



MEMORANDUM

To: Mayor and Members of Council

From: Arvin Prasad, Commissioner of Development Services

Prepared by: Lawrence Yip, LEED AP, Acting Senior Manager, Urban Design

Date: September 11th, 2023

Re: Council Approval for Parkland Dedication Exemption: 45 Sciberras Road (CSNT 21 116608 & B/003/21), 50 & 52 Nelson Road (SPC 21 140484 & SPC 21 142835) and 10988 & 10990 Warden Avenue (SPC 21 119856 & PLAN 21 119856)

RECOMMENDATION:

- 1) THAT the memorandum titled, “Council Approval for Parkland Dedication Exemption: 45 Sciberras Road (CSNT 21 116608 & B/003/21), 50 & 52 Nelson Road (SPC 21 140484 & SPC 21 142835) and 10988 & 10990 Warden Avenue (SPC 21 119856 & PLAN 21 119856)”, be received;
- 2) THAT the Commissioner of Development Services or the Director of Planning and Urban Design be authorized to approve parkland dedication exemptions for the applications identified in this memo;
- 3) THAT the Parkland Dedication By-law be amended to authorize the Commissioner of Development Services or the Director of Planning and Urban Design to consider and approve any future requests for exemption of parkland dedication obligations based on criteria arising from similar contexts and elements as the three subject applications.
- 4) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE AND BACKGROUND:

The purpose of this memorandum is to provide Council with relevant background information and historical practices on parkland obligation exemptions and seek approval from Council to exempt parkland dedication obligations for three (3) development applications:

- 45 Sciberras Road;
- 50 & 52 Nelson Road and;
- 10988 & 10990 Warden Avenue.

As per Section 42 of the *Planning Act* (1990), as a condition of development or redevelopment of land, the City of Markham (“City”) is entitled to collect parkland, either through land conveyance or cash-in-lieu (CIL), for park or other public recreational purposes. The City’s Parkland By-law 2022-102 (“Parkland By-law”) defines “development” and “redevelopment” as follows:

“**Development**” means the construction, erection or placing of one or more buildings or structures on land or the making of an additional or alternation to a building or structure that has the effect of substantially increasing the size of usability thereof, or the laying out and establishment of a commercial parking lot, and includes the subdivision of land.

“**Redevelopment**” means the removal of buildings or structures from land and further development on the land, or substantial renovations of a building or structure and a change in the character or density of use in connection therewith.

Therefore, the City is entitled to collect one hectare for each 600 net residential units proposed, Section 42(3) of the *Planning Act* (1990) or five-percent (5%) of developable land areas for low-rise residential developments and two-percent (2%) of the total site area for parkland purposes for non-residential developments such as institutional, commercial and industrial (ICI), s.42(1).

Further, section 42(7) of the *Planning Act* (1990) states if land has been conveyed or is required to be conveyed to a municipality for park or other public purposes or a payment in lieu has been received by the municipality, no additional conveyance or payment in respect of the land subject to the earlier conveyance or payment may be required by a municipality unless there is a change in the proposed development which would increase the density.

On this basis, the City has historically exempted parkland obligation on a case-by-case basis for development applications that have either demonstrated previous parkland conveyance such as parent lots of severance applications and heritage lots as well as developments that support the overall function of the City such as City’s facility yards.

As mentioned above, the purpose of this memorandum is to seek approval from Council to exempt parkland dedication obligations for the following three (3) development applications:

45 Sciberras Road

45 Sciberras Road is situated within the Unionville Community in Ward 3, an established subdivision at the northeast corner of Warden and Highway 7 that dates back to the 1930s. The applicant has filed an application for Consent to sever one (1) lot into two (2) lots to permit two (2) new single-family detached dwellings. As per the proposed development, the existing one-storey residential dwelling will be demolished as the existing lot will be divided into “45A” and “45B” Sciberras Road.

While the applicant could not provide written proof that parkland obligations were fulfilled, it is visually evident that the community was cohesively planned and that parkland was considered and conveyed. The legislative regime at that time provided that the Minister, not the City, may impose as a condition to the approval of a plan of subdivision that land included in the plan of subdivision be dedicated for public purposes. Therefore, the Planning & Urban Design Department is seeking Council approval to exempt

parkland requirements for the parent lot. As a result, parkland dedication will only be required for the newly created lot.

50 & 52 Nelson Road

50 & 52 Nelson Road is located within the Markham Village Heritage Conservation District at the northeast corner of Markham Road and Highway 407 in Ward 4. The applicant has filed for a Site Plan Control application to develop two (2) single-detached units on both subject properties which were previously severed.

Urban Design has historically exempted parkland dedication requirements for redevelopments within a Heritage Conservation District (HCD). Many dwellings located in HCDs, including 50 & 52 Nelson Road, were built at a time where no record for fees that may have been paid exists. The assumption has been that a replacement dwelling at a one-to-one unit replacement rate, should not trigger additional parkland dedication requirements. Furthermore, the City's Heritage Development Brochure states, "*If a new lot was created for the new dwelling, a fee is required for cash-in-lieu of parkland dedication*". Since City records shows the two separate lots were created historically, and that historical practice has exempted parkland obligation for heritage properties, the Planning & Urban Design Department is seeking Council approval to exempt both properties from parkland requirements as the properties are located within the Markham Village Heritage Conservation District.

10988 & 10990 Warden Avenue

10988 & 10990 Warden Avenue is located within the Future Employment Area in the City's Future Urban Area (FUA) in Ward 2. The applicant, the Regional Municipality of York ("Region"), filed an application for Zoning By-law Amendment and Site Plan Control to permit a public works yard, including salt storage, office and garage use. The proposed facility yard would normally be subject to a two-percent (2%) conveyance of the total site area for parkland purposes as the City's current Parkland By-law does not exempt development of public infrastructure such as public schools or public facilities from parkland obligations.

On June 29th, 2023, the City received a formal request from the Region to exempt the proposed public infrastructure facility yard from the City's parkland requirements. The Region believes that parkland obligation should be exempt as the proposed facility is intended to serve communities across the Region and that parkland dedication for similar facilities were not collected in other municipalities within the Region.

In preparation for the memorandum, Urban Design Staff have reviewed the by-laws and policies of nine (9) municipalities within the Region. Four (4) municipalities, including the City of Vaughan, the Town of Aurora, the Town of Newmarket, and the Township of King, provide reductions and/or exemptions for parkland requirements of land conveyance and/or cash-in-lieu. For the above-mentioned municipalities, some of the categories for exemptions include:

- Public service facilities; and
- Owned by and used for the City of Corporation of the Regional Municipality of York.

In instances where a municipality's Parkland Dedication By-law does not explicitly exempt parkland requirements for public agencies or public service facilities such as the Town of Whitchurch-Stouffville.

Council have granted the Region’s request to exempt parkland dedication for a proposed York Region Paramedic Responses Station (Report No. DS-018-20 dated May 19, 2020). Based on the nature of the proposed development for a public infrastructure facility yard that will provide services to the City’s residents as well as the Region as a whole, the Planning & Urban Design Department is seeking Council approval to grant the Region’s request to exempt their proposed development from the City’s Parkland By-law.

FINANCIAL IMPLICATIONS:

The following section will provide detailed parkland calculations and financial implications on providing exemptions for each of the three (3) development applications.

45 Sciberras Road (CSNT 21 116608 & B/003/21)

For 45 Sciberras Road, the calculations of the parkland requirements as per the City’s Parkland By-law will be compared to illustrate the difference between the full amount and the “reduced” amount.

The total combined land area is **1,796.8m² (0.18ha)** or **898.4m² (0.09ha)** for each lot.

Real Property Staff determined the land value for the site to be **\$19,391,648.00 per hectare**.

See the calculation below for the comparison in parkland requirements:

“Full” Without Parkland Exemption	“Reduced” with Parkland Exemption
5% x 0.18ha = 0.009ha (rounded)	5% x 0.09ha = 0.0045ha
Total Parkland CIL:	Total Parkland CIL:
0.009ha x \$19,391,648 = \$174,524.83	0.0045ha x \$19,391,648.00 = \$87,262.42
Total Parkland CIL for two (2) lots: \$174,524.83	Total Parkland CIL for one (1) lot: \$87,262.42

Therefore, upon approval of parkland exemption request the total parkland CIL required will be reduced from \$174,524.83 to \$87,262.42, a difference of \$87,262.42.

50 & 52 Nelson Road (SPC 21 140484 & SPC 21 142835)

For 50 & 52 Nelson Road, only the standard parkland requirements calculation as per the City’s Parkland By-law will be shown as Urban Design Staff is seeking for a full exemption as it is located within a Heritage Conversation District (HCD).

The total combined land area is approximately **5,665.6 m² (0.567ha)** for both lots.

Real Property Staff determined the land value for the site to be **\$3,881,335.57 per hectare**.

See the calculation below for the parkland requirements:

5% x 0.567ha = 0.028ha
Total Parkland CIL:
0.028ha x \$3,881,335.57 = \$108,677.40

Total Parkland CIL: \$108,677.40

Therefore, upon approval of parkland exemption request the total parkland CIL amount of \$108,677.40 will be fully exempted.

10988 & 10990 Warden Avenue (SPC 21 119856 & PLAN 21119856)

For 10988 & 10990 Warden Avenue, only the standard parkland requirements calculation as per the City's Parkland By-law will be shown as Urban Design Staff is seeking a full exemption due to a proposed development by the Region on a Region-owned site.

The parkland dedication requirement for the site is **3,840 m² (0.384 hectares)**, based on a rate of two-percent (2%), of the overall developable area of **191,800 m² (19.18 hectares)** (excluding the Greenway System, Wetland and Buffer areas).

Real Property Staff determined the land value for the site to be **\$3,459,000.00 per hectares**.

See the calculation below for the parkland requirements:

$2\% \times 19.18\text{ha} = 0.384\text{ha}$ Total Parkland CIL: $0.384\text{ha} \times \$3,459,000.00 = \$1,328,256.00$
Total Parkland CIL: \$1,328,256.00

Therefore, upon approval of parkland exemption request the total parkland CIL amount of \$1,328,256.00 will be fully exempted.

CONCLUSION:

In-light of the additional information contained in this memorandum, the Planning & Urban Design Department recommend approval to exempt parkland dedication obligations for three (3) development applications at 45 Sciberras Road, 50 & 52 Nelson Road, and 10988 & 10990 Warden Avenue. Urban Design Staff notes, a future update to the City's Parkland By-law would be appropriate to inform and provide clarity on parkland dedication exemptions for specific types of development applications, including those mentioned in this memorandum. Furthermore, Staff recommend that the Parkland Dedication By-law be amended to authorize the Commissioner of Development Services or the Director of Planning and Urban Design to consider and approve any future requests for exemption of parkland dedication obligations. Criteria shall be identified to ensure that delegation of authority may be limited to scenarios such as those similar to what is being described in the memo.