



MEMORANDUM

To: Mayor and Members of Council

From: Arvin Prasad, MCIP, RPP, Commissioner of Development Services

Prepared by: Jyoti Pathak, Project Manager, Parks Planning

Date: July 17, 2024

Re: Council Approval for Parkland Dedication Exemption: 43 Scenic Drive – Markham Centre Public Elementary School (SPC 23 128852)

Recommendations:

1. THAT the memorandum titled, “Council Approval for Parkland Dedication Exemption: 43 Scenic Drive – Markham Centre Public Elementary School (SPC 23 128852)” dated July 17, 2024, be received;
2. That the Council approve exemption from parkland dedication requirement pursuant to s.42 of the Planning Act for the proposed development of Markham Centre Public Elementary School at 43 Scenic Drive.
3. 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 on parkland dedication obligation and seek approval from Council to exempt parkland dedication obligation for the proposed development of a 3-storey public elementary school at 43 Scenic Drive, near Highway 7 and 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 Dedication By-law 2022-102 (“Parkland Dedication By-law”) defines “Development”, “Redevelopment” and “Non-Residential” 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.

“Non-Residential” means Development or Redevelopment designed or intended for other than residential use, including the Non-Residential portion of a Live-Work Unit.

The City’s Parkland Dedication By-law specifies that as a condition of development or redevelopment for non-residential purposes the Owner of the land shall convey to the City land or cash in lieu of land for park or other recreational purposes at a rate of two-percent (2%) of the development lands. The subject Development intended for school purposes falls into the definition of “Non-Residential”.

SPC 23 128852 – 43 Scenic Drive

43 Scenic Drive (“the Subject Lands”), approximately 1.34 ha in size, is identified as a school site on Block 38 within Times Group’s subdivision (PLAN 20 133313) which was draft approved April 19, 2022 (See Attachment 1). On June 22, 2023, the York Region District School Board (“YRDSB”) submitted Site Plan application SPC 23 128852 for the development of a 3-storey public elementary school on the Subject Lands (See Attachment 2). Parkland has not been previously collected for the subject site pursuant to s.51.1 of the Planning Act. The proposed development of school is subject to parkland dedication according to the sections 3 (c) and 4 (c) of the Parkland Dedication By-law.

YRDSB indicates that the construction of the proposed school mainly relies on funding from the Ministry of Education, and that the parkland dedication or cash-in-lieu requirement will add significant financial burden to the project.

Staff note that five (5) municipalities within York Region, including the City of Vaughan, the City of Richmond Hill, the Town of Aurora, the Town of Newmarket, and the Township of King, provide exemption for provincially funded schools from land conveyance or cash-in-lieu of parkland pursuant to s.42 of the Planning Act. Based on the nature of the proposed development for a public school which will benefit the nearby communities and the financial challenge for YRDSB, the Planning & Urban Design Department is seeking Council approval to exempt the proposed development from parkland dedication requirement as specified in the section 3(c) of the City’s Parkland Dedication By-law.

Financial Implication:

The parkland dedication requirement for the Subject Lands is 0.0268 ha based on a rate of two-percent (2%), of the overall developable area of 1.34 ha. Real Property Staff determined the land value for the Subject Lands to be approximately \$3,500,000 per acre. See the calculation below for the parkland calculation:

$2\% \times 1.34 \text{ ha} = 0.0268 \text{ ha 'Parkland Dedication'}$ $0.0268 \text{ ha} = 0.066 \text{ acres}$ $0.066 \text{ acres} \times \$3,500,000 = \$231,700.00$
Total Parkland Cash in Lieu: \$231,700.00

CONCLUSION:

The Planning & Urban Design Department recommend approval to exempt proposed development of a public elementary school at the subject site from the City’s Parkland Dedication By-law. Upon Council approval of the exemption for the proposed development at the subject site, the total cash in lieu of parkland amount of \$231,700 will be fully exempted.

Staff note that the City’s Parkland Dedication By-law does not include any exemptions from the general parkland dedication requirement for any developments or redevelopments in the City and a future update to the City’s Parkland Dedication By-law 2022-102 would examine and consider parkland dedication exemptions for specific types of developments and redevelopments including land owned by and used by a Board of Education.

- Attachment 1 – Draft Approved Plan of Subdivision
- Attachment 2 – Site Plan Drawing