



MEMORANDUM

To: Mayor and Members of Council

From: Arvin Prasad, Commissioner of Development Services

Prepared by: Alanna Van Ommen, Planner I, Urban Design

Reviewed by: Lawrence Yip, LEED AP, Supervisor, Development Review, Urban Design

Date: July 16, 2024

Re: Council Approval for Parkland Dedication Exemption: 313 Main Street Markham North (SPC 22 263550)

RECOMMENDATION:

- 1) THAT the memorandum titled, “Council Approval for Parkland Dedication Exemption: 313 Main Street Markham North (SPC 22 263550)”, be received;
- 2) THAT the Commissioner of Development Services or the Director of Planning and Urban Design be authorized to approve parkland dedication exemption for 313 Main Street Markham North as identified in this memo;
- 3) THAT the Parkland Dedication By-law be amended and be brought back for Council’s approval 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, such as applications with minor renovations or additions that do not meet the definition of “Redevelopment” in the City’s Parkland Dedication By-law;
- 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 the following development application:

- 313 Main Street Markham North

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 alteration 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 obligations on a case-by-case basis for development applications that have demonstrated that the construction of an addition or alteration to a building does not have the effect of substantially increasing the size or useability of the building or structure.

As mentioned above, the purpose of this memorandum is to seek approval from Council to exempt parkland dedication obligation for this development application:

313 Main Street Markham North is located within the Markham Village Heritage Conservation District at the southeast corner of Markham Road and 16th Avenue in Ward 4. The applicant has filed for a Site Plan Control application to develop a 77 square meter addition to the existing 444 square meter main structure of the Buddhist Prajna Temple. The minor renovation is intended to act as a lobby for the Temple. Urban Design and Parks Planning staff do not consider this to be a substantial renovation of the building, nor that the construction of the addition would change the character or density of use of the building.

The Planning & Urban Design Department is seeking Council approval to exempt this property from parkland requirements as staff interpret that the proposed addition does not meet the requirements of “Redevelopment” as defined in the City’s Parkland By-law.

FINANCIAL IMPLICATIONS:

This section provides detailed parkland calculations and financial implications on providing exemptions for this development application.

For this development application, 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 since the proposed addition does not substantially change the character or density of use of the building.

The total added GFA is approximately **77 m² (0.0077ha)** for the addition.

Real Property Staff determined the value of the improvement to be **\$4,574.66 per m²**.

See the calculation below for the parkland requirements:

$77 \text{ sq. m.} \times 2\% = 1.54 \text{ sq. m.}$ Total Parkland CIL: $1.54 \text{ sq. m.} \times \$4,574.66 / \text{sq. m.} = \$7,044.98$
Total Parkland CIL: \$7,044.98

Therefore, upon approval of parkland exemption request the total parkland CIL amount of \$7,044.98 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 the development application at 313 Main Street Markham North. Urban Design Staff notes that 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 what has been 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.