Pomona Mills Creek bisects the Subdivision Lands and the Munshaw House, which is designated under Part IV of the *Ontario Heritage Act*, is located on the Subdivision Lands.

The Subdivision Lands are located within an area commonly referred to as the Langstaff Gateway Area which is approximately 47 ha (116 ac) bounded by Holy Cross Cemetery to the south, Yonge Street to the west, Highway 407 to the north and Bayview Avenue to the east. Presently, the Langstaff Gateway Area is predominately occupied by various small-scale industrial uses such as warehouses, outdoor storage and auto repair, interspersed with single detached dwellings of varying styles and ages along Essex Avenue and the west end of Langstaff Road.

#### The Block A Request

Figure 4 shows the 0.72 ha (1.7 ac) property forms a part of the Subdivision Lands and is identified as Block A on Plan 19TM-18006 (the “Block A Lands”). The Block A lands are presently vacant and undergoing remediation.

#### **Decision History**

##### Langstaff Gateway Master Plan

In 2009, Markham Council endorsed the Langstaff Gateway Land Use and Built Form Master Plan (the “Master Plan”). The Master Plan included the vision and principles for the development of the area, and laid out the road pattern, transportation system, building locations, density, land uses, and parks and open space system. This led to the development of the Langstaff Gateway Secondary Plan.

##### Langstaff Gateway Secondary Plan

In 2011, York Region approved Official Plan Amendment 183 establishing the Langstaff Gateway Secondary Plan. The Secondary Plan implemented the urban structure, design, land use, and development frameworks established in the Master Plan. Most importantly, it translated the vision for an intensely urban and transit-focused community into specific policies and related requirements for the logical and successful implementation of the Langstaff Gateway, providing for an ultimate population of 32,000 (15,000 units) and approximately 15,000 jobs.

#### Phase 1A Draft Plan of Subdivision and Zoning By-law Amendment Applications

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In 2020, based on the Langstaff Gateway Secondary Plan, Markham Council approved Site-Specific Zoning By-law 2020-11 (the “Site-Specific By-law”) and Draft Plan of Subdivision 19TM-18006 (the “2020 Draft Plan”), subject to conditions for the lands commonly referred to as Phase 1A. The intent of the 2020 Draft Plan was to facilitate the creation of the first development block within the Langstaff Gateway Area (Block A), the supporting road network, and the delivery of the abutting park block to the east (See Figure 4 and Appendix A). The conditions of approval were never met and, therefore, the 2020 Draft Plan was not registered. In 2023, as the conditions were set to expire, staff issued a three-year extension of draft plan approval, with the conditions now set to expire in 2026.

### Bridge Station TOC Program

In 2021, Infrastructure Ontario (“IO”) identified lands within the Langstaff Gateway Area as part of the Provinces TOC program. The TOC program facilitates the development of transit oriented communities around transit stations along the Yonge North Subway Extension (“YNSE”) and other priority rapid transit lines in the Greater Toronto Area. To implement the TOC program, IO is partnering with developers to build high density housing and employment within walking distance of new transit stations, which will fund the construction cost of subway projects.

Commonly referred to as the Bridge Station TOC, the lands comprise 25.4 ha (62.8 ac), representing approximately 54% of the total land area of the Langstaff Gateway Secondary Plan, and include the Subdivision Lands (See Figure 5). In total, approximately 20,000 units are contemplated with a population of approximately 35,000. The Bridge Station TOC is reflective of the decision to relocate the planned subway station from Yonge Street to the CN rail line.

### Ministers Zoning Order (O Reg. 345/22)

In April 2022, the Minister of Municipal Affairs and Housing issued an MZO under the *Planning Act* (Ontario Regulation 345/22) as part of the implementation of the Bridge Station TOC (See Figure 6). The MZO provides zoning permissions for the use of the lands and development standards for the Bridge Station TOC. Where there is a conflict between the MZO and a municipal zoning by-law, subsection 47(3) of the *Planning Act* states that the MZO prevails. There is also no statutory requirement for an MZO to conform with an official plan in effect with respect to the lands subject to the order.

## **PROPOSAL(S):**

### **The Red Line Revision Subdivision Application**

The Red Line Revision Subdivision Application proposes changes to the 2020 Draft Plan approval in response to the vision established by the Bridge Station TOC in 2021 and the MZO issued in 2022. The proposed changes relate to the plan itself and the conditions of approval. Proposed changes to the plan include (See Figure 7):

- a) expanding the boundary to include the full park Block B (which includes the Munshaw House);
- b) expanding the boundary to include a portion of Street ‘A’ that generally abuts the southern boundary of the park Block B and facilitates access to subway construction staging lands to the east; and,

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- c) expanding the boundary to include other lands owned by the Owner.

Proposed changes to the conditions include modifications to the City's parkland, planning, urban design, engineering, natural and cultural heritage conditions, external agency conditions and clerical revisions (See Appendix B).

### **The Block A Request**

The request by RDG to enter into an agreement under Section 47 (4.4) of the *Planning Act* facilitates a mixed use development consisting of two towers (46 and 49 storeys) atop a common podium ranging in height from 2 to 10 storeys on the Block A Lands. The proposed gross floor area is 92,280 m<sup>2</sup>, which includes 1,132 residential units, 385 m<sup>2</sup> retail space and 695 m<sup>2</sup> of community use space (the "Block A Proposal"). Table 1 attached provides a statistical summary of the Block A Proposal. Figures 8 to 15 include the site plan, elevations, floor plans, and parking levels.

Residential lobbies are located at the north-east and south west ground level corners. Along the South Boulevard and Creek Street elevations, residential uses are proposed with direct access to the public roads. Along the north elevation, community use and retail spaces are proposed with direct Street C access. Along the west elevation, community use space is proposed with direct Condo Lane A access. RDG proposes a driveway access that leads to two internal loading spaces and waste management facilities, 170 internal visitor parking spaces (11 spaces at grade), and 581 resident parking spaces in four underground levels. The second storey is primarily comprised of residential units and lockers. The third storey hosts private amenity space, including 2,115 m<sup>2</sup> of indoor amenity space and 1,600 m<sup>2</sup> of outdoor amenity space. The remaining floors consist of residential units with green roofs atop the 3 and 10 storey podiums.

### **OPTIONS/ DISCUSSION:**

#### **The Red Line Revision Subdivision Application**

##### ***The proposed changes require a report to Council***

At any time prior to registration, there may be requests to change the conditions of draft plan approval or the plan itself. These changes are commonly referred to as "red line" revisions. The Red Line Revision Subdivision Application proposes changes to both the plan itself and its conditions in response to the vision established by the MZO and the Bridge Station TOC, which differs from that of the Langstaff Gateway Secondary Plan. Since the 2020 Draft Plan approval was based on the Langstaff Gateway Secondary Plan, the proposed changes impact most City departments and external agencies, which necessitated a full circulation, review, and report to Council.

##### ***The proposed changes to the plan itself are considered appropriate***

The 2020 Draft Plan of Subdivision facilitated the creation of the first development block within the Langstaff Gateway Secondary Plan and its supporting road network (See Figure 4). The plan itself did not include the full extent of the park block to the east; however, the conditions contemplated the delivery of the full park block as works external to the 2020 Draft Plan.

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The Red Line Revision Application maintains the intent of these key elements (See Figure 7). Expanding the boundary of the plan to include the park and the abutting road to the south formalizes what was contemplated in the 2020 Draft Plan conditions. The layout of Block A and the supporting road network has not changed based on the 2020 Draft Plan and the configuration and size of the park Block B is consistent with the Bridge Station TOC and MZO.

***Conditions related to the restoration and realignment of Pomona Mills Creek are no longer required***

The 2020 Draft Plan included a set of conditions that were prepared under the assumption that Pomona Mills Creek would remain an open channel as per the Langstaff Gateway Secondary Plan (See Section 18, Appendix A). The MZO and Bridge TOC plans permit and identify Pomona Mills Creek to be covered under the western half of park Block B. On October 7, 2022, the Toronto and Region Conservation Authority issued a conditional permit to facilitate this work and, as a result, conditions related to the restoration and realignment of Pomona Mills Creek are no longer required and have been deleted.

***Parkland conditions have been revised to reflect the parkland program established by the MZO and the City's updated park conditions***

The 2020 Draft Plan conditions contemplated the conveyance of the park Block B as works external to the plan based on the parkland dedication rates in effect at the time (See Section 13, Appendix A). The MZO established a revised parkland program for the Bridge Station TOC, including prescribed maximum overall required parkland amounts, the maximum size of each park, and permitted encumbrances in parkland.

The proposed changes to the parkland conditions are consistent with the parkland program established by the MZO (See Section 13, Appendix B). They recognize the encumbrances identified on accepted plans, such as civil, transportation or stormwater management infrastructure are permitted and they reconcile the parkland dedication requirements based on the MZO. Several new parkland conditions have been included, which reflect updates that have been made to the City's standard parkland conditions since the 2020 Draft Plan was approved. The parkland environmental conditions have been deleted given park Block B is now included in the plan, which means it is subject to the City's standard environmental clearance conditions that require, among other matters, the submission of Environmental Assessment Report(s) and filing a Record of Site Conditions for the parkland, prior to conveyance to the City (See Section 7, Appendix B).

***New conditions added to address the relocation of the Part IV designated Munshaw House***

The 2020 Draft Plan did not include any conditions to address the preservation and relocation of the Munshaw House, located at 10 Ruggles Avenue, as it was outside the boundaries of the plan at the time. The Red Line Revision Application proposes to expand the boundary of the plan to include the full extent of the park Block B, which means the Munshaw House is now included within the boundaries of the plan (See Figure 2).

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The strategy to address the Munshaw House was discussed and endorsed by the Heritage Markham Committee on May 10, 2023 (See Appendix C). The strategy is based on a 2014 Heritage Agreement between the City and Condor which acknowledges the structure would need to be relocated from its current location (due to the proposed land use [parkland] and grading issues). The strategy summarized below has been incorporated into a new set of heritage conditions that also includes the City's standard heritage requirements (See Section 18, Appendix B):

- a. relocating the structure to a temporary storage location at 10 Cedar Avenue (a property Condor owns and is in the immediate area) as a safe temporary location (See Figure 16). This site is in one of the final phases of the Bridge TOC and therefore no activity is expected at this location for many years;
- b. securing a demolition permit for the modern, non-heritage addition and breaking the resource from its current foundation to allow for the relocation. Condor has applied for a scoped demolition permit that involves sensitively removing the newer addition from the original structure and properly boarding all openings prior to its relocation. As per the Ontario Heritage Act, this demolition request requires Council approval;
- c. requiring a Heritage Impact Assessment (the "HIA") to review potential relocation options and a preferred final location for the Munshaw House, which will require mutual agreement by the City and Condor after obtaining the recommendations of the HIA;
- d. amending the Designation By-law to allow it to be registered on its temporary and final locations. As per the Ontario Heritage Act, this amendment requires Council approval;
- e. requiring a financial security to ensure compliance and provision in the subdivision agreement to address requirements for a Conservation Plan, exterior restoration and commemoration; and,
- f. Heritage Markham has also recommended that the relocated building comply with the Keep Markham Beautiful By-law to address any maintenance deficiencies including the roof, and to provide Staff with annual photographic evidence of a yearly inspection to ensure that the Munshaw House is stable, being maintained and not deteriorating.

***Planning conditions have been modified in accordance with the MZO***

The 2020 Draft Plan conditions required the submission of a final Precinct Plan and Phasing Plan subsequent to the version endorsed by Council, based on the Langstaff Gateway Secondary Plan (See Conditions 1.12 and 1.13, Appendix A). The purpose of the Precinct Plan was to demonstrate how each proposed development would contribute to achieving the Langstaff Gateway Secondary Plan vision. The purpose of the Phasing Plan was to address the timing and design of the major infrastructure including transportation and servicing elements. Given the new reality established by the Bridge TOC and the MZO, the requirement to complete a Precinct Plan and Phasing Plan based on the Langstaff Gateway Secondary Plan renders itself unnecessary. Staff therefore, recommend modifications to these conditions to protect for the more substantive matters, as follows (See Conditions 1.11 and 1.12, Appendix B).



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In lieu of a Precinct Plan, staff request that RDG provide a technical memorandum based on the MZO that incorporates the key elements of the Precinct Plan, including the parkland program, community services and facilities implementation strategy, and the provision of affordable housing, which staff continue to discuss with RDG. The requirement to identify the location of a temporary fire station to serve the Block A lands in the Precinct Plan has not been carried forward based on confirmation from the Fire Department that the Block A lands can be served by existing fire stations in the area. Condor has committed to completing a Community Energy Plan for the remaining Bridge TOC lands (See Condition 1.17, Appendix B).

Staff continue to require a Phasing Plan which would include the same requirements outlined in the 2020 Draft Plan, but based on the MZO and reflective of the entire Bridge TOC. The Phasing Plan would be subject to updates through future development approvals given the area complexities associated with, but not limited to, the construction of the subway and North Boulevard and the decommissioning of Langstaff Boulevard.

***Engineering conditions have been modified in accordance with the MZO***

The 2020 Draft Plan was based on engineering studies and plans submitted at that time which implemented the Langstaff Gateway Secondary Plan. In 2021, as part of the Bridge Station TOC program, new engineering studies and plans were prepared, namely a Master Functional Servicing Study and a Transportation Study.

In recognition of the broader engineering program established as part of the Bridge Station TOC, the revised conditions contained in Appendix B acknowledge the studies submitted in support of the Bridge Station TOC, however Condor will still be required to complete detailed design work to the satisfaction of the City to address key issues, including but not limited to providing an interim active transportation connection on Langstaff Road between the Block A Lands and Langstaff GO Station to the western limit of the Yonge Subway corridor (See Condition 9.4, Appendix B) and ensuring the final design of North Boulevard fits seamlessly into the design of Creek Street in consultation with the City and Metrolinx (See Conditions 1.4 and 9.1 a., Appendix B).

***Fire Department conditions have been modified to address subdivision level matters***

The 2020 Draft Plan conditions included a set of fire conditions related to site plan matters, which are reviewed as part of the Block A Request (See Section 22, Appendix A). In lieu of these conditions, Fire has proposed a new set of conditions that are reflective of subdivision level matters (i.e. ensuring two access into the development, maximum fire hydrant separation distances) (See Section 21, Appendix B).

***The external agencies have provided a revised set of conditions***

The 2020 Draft Plan included conditions from the Toronto and Region Conservation Authority, York Region, CN Rail and Metrolinx, among others. The external agencies were circulated the Red Line Revision Application and have provided revised sets of conditions that have been incorporated in Appendix B. CN Rail agreed to delete their conditions included in the 2020 Draft Plan in their entirety given the Subdivision Lands are located outside their catchment area (See Section 24, Appendix A).

***Section 37 contribution has been included as a condition of approval***

The 2020 Draft Plan and the Site-Specific By-law contemplated Condor entering into a Section 37 Agreement with the City to secure facilities, services or matters in accordance with Section 37 of the *Planning Act*. Staff recommend a condition of draft plan approval to this effect (See Condition 1.15, Appendix B).

***No changes have been made to other key conditions***

The 2020 Draft Plan included conditions related to other key matters such as District Heating and Cooling (See Condition 10.2, Appendix A), automated vacuum collection (AVAC) (See Condition 10.1, Appendix A), and the requirement to provide 695 m<sup>2</sup> of community use space (See Condition 1.19, Appendix A). The Red Line Revision Application carries forward these conditions with no changes.

***Recommendation included to assign servicing allocation for an additional 42 units***

The 2020 Draft Plan contemplated 1,090 residential units within Block A. The Block A Proposal now contemplates 1,132 units, which represents a marginal increase of 42 units. Recommendation 4) of this report recognizes the additional units and assigns servicing allocation accordingly.

**The Block A Request**

***Site Plan Control does not apply to the Block A Proposal; however, RDG and City must enter into an agreement to secure site plan related matters***

The MZO exempts the Bridge Station TOC lands from Site Plan Control approval. It, however, requires owners to enter into an agreement with the City dealing with the matters listed in Section 47 (4.4) of the *Planning Act*, which are matters similar to those addressed in a site plan agreement. To this effect, RDG has submitted plans, reports, and other materials to facilitate the preparation of an agreement. Given the supporting material submitted reflects closely what would be reviewed through a typical site plan approval process, Staff are using the City’s site plan review process to circulate, review, and comment on the Block A Request.

***The Block A Proposal conforms with the Council’s approved Site Specific By-law***

Although the Block A Proposal has changed slightly based on the concept reviewed when the 2020 Draft Plan was approved, it continues to be conform to the Site-Specific By-law, which the MZO defers to, for the most part. Table 2 below compares the key statistics between the concept reviewed at the time when the 2020 Draft Plan and Site-Specific By-law were approved and the current Block A Proposal. This comparison shows that there are minor differences between the two sets of plans.

<b>Table 2: Block A Comparison of the 2020 Concept Plan vs. Current Proposal</b>		
	<b>2020 Concept Plan</b>	<b>Current Proposal</b>
<b>Height</b>	50 and 45 storeys	49 and 46 storeys
<b>Gross Floor Area</b>	91,500 m <sup>2</sup>	92,280 m <sup>2</sup>

<b>Floor Space Index</b>	12.72	12.8
<b>Units</b>	1,090	1,132
<b>Parking Spaces</b>	769	751

***The Block A Proposal's Community Use Space layout and size is generally acceptable***

The Block A Proposal includes a 695 m<sup>2</sup> (7,481 ft<sup>2</sup>) community use space on the ground floor along the north and west elevations (the "Community Use Space") (See Figure 11), which is a requirement of the 2020 Draft Plan conditions and is proposed to be carried forward in the Red Line Revision Subdivision Application (See Condition 1.20, Appendix B).

Library/ Recreation staff reviewed the plans and had discussions with RDG and are generally in support of the layout and size of the Community Use Space. The expectation is that RDG would provide the City the shell space that the City would build out under separate bid and contract. An agreement between the City and RDG will determine the specifics of the Community Use Space, including matters such as tenure, parking and cost sharing.

***The Owner appealed the fees requested by the City***

Pursuant to subsection 69 (3) of the *Planning Act*, RDG appealed the City's fees associated with matters under subsection 47(4.4) of the *Planning Act*. The City has charged fees similar to those charged for Site Plan Control applications that are typically collected in two stages: first at the submission of an application; and second at the execution of the site plan agreement. RDG paid the fees due at submission under protest. A four day Ontario Land Tribunal hearing has been set for June 13, 2023.

***RDG intends to construct to a LEED Silver equivalent standard***

In recognition of Councils 2008 LEED resolution which requires all new medium and high density developments in the City to achieve LEED Silver, RDG has demonstrated that they intend to construct to a LEED Silver equivalent.

***Comments from internal City departments and external agencies remain outstanding***

Staff continue to work with RDG to resolve City and agency comments, including Toronto and Region Conservation Authority, and the Ministry of Transportation. Comments on the second submission were provided to RDG in April 2023.

**CONCLUSION AND NEXT STEPS:**

**The Red Line Revision Subdivision Application**

The 2020 Council approval of Draft Plan of Subdivision 19TM-18006 was based on the Langstaff Gateway Secondary Plan. The Red Line Revision Application proposes changes to both the plan itself and its conditions in response to the vision established by the MZO and the Bridge Station TOC. Based on the discussion above, staff opine that the Red Line Revision Application maintains the intent of the 2020 Draft Plan of Subdivision

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and implements the Bridge Station TOC/MZO. Staff recommend that the revised Draft Plan of Subdivision attached hereto as Figure 7 be approved, subject to the revised conditions set out in Appendix 'B'. If approved, the Owner will be required to clear the revised conditions of Draft Plan of Subdivision approval attached in Appendix B, enter into a subdivision agreement with the City, and register the plan.

### **The Block A Request**

The MZO exempts the Bridge Station TOC lands from Site Plan Control approval, but requires owners to enter into an agreement with the City dealing with the matters listed in s.47 (4.4) of the *Planning Act*, which are matters similar to those addressed in a site plan agreement. To this effect, RDG submitted plans, reports, and other materials that would normally be submitted as part of a Site Plan Control application in order to facilitate the preparation of an agreement. Although the Block A Proposal has changed slightly based on the concept reviewed when Council approved the 2020 Draft Plan of Subdivision and Site-Specific By-law, it continues to conform to the Site-Specific By-law that the MZO defers to mostly.

Staff continue to work with RDG to resolve City and agency comments. Once the comments have been appropriately addressed, Staff will issue endorsement and work with the RDG to prepare and execute an agreement. Prior to execution of the agreement, the conditions of Draft Plan of Subdivision 19TM-18006 will have to be satisfied and the plan will need to be registered.

### **FINANCIAL CONSIDERATIONS**

Not applicable.

### **HUMAN RESOURCES CONSIDERATIONS**

Not applicable.

### **ALIGNMENT WITH STRATEGIC PRIORITIES:**

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

### **BUSINESS UNITS CONSULTED AND AFFECTED:**

The Proposals were circulated to internal City Departments, Heritage Markham Committee and External Agencies. Their requirements have been reflected in the revised conditions of draft plan of subdivision approval (See Appendix B: Revised Conditions of Draft Plan of Subdivision 19TM-18006) and will be captured in the agreement required under Section 47 (4.4) of the *Planning Act*.

### **RECOMMENDED BY:**

Darryl Lyons, MCIP, RPP

Giulio Cescato, MCIP, RPP

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Deputy Director of Planning and Urban Design

Director of Planning and Urban  
Design

Arvin Prasad, MCIP, RPP  
Commissioner of Development Services

**ATTACHMENTS AND APPENDICES:**

Figure 1: Location Map

Figure 2: Aerial Photo

Figure 3: Area Context/Zoning

Figure 4: 2020 Draft Plan of Subdivision 19TM-18006

Figure 5: Bridge Station Master Plan - Master Plan [TOC Zone]

Figure 6: O. Reg. 345/22 - Map No. 302

Figure 7: Revised Draft Plan of Subdivision 19TM-18006

Figure 8: Block A Site Plan

Figure 9: Block A North and East Elevations

Figure 10: Block A South and West Elevations

Figure 11: Block A Ground Floor Plan

Figure 12: Block A 2<sup>nd</sup> and 3<sup>rd</sup> Floor Plans

Figure 13: Block A 4<sup>th</sup> and 5<sup>th</sup> to 10<sup>th</sup> Floor Plans

Figure 14: Block A Typical Upper Floors and Penthouse Floor Plans

Figure 15: Block A Parking Levels 1, 2, 3 and 4

Figure 16: Proposed Temporary Location of Munshaw House

Table 1: Block A Proposal Statistics

Table 2: Block A Comparison of the 2020 Concept Plan vs. Current Proposal

Appendix A: 2020 Conditions of Draft Plan of Subdivision 19TM-18006

Appendix B: Revised Conditions of Draft Plan of Subdivision 19TM-18006

Appendix C: May 10, 2023 Heritage Markham Committee Extract

**OWNERS/APPLICANTS:**

**Red Line Revision Subdivision  
Application**

Condor Properties Ltd. (Alex Beduz)  
1500 Highway 7 East, Concord, ON L4K  
5Y4

[abeduz@condorproperties.ca](mailto:abeduz@condorproperties.ca)

**Block A Request**

RDG Gateway Tower One (Barry Stern)  
50 Confederation Parkway, Concord, ON  
L4K 4T8  
[bstern@muzzogroup.com](mailto:bstern@muzzogroup.com)