



Development Services Committee Revised Agenda

Revised Items are Italicized.

Meeting Number 11
May 27, 2019, 9:30 AM - 3:00 PM
Council Chamber

Please bring this Development Services Committee agenda to Council on June 12, 2019

	Pages
1. CALL TO ORDER	
2. DISCLOSURE OF PECUNIARY INTEREST	
3. APPROVAL OF PREVIOUS MINUTES	
3.1 DEVELOPMENT SERVICES COMMITTEE MINUTES – MAY 13, 2019 (10.0)	10
1. That the minutes of the Development Services Committee meeting held May 13, 2019, be confirmed.	
3.2 DEVELOPMENT SERVICES PUBLIC MEETING MINUTES MAY 7, 2019 (10.0)	22
1. That the minutes of the Development Services Public Meeting held May 7, 2019, be confirmed.	
4. PRESENTATIONS	
4.1 PRESENTATION OF SERVICE AWARDS (12.2.6)	
Note: Presentation of Service Awards will be dealt with at 10:30 a.m.	
George Macris, Chief Fire Prevention Officer, Fire Services, 30 years	
Lilli Duoba, Manager, Natural Heritage, Planning & Urban Design, 30 years	
Eric Lariviere, Manager, Flato Markham Theatre, Economic Growth, Culture & Entrepreneurship, 10 years	
Farshed Kawasia, Senior Development Engineer, Engineering, 5 years	
Muhammad Jawaid Khan, Manager, Water & Wastewater, Environmental	

Services, 5 years

Vikas Thakur, Infrastructure Project Engineer, Environmental Services, 5 years

Arthie Mahendran, Contact Centre Representative, Legislative Services and Communications, 5 years

Andrea Bondi, Training Officer, Fire Services, 5 years

Derek Cassidy, Firefighter, Fire Services, 5 years

Ching Chen, Firefighter, Fire Services, 5 years

Christopher Gadzala, Firefighter, Fire Services, 5 years

Daniel Harwood, Firefighter, Fire Services, 5 years

Matthew Lum, Firefighter, Fire Services, 5 years

Morgan Pickup, Firefighter, Fire Services, 5 years

Thomas Rozon, Firefighter, Fire Services, 5 years

Matthew Skerratt, Firefighter, Fire Services, 5 years

Andrew Tamburro, Firefighter, Fire Services, 5 years

Alexei Zimin, Firefighter, Fire Services, 5 years

Pedro Santos, Firefighter, Fire Services, 5 years

Miranda Hussey, Firefighter, Fire Services, 5 years

5. DEPUTATIONS

6. COMMUNICATIONS

7. PETITIONS

8. CONSENT REPORTS - DEVELOPMENT AND POLICY ISSUES

8.1 COMMERCIAL FAÇADE IMPROVEMENT GRANT PROGRAM FOR 2019 (16.11)

32

P. Wokral, ext. 7955

1. That the report entitled “Commercial Façade Improvement Grant Program for 2019”, dated May 27, 2019 be received; and,
2. That Council supports a matching grant of up to \$15,000.00 for the re-conditioning of the historic wooden windows and production of historically appropriate new wooden storm windows for 6890 14th

Ave.; and,

3. That Council supports a matching grant of up to \$3,107.50 for the selective repair and repainting of the historic wooden trims of 40-44 Main Street North, subject to the applicant obtaining a heritage permit; and,
4. That the identified grants be funded from the Commercial Façade Improvement Program Account (620-101-5699-19016)which has a budget of \$15,000.00 for the year 2019; and,
5. That the \$3,107.50 of grant assistance recommended for approval, in excess of the \$15,000.00 available for the 2019 Commercial Façade Improvement Grant program be funded through unallocated funds from the 2019 Designated Heritage Grant program (620-1010-5699-19015); and further,
6. That staff be authorized and directed to do all things necessary to give effect to this resolution.

8.2 DESIGNATED HERITAGE PROPERTY GRANT APPLICATIONS – 2019 (16.11)

38

P. Wokral, ext. 7955

1. That the report entitled “Designated Property Grant Applications - 2019” dated May 27, 2019, be received; and,
2. That Designated Property Grants for 2019 be approved in the amounts noted for the following properties, totaling \$23,776.90, provided that the applicants comply with eligibility requirements of the program; and,
3. 32 Washington Street, Markham Village-up to \$5,000.00 for construction costs of front veranda as required by Site Plan agreement for rear addition to the existing heritage dwelling; and,
4. 6 Wismer Place, Markham Heritage Estates- up to \$7,500.00 for the replacement of the cedar shingle roof; and,
5. 111 John Street, Thornhill-up to \$1,276.90 for the production of historically appropriate wooden storm windows and minor repairs to historic wooden sash and siding; and,
6. 16 George Street, Markham Village –up to \$5,000.00 for re-conditioning of historic wooden windows and repairs to railing and floor deck of front veranda; and,
7. 180 Main Street North, Markham Village-up to \$5,000.00 for the installation of a historically appropriate wooden front door and storm door; and,
8. That the grants be funded through the Designated Heritage Property Grant Project Fund, Account 620-101-5699-19015 (\$30,000.00 available for 2019); and,

9. That \$3,107.50 be transferred to the 2019 Commercial Façade Improvement Grant Program (Account 620-101-5699-19016); and,
10. That the remaining budget in the amount of \$3,115.60 (\$30,000 - \$23,776.90 - \$3,107.50) be returned to the original funding source; and further,
11. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.3 DECISION ON PROPOSED AMENDMENT 1 TO THE GROWTH PLAN 2017 (A PLACE TO GROW: GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE 2019) (10.0) 49

M. Wouters, ext. 2909

1. That the memorandum entitled “Decision on Proposed Amendment 1 to the Growth Plan 2017 (A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019)” be received.

9. *REGULAR REPORTS - DEVELOPMENT AND POLICY ISSUES*

9.1 *OVERVIEW OF APPROVAL PROCESSES AND TIMELINES FOR OFFICIAL PLAN AMENDMENT; ZONING BY-LAW AMENDMENT; DRAFT PLAN OF SUBDIVISION; AND SITE PLAN CONTROL (10.0)* 55

B. Karumanchery, ext. 4713

Note: Biju Karumanchery, Director of Planning and Urban Design will provide a presentation on this matter.

1. That the memorandum dated May 27, 2017 entitled "Overview of Approval Processes and Timelines for Official Plan Amendment; Zoning By-law Amendment; Draft Plan of Subdivision; and Site Plan Control" be received.

9.2 *CITY OF MARKHAM COMMENTS ON PROPOSED BILL 108, MORE HOMES, MORE CHOICE ACT 2019 (10.0)* 57

J. Yeh, ext. 7922

Note: John Yeh, Manager, Policy and Mark Visser, Senior Manager, Financial Strategy and Investments will be in attendance to provide a presentation on this matter.

1. That the report entitled, “City of Markham Comments on Proposed Bill 108, *More Homes, More Choice Act 2019*”, dated May 27, 2019, be received; and,
2. That this report, including the 39 recommendations from the City of Markham on Proposed Bill 108, *More Homes, More Choice Act 2019*,

as summarized in Appendix ‘A’, be forwarded to the Assistant Deputy Minister of Municipal Affairs and Housing and to York Region as the City of Markham’s comments on Bill 108; and,

3. That the City of Markham supports the Province of Ontario’s proposed measures to streamline the planning process while retaining appropriate public consultation during the planning process as long as these measures can be reasonably implemented and avoid negative impacts such as potential delays; and,
4. That the cap on the community benefits charge should be set to include the full recovery for soft infrastructure costs and parkland dedication as now obtained under the current statutes. To ensure that growth pays for growth, a municipality should be allowed to levy both the community benefits charge and receive parkland in a residential development.; and,
5. That the City of Markham does not support any proposed legislative changes that would in effect reduce a municipality’s ability to collect funds to ensure that growth pays for growth;
6. That the City of Markham supports the Province of Ontario’s proposed changes to increase resourcing for the Local Planning Appeal Tribunal but does not support the re-introduction of “de novo” hearings as part of the Local Planning Appeal Tribunal process; and,
7. That the City of Markham supports the Province of Ontario’s efforts to clarify the role and accountability of conservation authorities and urges the Province to support the Ministry of Natural Resources and Forestry, Ministry of Environment, Conservation and Parks, and municipalities with enhanced natural heritage protection and watershed planning tools to fill the potential gap in natural resource, climate change and watershed planning services resulting from the proposed modified mandate of the TRCA; and further,
8. That Staff be authorized and directed to do all things necessary to give effect to this resolution

10. REGULAR REPORTS - TRANSPORTATION AND INFRASTRUCTURE ISSUES

10.1 THE USE OF BOX GROVE COMMUNITY FUNDS FOR STREET LIGHTS (WARD 7) (5.0)

109

B. Lee, ext. 7507

1. That the report entitled “The Use of Box Grove Community Funds for Street Lights (Ward 7)” be received; and,
2. That available Box Grove Community Funds in the amount of \$357,858 be used for the installation of municipal street lights on Ridgevale Drive and Rouge River Circle in Box Grove be endorsed; and,
3. That a 2019 Engineering Capital Project be established using the Box Grove Community Funds as the funding source for the design and

construction of street lights on Ridgevale Drive and Rouge River Circle, at an estimated cost of \$345,000 including contingencies, internal charges and HST impact; and

4. That, following completion of the project, the estimated remaining Box Grove Community Funds of \$12,858 (\$357,858 - \$345,000) remain in the Box Grove Community Funds until future community use of the funds is identified and until the funds are exhausted; and further,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

11. MOTIONS

11.1 YONGE STREET SUBWAY (LANGSTAFF/ RICHMOND HILL GROWTH AREA HIGHWAY 407/ YONGE STREET SUBWAY EXTENSION) (5.14)

Note: On May 14, 2019 Council referred consideration of the revised motion for the Yonge Street Subway (Langstaff/Richmond Hill Growth Area Highway 407/Yonge Street Subway Extension) to the meeting this date.

The following revised motion is for consideration by the Committee:

Whereas the City of Markham supports the Province of Ontario's decision to upload the responsibility for subways and urges the Province to proceed as expeditiously as possible to construct the Yonge Street Subway; and,

Whereas the Provincial Government will control the design and the location of the Richmond Hill Centre station and the Langstaff Gateway Station (407/Highway 7); and,

Whereas in April, 2019, the Provincial Government announced that the Yonge Subway extension will be 1 of the 4 projects benefitting from Provincial investment in higher order transit; and,

Whereas the Provincial Government has accelerated the target completion date for the Yonge Subway to be shortly after 2027; and,

Whereas geotechnical and design work for the Yonge Subway extension has already commenced;

Now therefore be it resolved:

1. That the Province of Ontario be requested to collaborate with the local municipalities and transit authorities to review and assess the following:
 - a. The alignment of the Yonge Subway extension north of Longbridge;
 - b. Burying hydro lines from Red Cedar on Highway 7, to the Valley west of Yonge Street, south of Highway 407, to open additional lands

for development;

- c. Revising existing and proposed infrastructure, such as relocation of stormwater ponds and Highway 407 interchange ramps at Yonge Street, to create a more urban pedestrian friendly environment;
- d. Studying the urban realm, densification opportunities and land value uplift resulting from these changes;
- e. Locate the integrated destination transit hub in the lands between Highway 407 and Highway 7 east of Yonge Street at the Langstaff Gateway;
- f. Plan the Vaughan lands west of Yonge Street as Rail Integrated Communities (TDD) instead of a 2,000-car parking lot;
- g. Amend the 407 Transitway Environmental Assessment (to include rail transit);
- h. Amend the Yonge Subway Extension Environmental Assessment to stay on Yonge Street;
- i. Conduct an environmental assessment to bury the 407 High Voltage Transmission Lines from east of Bayview to the valleyland west of Yonge Street;
- j. Engage a world class architectural, engineering, urban planning and design firm to plan the communities and the integrated destination transit hub;
- k. Set-up a Tri-City Task Force (comprised of Markham, Richmond Hill and Vaughan), to make this proposal happen;
- l. Investigate a process to obtain expression of interest to building, maintaining and owning the multi-use destination integrated hub; and,

2. That the Council of the City of Markham request, through the Office of the Premier of Ontario, that the environmental assessments for the Yonge Subway Extension and the 407 Transitway be reviewed so that:

- a. The Yonge Street Subway Extension be constructed under Yonge Street North of Highway 407/7; and,
- b. That the Longbridge station be relocated from in front of the graveyard North to the Markham Langstaff Gateway (407/7) under Yonge St as an integral part of the Langstaff/Richmond Hill Gateway; and,
- c. That the Richmond Hill Centre Station be relocated to Yonge Street at a location to provide service to the Richmond Hill Centre (High Tech

Road or Bantry or 16th Avenue) and other high density development on Yonge Street while still allowing for further extensions; and,

3. That Infrastructure Ontario (IO) or the Ministry of Transportation (MTO) be requested to study the feasibility of a revised Yonge Subway extension and take appropriate action, including revisions to the environmental assessment process, to maximize the public-sector return on investment in the Langstaff/Richmond Hill area; and further,

4. That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, The Honourable Christine Elliott, Deputy Premier, the Honourable Steve Clark, Minister of Municipal Affairs, the Honourable Monte McNaughton, Minister of Infrastructure Ontario, the Honourable Rod Phillips, Minister of the Environment, Conservation and Parks, all MPPs in the Province of Ontario, the Cities of Richmond Hill and Vaughan, and the Regional Municipality of York.

12. NOTICES OF MOTION

13. NEW/OTHER BUSINESS

*As per Section 2 of the Council Procedural By-Law, "New/Other Business would generally apply to an item that is to be added to the **Agenda** due to an urgent statutory time requirement, or an emergency, or time sensitivity".*

14. ANNOUNCEMENTS

15. CONFIDENTIAL ITEMS

That, in accordance with Section 239 (2) of the Municipal Act, Development Services Committee resolve into a confidential session to discuss the following matters:

15.1 DEVELOPMENT AND POLICY ISSUES

15.1.1 DEVELOPMENT SERVICES COMMITTEE CONFIDENTIAL MINUTES – MARCH 18, 2019 (10.0) [Section 239 (2) (e)]

15.1.2 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD – MINOR VARIANCE APPLICATION - 57 HAWKRIDGE AVENUE (WARD 4) (8.0) [Section 239 (2) (e)]

16. ADJOURNMENT

Information Page

Development Services Committee Members: All Members of Council

Development and Policy Issues

Chair: Regional Councillor Jim Jones

Vice-Chair: Councillor Keith Irish

Transportation and Infrastructure Issues

Chair: Deputy Mayor Don Hamilton

Vice-Chair: Councillor Reid McAlpine

Culture and Economic Development Issues

Chair: Councillor Alan Ho

Vice-Chair: Councillor Khalid Usman

Development Services meetings are live video and audio streamed on the City's website.

Alternate formats for this document are available upon request.

Consent Items: All matters listed under the consent agenda are considered to be routine and are recommended for approval by the department. They may be enacted on one motion, or any item may be discussed if a member so requests.

Please Note: The times listed on this agenda are approximate and may vary; Council may, at its discretion, alter the order of the agenda items.

Development Services Committee is scheduled to recess for lunch from approximately 12:00 PM to 1:00 PM

Note: As per the Council Procedural By-Law, Section 7.1 (h) Development Services Committee will take a 10 minute recess after two hours have passed since the last break.



Development Services Committee Minutes

Meeting Number 10
May 13, 2019, 9:30 AM - 3:00 PM
Council Chamber

Roll Call	<p>Mayor Frank Scarpitti</p> <p>Deputy Mayor Don Hamilton</p> <p>Regional Councillor Jack Heath</p> <p>Regional Councillor Joe Li (arrived at 10:25 PM)</p> <p>Regional Councillor Jim Jones (left at 12:22 PM)</p> <p>Councillor Keith Irish</p>	<p>Councillor Alan Ho (left at 2:03 PM and returned at 2:20 PM)</p> <p>Councillor Reid McAlpine</p> <p>Councillor Karen Rea</p> <p>Councillor Andrew Keyes</p> <p>Councillor Amanda Collucci (arrived at 10:22 AM)</p> <p>Councillor Khalid Usman</p>
Regrets	Councillor Isa Lee	
Staff	<p>Andy Taylor, Chief Administrative Officer</p> <p>Arvin Prasad, Commissioner Development Services</p> <p>Brenda Librecz, Commissioner, Community & Fire Services</p> <p>Catherine Conrad, City Solicitor & Acting Director, Human Resources</p> <p>Bryan Frois, Chief of Staff</p> <p>Biju Karumanchery, Director, Planning Council/Committee Coordinator & Urban Design</p>	<p>Ron Blake, Senior Manager, Development</p> <p>Stephen Chait, Director, Economic Growth, Culture & Entrepreneurship</p> <p>Lilli Duoba, Manager, Natural Heritage</p> <p>Regan Hutcheson, Manager, Heritage</p> <p>Eric Lariviere, Manager, Flato Markham Theatre</p> <p>Scott Chapman, Election & Planning Council/Committee Coordinator</p>

Alternate formats for this document are available upon request

1. CALL TO ORDER

The Development Services Committee convened at the hour of 9:34 AM in the Council Chamber with Regional Councillor Jim Jones in the Chair. Deputy Mayor Don Hamilton assumed the Chair at 10:36 AM for Transportation and Infrastructure items, No. 9.1. Regional Councillor Jim Jones reassumed the Chair at 11:57 AM.

The Development Services Committee recessed at 12:22 PM and reconvened at 1:19 PM.

Councillor Keith Irish assumed the Chair at 1:19 PM. Councillor Khalid Usman assumed the Chair at 2:23 PM for Culture and Economic Development items, No. 11.2. Councillor Keith Irish reassumed the Chair at 2:33 PM.

2. DISCLOSURE OF PECUNIARY INTEREST

None disclosed.

3. APPROVAL OF PREVIOUS MINUTES

**3.1 DEVELOPMENT SERVICES COMMITTEE MINUTES – APRIL 29, 2019
(10.0)**

Moved by Councillor Andrew Keyes

Seconded by Regional Councillor Jack Heath

1. That the minutes of the Development Services Committee meeting held April 29, 2019, be confirmed.

Carried

4. DEPUTATIONS

There were no deputations.

5. COMMUNICATIONS

There were no communications.

6. PETITIONS

There were no petitions.

7. CONSENT REPORTS - DEVELOPMENT AND POLICY ISSUES

**7.1 HERITAGE MARKHAM COMMITTEE MINUTES – APRIL 10, 2019
(16.11)**

Moved by Councillor Khalid Usman

Seconded by Councillor Alan Ho

1. That the minutes of the Heritage Markham Committee meeting held April 10, 2019, be received for information purposes.

Carried

7.2 INFORMATION REPORT 2019 FIRST QUARTER UPDATE OF THE STREET AND PARK NAME RESERVE LIST (10.14, 6.3)

The Committee discussed the inclusion of Imran Khan Niazi Road in the Street and Park Name Reserve List. It was suggested that this matter be discussed at a future Development Services Committee meeting.

Moved by Councillor Khalid Usman

Seconded by Deputy Mayor Don Hamilton

1. That the report titled 'Information Report 2019 First Quarter Update of the Street and Park Name Reserve List', be received; and,
2. That Council approve the revised Street and Park Name Reserve List set out in Appendix 'A' attached to this report, **as amended at the May 13, 2019 Development Services Committee Meeting."**

Carried

Moved by Regional Councillor Jack Heath

Seconded by Mayor Frank Scarpitti

1. **That the proposed recommendation of Imran Khan Niazi Road in the Street and Park Name Reserve List be deferred to a future Development Services Committee meeting for further consideration.**

Carried

7.3 PRELIMINARY REPORT-GARDEN HOMES (MARKHAM) INC. APPLICATIONS FOR OFFICIAL PLAN AMENDMENT, ZONING AMENDMENT, DRAFT PLAN OF SUBDIVISION AND SITE PLAN CONTROL TO PERMIT A TOWNHOUSE DEVELOPMENT - 73 MAIN STREET SOUTH, MARKHAM VILLAGE (10.3, 10.5, 10.7, 10.6)

P. Wokral, ext. 7955

Moved by Councillor Khalid Usman

Seconded by Councillor Alan Ho

1. That the report titled “PRELIMINARY REPORT, Garden Homes (Markham) Inc. Applications for an Official Plan Amendment and Zoning By-law Amendment, Draft Plan of Subdivision and Site Plan Control to permit a Townhouse Development, 73 Main Street South, Markham Village, Files OP 15 108135, ZA 15 108135, SU 17157341 and SC 17 157341,” dated May 13, 2019, be received; and,
2. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

7.4 PRELIMINARY REPORT, SASSON CONSTRUCTION INC., ZONING BY-LAW AMENDMENT APPLICATION TO PERMIT HIGH DENSITY MIXED USE DEVELOPMENT AT 9351-9399 MARKHAM ROAD, WARD 5, FILE NO: ZA 18 140091 (10.5)

S. Muradali, ext. 2008

Moved by Councillor Khalid Usman

Seconded by Councillor Alan Ho

1. That the report titled “PRELIMINARY REPORT, Sasson Construction Inc., Zoning By-law Amendment application to permit high density mixed use development at 9351-9399 Markham Road, Ward 5, File No: ZA 18 140091”, be received.

Carried

7.5 PRELIMINARY REPORT, BUR OAK (ARH) DEVELOPMENTS INC., ZONING BY-LAW AMENDMENT TO PERMIT A 20-STOREY APARTMENT BUILDING A 1709 BUR OAK AVENUE (SOUTH-WEST CORNER OF BUR OAK AVENUE AND MARKHAM ROAD), WARD 4, FILE NO: ZA 258912 (10.5)

S. Muradali, ext. 2008

Moved by Councillor Khalid Usman

Seconded by Councillor Alan Ho

1. That the report titled “PRELIMINARY REPORT, Bur Oak (ARH) Developments Inc., Zoning By-law Amendment application to permit a 20-

storey apartment building at 1709 Bur Oak Avenue (south-west corner of Bur Oak Avenue and Markham Road), Ward 4, File No: ZA 18 258912”, be received.

Carried

8. PRESENTATIONS - DEVELOPMENT AND POLICY ISSUES

8.1 PROVINCIAL CONSULTATION ON MODERNIZING CONSERVATION AUTHORITY OPERATIONS AND FOCUSING CONSERVATION AUTHORITY DEVELOPMENT PERMITS ON THE PROTECTION OF PEOPLE AND PROPERTY (10.0)

Lilli Duoba, Manager, Natural Heritage, delivered a PowerPoint presentation entitled "Provincial Consultation on Modernizing Conservation Authority Operations and Focusing Conservation Authority Development Permits on the Protection of People and Property."

There was discussion on the potential implications of the proposed reduction in Provincial funding to the operations of Conservation Authorities and the funding responsibilities on municipalities. The Committee noted that more information is needed to understand the implications of the proposed Provincial funding reductions in context with the new focused mandates of Conservation Authorities. It was also noted that clarification is required from the Province on what agencies are expected to assume the additional responsibilities and activities currently performed by Conservation Authorities.

Moved by Deputy Mayor Don Hamilton

Seconded by Councillor Khalid Usman

1. That the presentation entitled ‘Provincial Consultation on Modernizing Conservation Authority Operations and Focusing Conservation Authority Development Permits on the Protection of People and Property be received’; and,
2. That the presentation entitled ‘Provincial Consultation on Modernizing Conservation Authority Operations and Focusing Conservation Authority Development Permits on the Protection of People and Property’ form the basis of staff comments to the Province in response to ERO 013-5018 and ERO 013-4992; and further,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried**9. PRESENTATIONS - TRANSPORTATION AND INFRASTRUCTURE ISSUES****9.1 YRRTC PRESENTATION: YONGE SUBWAY EXTENSION, VIVANEXT, CORNELL BUS TERMINAL AND BUS RAPID TRANSIT (5.14)**

Arvin Prasad, Commissioner, Development Services, welcomed Mary-Frances Turner, President, York Region Rapid Transit Corporation to the City of Markham and introduced the item.

Mary-Frances Turner, President, York Region Rapid Transit Corporation, delivered a PowerPoint presentation entitled “Yonge Subway Extension, vivaNEXT, Cornell Bus Terminal and Bus Rapid Transit.”

The Committee discussed the following relative to the presentation:

- potential parking infiltration into local streets surrounding the Cornell Bus Terminal resulting from the absence of dedicated commuter parking facilities
- opportunities and strategies for providing first mile/last mile connections to the Cornell Bus Terminal
- opportunities for shared parking accommodations surrounding the Cornell Bus Terminal
- strategies for effectively managing subway construction and anticipated development along the Yonge Street corridor while mitigating disruption to the community
- potential financial mechanisms for funding the Yonge Subway Extension through intensification along the Yonge Street corridor
- potential financial participation by the Federal government in funding the construction of the Yonge Street Extension
- objectives and timetable for Major Mackenzie Drive
- potential extension of Steeles Avenue Bus Rapid Transit corridor to Markham Road
- potential financial incentives for facilitating development of infrastructure along the Yonge Street corridor, such as tax increment financing

- need for financial support from the Federal and Provincial governments to fund the Yonge Street Extension.

Moved by Regional Councillor Jim Jones

Seconded by Councillor Khalid Usman

1. That the presentation by York Region Rapid Transit Corporation on the Yonge Subway Extension, vivaNext Plan, Cornell Bus Terminal Update and Bus Rapid Transit be received.

Carried

10. REGULAR REPORTS - DEVELOPMENT AND POLICY ISSUES

10.1 INFORMATION REPORT 1107656 ONTARIO INC. (TIMES GROUP INC.) BLOCK 45, PLAN 65M-3266, LEITCHCROFT-GALLERIA LANDS, SOUTH-EAST CORNER OF HIGHWAY 7 AND SOUTH PARK ROAD

REVISED PLANS FOR A PROPOSED CONDOMINIUM APARTMENT DEVELOPMENT (WARD 8), FILE NO. SC 17 137260 (10.6)

Ron Blake, Senior Manager, Development, addressed the Committee and provided a brief overview of the application history, including revisions made to the original application endorsed in principle by Development Services Committee.

Lincoln Lo, Malone Given Parsons, consultant for the applicant, addressed the Committee and delivered a presentation on the revised site plans for the proposed development. Mr. Lo noted that the applicant is continuing to work with Transport Canada and Nav Canada to obtain permission to exceed the height restrictions contained in the Toronto/Buttontville Airport Zoning Regulations. Mr. Lo also indicated that the revised application is to allow the applicant to begin underground construction, and that the applicant intends to submit a further revised site plan that reflects the building heights and unit count originally endorsed in principle by Committee upon receiving approval from Transport Canada.

The Committee recommended that the applicant be directed to notify existing and future purchasers of units in the proposed development of the potential increases in the ultimate building heights through all future purchase and sale agreements.

Moved by Deputy Mayor Don Hamilton

Seconded by Councillor Khalid Usman

1. That the staff report dated May 13, 2019 titled “INFORMATION REPORT 1107656 Ontario Inc. (Times Group Inc.) Block 45, Plan 65M-3266, Leitchcroft-Galleria Lands, south-east corner of Highway 7 and South Park Road, revised plans for a proposed condominium apartment development (Ward 8), File No. SC 17 137260;” be received; and,
2. That the presentation by representatives of 1107656 Ontario Inc. (Times Group Inc.) be received; and,
3. That Development Services Committee endorse, in principle, the revised plans attached; and,
4. That site plan endorsement and final approval be delegated to the Director of Planning and Urban Design; or delegate; and,
5. That site plan endorsement shall lapse after a period of three (3) years from the date of endorsement in the event that the site plan agreement is not executed within that period; and,
6. That the Region of York be advised that servicing allocation for 493 apartment units has been confirmed; and,
7. That the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner; and,
8. **That the applicant be directed to inform existing and future purchasers of units in the proposed development that building heights may be increased from 24 to 34 and 37 storeys, and that the applicant include a provision in all agreements of purchase and sale executed after the date of this resolution notifying prospective purchasers of this potential change; and further,**
9. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

10.2 RECOMMENDATION REPORT - MARKHAM’S REGISTER OF PROPERTY OF CULTURAL HERITAGE VALUE OR INTEREST, CONSIDERATION OF REVISED NOTIFICATION PROCEDURES FOR A LISTED PROPERTY (16.11)

Ron Blake, Senior Manager, Development, addressed the Committee and provided a brief overview of the staff report and the recommendations contained within the report.

There was discussion about the importance of balancing the rights of property owners with the collective community interest in preserving properties of heritage or cultural value. There was discussion about the potential implications to the value of properties listed on the Heritage Register, and the importance of involving affected property owners in the decision-making process.

Staff noted that prior notification could put cultural heritage resources at risk of an expedited demolition process. The Committee discussed whether the City could include a provision that would prevent the issuance of a demolition permit for a property being considered for placement on the Heritage Register until that decision has been made by Council. Committee was advised that staff will be reporting back on the draft legislation in support of Provincial amendments to the *Ontario Heritage Act* as part of Bill 108, which includes proposed amendments to the notification process related to the listing of a property, and that staff will take Committee's comments into account in preparing their report.

The Committee consented to refer the staff report and recommendations to the May 28, 2019 Council meeting for further consideration.

Moved by Councillor Karen Rea

Seconded by Regional Councillor Jack Heath

1. **That where a new property is added to the Markham Register of Property of Cultural Heritage Value or Interest by Council in the future, the property owner be notified in writing after Council has approved the listing on the Heritage Register, and that such notification will include an educational package explaining the purpose and implications of being on the Register as a listed property.**

Lost

Moved by Deputy Mayor Don Hamilton

Seconded by Councillor Amanda Collucci

1. **That where a new property is being considered for placement on the Markham Register of Property of Cultural Heritage Value or Interest in the future, the property owner be notified in writing prior to consideration by Heritage Markham and Council.**

Lost

Moved by Deputy Mayor Don Hamilton

Seconded by Councillor Amanda Collucci

That the following be referred to the May 28, 2019 Council agenda for consideration:

1. That the report entitled “Recommendation Report, Markham’s Register of Property of Cultural Heritage Value or Interest, Consideration of Revised Notification Procedures for a Listed Property”, dated May 13, 2019, be received; and,
2. Where a new property is added to the Markham Register of Property of Cultural Heritage Value or Interest by Council in the future, the property owner be notified in writing, and that such notification will include an educational package explaining the purpose and implications of being on the Register as a listed property; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

11. REGULAR REPORTS - TRANSPORTATION AND INFRASTRUCTURE ISSUES

11.1 AMENDMENT TO ENTERPRISE BOULEVARD CONSTRUCTION AGREEMENT AND ASSUMPTION OF ENTERPRISE BOULEVARD (WARD 3) (5.0)

There was no discussion on this item.

Moved by Deputy Mayor Don Hamilton

Seconded by Councillor Reid McAlpine

1. That the report entitled “Amendment to Enterprise Boulevard Construction Agreement and Assumption of Enterprise Boulevard (Ward 3)” be received; and,
2. That Council revise the obligation for Ruland Properties Inc. to install the streetscape improvements along Enterprise Boulevard (“Enterprise”) as part of the Enterprise Boulevard Construction Agreement between Ruland Properties Inc. and the Corporation of the Town of Markham (2005) (“Agreement”) to include that obligation as a part of future site plan applications, and return any existing letters of credit for streetscape improvements to Ruland Properties Inc.; and,

3. That the Mayor and Clerk be authorized to execute an Amendment to the Agreement (“Amendment Agreement”) based on the terms and conditions described in this report, and to the satisfaction of the Director of Engineering and the City Solicitor; and,
4. That Council, upon Ruland Properties Inc. executing the Amendment Agreement, assume Enterprise Boulevard as outlined in this report, and pass any necessary bylaws for traffic control, parking restrictions and speed limits; and further,
5. That staff be directed to do all things necessary to give effect to this resolution.

Carried

12. REGULAR REPORTS - CULTURE AND ECONOMIC DEVELOPMENT ISSUES

12.1 FLATO MARKHAM THEATRE BRAND STRATEGY – A NEW AND FRESH IDENTITY (6.2)

Stephen Chait, Director, Economic Development, Culture & Entrepreneurship, introduced the staff report.

There was discussion on the design of the new Flato Markham Theatre logo and its relationship to the vision and identity of the Theatre.

Moved by Councillor Reid McAlpine

Seconded by Deputy Mayor Don Hamilton

1. That the report “Flato Markham Theatre Brand Strategy – A New and Fresh Identity” be received; and,
2. That Council approve the new logo and brand strategy; and further,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

13. MOTIONS

There were no motions.

14. NOTICES OF MOTION

There were no notices of motion.

15. NEW/OTHER BUSINESS**15.1 TRAFFIC CALMING MEASURES ON LOCAL STREETS IN WARD 4**

Councillor Karen Rea addressed the Committee and stated concerns with reports from local residents of traffic infiltration and speeding occurring in the local streets immediately northeast of Highway 7 and Main Street Markham.

Councillor Rea inquired about potential traffic calming measures to ensure safe pedestrian travel in the area. Staff advised that they will consult with Councillor Rea to discuss the issues raised.

16. ANNOUNCEMENTS

There were no announcements.

17. ADJOURNMENT

Moved by Councillor Khalid Usman

Seconded by Councillor Alan Ho

1. That the Development Services Committee adjourn at 2:37 PM.

Carried



Development Services Public Meeting Minutes

Meeting Number 6
May 7, 2019, 7:00 PM - 10:00 PM
Council Chamber

Roll Call	Mayor Frank Scarpitti	Councillor Alan Ho
	Deputy Mayor Don Hamilton	Councillor Reid McAlpine
	Regional Councillor Jack Heath	Councillor Andrew Keyes
	Regional Councillor Joe Li	Councillor Khalid Usman
	Regional Councillor Jim Jones	Councillor Isa Lee
	Councillor Keith Irish	
Regrets	Councillor Karen Rea	Councillor Amanda Collucci
Staff	Biju Karumanchery, Director, Planning & Urban Design	Scott Heaslip, Senior Project Coordinator, Central
	Ron Blake, Senior Manager, Develop	Laura Gold, Council/Committee Coordinator
	Ron Blake, Senior Manager, Develop	Scott Chapman, Election & Council/Committee Coordinator
	Sabrina Bordone, Senior Planner	
	Rick Cefaratti, Planner II	

Alternate formats for this document are available upon request

1. CALL TO ORDER

The Development Services Public meeting convened at 7:06 p.m. in the Council Chamber with Regional Councillor Keith Irish in the Chair.

2. DISCLOSURE OF PECUNIARY INTEREST

None disclosed.

3. DEPUTATIONS

Deputations were received for the following items:

- 4.1 Can-Am Express (332 and 338 John Street)
- 4.2 Neamsby Investments Inc. (1375 Denison Street)
- 4.3 Scardred 7 Company Limited (4038 Highway 7)

Refer to the individual item for the deputation details.

4. REPORTS

4.1 **PRELIMINARY REPORT, CAN-AM EXPRESS, C/O HALEY PLANNING SOLUTIONS, TEMPORARY USE ZONING BY-LAW AMENDMENT APPLICATION TO PERMIT THE OUTDOOR STORAGE OF MOTOR VEHICLES INCLUDING LICENSED CHARTER BUSES AT 332 AND 338 JOHN STREET (WARD 1)**

FILE NO. ZA 18 231295 (10.5)

The Public Meeting this date was to consider an application submitted by Can-Am Express for a Temporary Zoning By-law Amendment to permit the outdoor storage of motor vehicles including licensed charter buses at 332 and 338 John Street (Ward 1) File No. ZA 18 231295.

The Committee Clerk advised that 731 notices were mailed on April 17, 2019, and a Public Meeting sign was posted on April 17, 2019. There were four written submissions received regarding this proposal.

Staff gave a presentation regarding the proposal, the location, surrounding uses and outstanding issues.

The Applicant's Consultant provided a presentation on the temporary usage request.

The following deputations were made on the temporary usage request:

Alena Gotz, Aileen Willowbrook Ratepayer Association provided the following feedback on the temporary usage request:

- Advised that the industrial area is very problematic to the adjacent residential property owners;
- Concerned that property owners/tenants of outdoor storage in the area are not maintaining their property and that the City's Keeping Markham Beautiful By-Law is not being enforced, consequently, is opposed to having outdoor storage in the area (Note: no specific reference to the Applicant's property was made.);
- Concerned about light and noise pollution resulting from the temporary usage.

Brian Korson, Aileen Willowbrook Ratepayer Association provided the following feedback on the temporary usage request:

- Concerned that the buses will create air, noise and other types of pollution (e.g. fluid leakage from the buses);
- Asked what the Applicant's plan is to manage the pollution;
- Suggested that the demand for the buses may increase with shuttle service recently being announced to the Woodbine Casino.

Committee discussed the temporary usage of the property and the storage of the coach buses and vehicles on the lot and inquired about the history of the properties and the rules around permitting the temporary usage.

In response to questions from the Committee and the audience, the Applicant's Consultant advised that there are approximately 20 coach buses stored on the property. He did not anticipate that noise or pollution will be an issue, as the coach buses will be parked the majority of the time. The buses are all licensed and in good mechanical condition. They come and go based on demand, and vehicle maintenance is conducted offsite. There will also be approximately 50 newer refurbished cars stored on the site. These vehicles will be moved more frequently.

It was suggested that 332 and 338 John Street have been used for outdoor storage in the past, noting that 338 John Street was a contractors yard prior to the property being purchased by the applicant.

In response to the Committee's inquires, staff advised that outdoor storage is not a permitted usage on this site. The usage has been permitted as a temporary usage. The *Planning Act* permits a temporary zoning usage for three years. The usage can be renewed at the end of the three years at Council's discretion and there is no limit to the number of times it can be renewed.

Moved by Regional Councillor Jim Jones

Seconded by Councillor Khalid Usman

1. **That the written submissions by Sharron Morton, Arlene Randall, and Clara and Raymond Tso to the May 7, 2019 Development Services Public Meeting, regarding the proposed Zoning By-law Amendment application to permit the outdoor storage of motor vehicles including licensed charter buses at 332 and 338 John Street (Ward 1) File No. ZA 18 231295", be received;**
2. **That the deputations made at the May 7, 2019, Development Services Public Meeting by Alena Gotz, and Brian Korson, regarding the proposed Zoning By-law Amendment application to permit the outdoor**

storage of motor vehicles including licensed charter buses at 332 and 338 John Street (Ward 1) File No. ZA 18 231295”, be received;

3. That the report titled “PRELIMINARY REPORT, Can-Am Express, C/O Haley Planning Solutions, Temporary Use Zoning By-law Amendment Application to permit the outdoor storage of motor vehicles including licensed charter buses at 332 and 338 John Street (Ward 1) File No. ZA 18 231295” dated April 29, 2019, be received; and,
4. That the Record of the Public Meeting held on May 7, 2019, with respect to the proposed Zoning By-law Amendment application to permit the outdoor storage of motor vehicles including licensed charter buses at 332 and 338 John Street (Ward 1) File No. ZA 18 231295”, be received; and,
5. That the application by Can-Am Express, to amend Zoning By-law 77-53, as amended, be approved; and,
6. That the proposed amendment to Zoning By-law 77-73, as amended, be enacted without further notice; and further,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

**4.2 PRELIMINARY REPORT NEAMSBY INVESTMENTS INC.
APPLICATIONS FOR OFFICIAL PLAN AND ZONING BY-LAW
AMENDMENTS TO PERMIT A TWO-STOREY BUILDING FOR
RECREATIONAL AND ATHLETIC PURPOSES WITH**

**BADMINTON AS THE MAIN USE, AT 1375 DENISON STREET (WARD
8) FILE NOS. OP/ZA 18 177790 (10.3, 10.5)**

The Public Meeting this date was to consider an application submitted by Neamsby Investments Inc. for Official Plan and Zoning By-law Amendments to permit a two-storey building for recreational and athletic purposes with badminton as the main use, at 1375 Denison Street (Ward 8) File Nos. OP/ZA 18177790.

The Committee Clerk advised that 172 notices were mailed on April 17, 2019, and a Public Meeting sign was posted on April 17, 2019. There were two written submissions received regarding this proposal.

Staff gave a presentation regarding the proposal, the location, surrounding uses and outstanding issues.

The Applicant provided a presentation on the development proposal.

The following deputation was made on the development proposal:

Raul Galindo, resident residing behind the property provided the following feedback on the development proposal:

- Concerned about the loss of trees;
- Concerned about the noise generated from people coming and going, garbage pick-up, and the air conditioner
- Suggested the facility should not be open past 9:00 PM.

Committee provided the following feedback:

- Suggested that the tenant reconsider the name of the complex (Unionville Badminton Complex), as the complex does not reside in Unionville;
- Suggested that the concrete fence on the resident's property be removed and replaced with a buffer of cedar trees (instead of the proposed spruce trees);
- Requested that the hours of operation be clarified with the tenant;
- Asked that four walls be built around the mechanical equipment to minimize the noise;
- Suggested that the tenant have a strategy for blocking the sun from the badminton courts (e.g. by minimizing the windows or installing blinds);
- Asked if bird friendly glass was being installed and if the property was being connected to the neighbouring properties.

The Applicant agreed to consult the tenant regarding the hours of operation and changing the name of the complex. They also agreed to investigate the possibility of planting spruce trees on the property buffer, and to building four walls around the mechanical equipment. Lastly, they confirmed that the glass will be bird friendly.

Moved by Regional Councillor Jim Jones

Seconded by Councillor Khalid Usman

1. **That the written submissions submitted to the May 7, 2019 Development Services Public Meeting from Angelina Choa, and Tom Wridolin, regarding the proposed Official Plan and Zoning By-law Amendment applications by Neamsby Investments Inc., be received; and,**

2. **That the deputation made at the May 7, 2019, Development Services Public Meeting by Ravi Galindo, regarding the proposed Official Plan and Zoning By-law Amendment applications by Neasby Investments Inc., be received;**
3. That the Development Services Commission report dated April 15, 2019, entitled “Preliminary Report, Neamsby Investments Inc., Applications for Official Plan and Zoning By-law Amendments to permit a two-storey building for recreational and athletic purposes with badminton as the main use, at 1375 Denison Street (Ward 8), File Nos. OP/ZA 18 177790”, be received; and,
4. That the Record of the Public Meeting held on May 7, 2019 with respect to the proposed Official Plan and Zoning By-law Amendment applications, be received; and,
5. That the applications by Neamsby Investments Inc. for proposed Official Plan and Zoning By-law Amendments (OP/ZA 18 177790) be approved and the draft implementing Official Plan and Zoning By-law Amendments be finalized and enacted without further notice; and further,
6. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

4.3 PRELIMINARY REPORT SCARDRED 7 COMPANY LIMITED 4038 HIGHWAY 7 (NORTH SIDE, EAST OF VILLAGE PARKWAY) APPLICATIONS FOR ZONING BY-LAW AMENDMENT AND DRAFT PLAN OF SUBDIVISION TO PERMIT A RESIDENTIAL DEVELOPMENT ACCOMMODATING 50 TOWNHOUSE DWELLINGS AND 20 SINGLE DETACHED DWELLINGS (WARD 3) FILE NO. ZA/SU 18 180309 (10.5, 10.7)

The Public Meeting this date was to consider an application submitted by Scardred 7 Company Limited for Zoning By-law Amendment and Draft Plan of Subdivision to permit a residential development accommodating 50 townhouse dwellings and 20 single detached dwellings at 4038 Highway 7 (north side, east of Village Parkway) (Ward 3) File No. ZA/SU 18 180309.

The Committee Clerk advised that 843 notices were mailed on April 17, 2019, and a Public Meeting sign was posted on April 15, 2019. There were three written submissions received regarding this proposal.

Staff gave a presentation regarding the proposal, the location, surrounding uses and outstanding issues.

The Applicant gave a presentation on the development proposal.

The following deputations were made on the development proposal:

Brian & Suzanne Li, local residents provided the following feedback on the development proposal:

- Requested that Ferrah Street remain closed off to keep it a family friendly street;
- Concerned that opening up Ferrah Street will increase traffic, reduce their property value, increase their insurance, and increase the crime on the street;
- Suggested the City investigate other alternatives to improve the safety of the snow removal and garbage collection that do not involve opening up Ferrah Street.

Allan Lytle, local residents provided the following feedback on the development proposal:

- Spoke in opposition to Ferrah Street being opened up;
- Suggested that it be kept closed so that the street remains safe for children to play on.

Jeffrey Taylor, local resident provided the following feedback on the development proposal:

- Spoke in opposition to Ferrah Street being opened up, as he did not think it was required and he liked his townhome being part of a closed off community.

James Zhang, local resident provided the following feedback on the development proposal:

- Spoke in opposition to Ferrah Street being opened up, as he did not think it would add any value to the community;
- Concerned about the impact it would have on his property value;

- Inquired why the snow removal and garbage collection on Ferrah Street is suddenly an issue.

Mark DeCoste, local resident provided the following feedback on the development proposal:

- Spoke in opposition to Ferrah Street being opened up;
- Suggested that opening up the road could cause drainage and flooding issues;
- Advised that the elevation of the roads are different;
- Suggested that the roads be connected with a bicycle trail or walkway.

David Anderson, professional engineer and local resident provided the following feedback on the development proposal:

- Supported all the comments made by other speakers;
- Suggested that the City's safety concerns regarding the snow and garbage collection were of a low risk.

Committee provided the following feedback on the development proposal:

- Understood the residents interest to keep Ferrah Street closed off, but understood the larger public interest of connecting the roads;
- Liked that the proposed development was considering age friendly and sustainability in its design;
- Liked the proposed garden/courtyard concept between the townhomes;
- Inquired if Ferrah Street was intended to be opened up;
- Suggested that traffic can be controlled on Ferrah Street by restricting traffic at certain times of the day, and/or designing the connection to encourage only local traffic (Staff were requested to look into potential ideas to support this concept);
- Inquired about the snow removal location and the townhomes' garage size;
- Inquired about the grading and the fence on the north east side of the development.

In response to Committee and the residents inquires, staff advised that the grading of the streets would need to be modified for Ferrah Street to be connected with the new community. The design of the road suggests that it was intended to be connected with the new community, as it would otherwise have been designed as

a cul-de-sac. This area was not developed at the time due to a lack of sanitary sewers in the area.

In response to Committee and resident inquires, the Applicant advised that the townhomes will have one and two door garages of the standard depth, which will park two or four cars depending on the size of the townhome. The snow removal location is still being confirmed. Based on City staff recommendations, the transformers will likely be relocated to make room for snow removal. It was also confirmed that the north east side of the development will include a privacy fence.

Staff advised that the recommendation report for this development proposal will be brought forward to the Development Services Committee at the end of June or in September, 2019.

A petition against the opening of Ferrah Street was submitted to Committee.

Moved by Regional Councillor Jim Jones

Seconded by Councillor Reid McAlpine

1. That the written submissions by Anna Shao, Frankie Kot, Tom Zigomanis to the May 7, 2019 Development Services Public Meeting, regarding the applications by Scardred 7 Company Limited for zoning by-law amendment and draft plan of subdivision, be received; and,
2. That the depositions made at the May 7, 2019 Development Service Public Meeting by Brian & Suzanne Li, Allan Lytle, Jeffrey Taylor, James Zhang, Mark DeCoste, and David Anderson, regarding the applications by Scardred 7 Company Limited for zoning by-law amendment and draft plan of subdivision, be received; and,
3. That the report titled "PRELIMINARY REPORT, Scardred 7 Company Limited, 4038 Highway 7 (north side, east of Village Parkway), Applications for zoning by-law amendment and draft plan of subdivision to permit a residential development accommodating 50 townhouse dwellings and 20 single detached dwellings (Ward 3), File No. ZA/SU 18 180309;" be received; and,
4. That the record of the Public Meeting held on May 7, 2019 with respect to the applications by for zoning by-law amendment and draft plan of subdivision, be received; and further,
5. That the applications be referred back to staff for a report and recommendation.

Carried

5. ADJOURNMENT

Moved by Mayor Frank Scarpitti

Seconded by Councillor Isa Lee

1. That the Development Services Public Meeting adjourn at 10:51 PM.

Carried



Report to: Development Services Committee

Meeting Date: May 27, 2019

SUBJECT: Commercial Façade Improvement Grant Program for 2019
PREPARED BY: Peter Wokral, Senior Heritage Conservation Planner ext. 7955
REVIEWED BY: Regan Hutcheson, Manager Heritage Planning ext. 2080

RECOMMENDATION:

- 1) THAT the report entitled “Commercial Façade Improvement Grant Program for 2019”, dated May 27, 2019 be received;
- 2) THAT Council supports a matching grant of up to \$15,000.00 for the re-conditioning of the historic wooden windows and production of historically appropriate new wooden storm windows for 6890 14th Ave.;
- 3) THAT Council supports a matching grant of up to \$3,107.50 for the selective repair and repainting of the historic wooden trims of 40-44 Main Street North, subject to the applicant obtaining a heritage permit;
- 4) THAT the identified grants be funded from the Commercial Façade Improvement Program Account (620-101-5699-19016)which has a budget of \$15,000.00 for the year 2019;
- 5) THAT the \$3,107.50 of grant assistance recommended for approval, in excess of the \$15,000.00 available for the 2019 Commercial Façade Improvement Grant program be funded through unallocated funds from the 2019 Designated Heritage Grant program (620-1010-5699-19015);
- 6) AND THAT staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of the report is to recommend the approval of grant assistance for commercial façade improvements at 6890 14th Avenue in Box Grove and 40-44 Main Street North in Markham Village.

BACKGROUND:

Council approved the creation of the Commercial Façade Improvement Grant Program and the Commercial Signage Replacement Grant Program for commercial properties located in the City’s heritage conservation districts on June 8, 2004.

The purpose of the program

The purpose of the Commercial Façade Improvement Grant program is to encourage and assist in the exterior improvement of privately owned buildings in commercial use located within the City’s heritage districts/main street areas, and individually designated

properties in commercial use. Both heritage and non-heritage buildings in heritage districts/main street areas in commercial use are encouraged to apply to the program.

Eligibility requirements for grant assistance

Commercial properties located in the City's heritage districts and individually designated properties in commercial use are eligible for façade improvement grants. Owners and tenants of commercial property can apply for assistance. The subject property must not be in default of any municipal taxes, local improvements or any other monies payable to the City (fees or penalties). Also, the property must not be the subject of a by-law contravention, work order or outstanding municipal requirements. Approved work completed since the 2018 deadline for applications to the program, may also be considered eligible for grant assistance.

Types of improvements eligible for assistance

Eligible facade improvements on heritage properties may include:

- Repair or restoration of original features (cornices, parapets, eaves, other architectural features).
- Repair, restoration or replacement of windows and doors.
- Cleaning and repair of masonry.
- Removal of non-original siding or facing
- Installation of new signage in accordance with the Special Sign District policies of the City's Sign By-law.

Eligible façade improvements on non-heritage properties may include:

- Renovation of existing commercial storefronts in accordance with standard principles of traditional storefront design (fascia board for signage above storefront, appropriate display windows, removal of incompatible alterations, etc.).
- Improvements to the principal facades of incompatible buildings provided such work is sympathetic and compatible with the historic character of the area and the policies of the heritage conservation district plan.
- Re-cladding in more traditional materials complementary to the district character.

Amount of grant assistance

The maximum façade grant is \$10,000 for non-heritage properties and \$15,000 for heritage properties. The assistance is in the form of a 50/50 matching grant that is paid upon completion of approved work. An applicant can receive one grant per calendar year. As a condition of any grant of more than \$5,000 or more, the property owner is required to enter into a façade easement agreement, in perpetuity, with the municipality.

For 2019, Council has allocated \$15,000 to this program.

Grant Agreement/Letter of Understanding

Applicants who secure grant approval are also required to enter into a Grant Agreement/Letter of Understanding with the municipality. This Agreement establishes a formal arrangement between the applicant and the City, and outlines the amount of the grant, the work to be done and the project completion date.

OPTIONS/ DISCUSSION:**The City received two applications for 2019.**

Two grant applications were received by the deadline of March 29, 2019 requesting \$18,107.50 in grant assistance (See Appendix 'A' for a detailed summary of each requested grant).

Address	Description of Work	Grant Request
6890 14 th Ave.	<ul style="list-style-type: none"> Installation of historically appropriate windows in the new addition to the historic building 	\$15,000.00
40-44 Main Street North, Markham Village	<ul style="list-style-type: none"> Selective repair and repainting of historic wooden trims 	\$3,107.50

The review of grant applications is undertaken by Heritage Section Staff and Heritage Markham, Council's heritage advisory committee. The following criteria were considered when reviewing the applications for assistance:

- The project must comply with the policies and guidelines of the area's heritage district plan;
- Preference is given to applications proposing work on heritage properties;
- On heritage properties, conservation and restoration of original architectural features will occur to the extent possible;
- Projects must obtain municipal approval to qualify;
- The assistance should not reward poor property stewardship;
- Substantive improvements rather than short-term cosmetic patch-ups should be given priority.

Both applications were considered to meet the eligibility requirements

The following summary provides an analysis of each grant application.

6890 14th Avenue

- The subject property is an individually designated heritage property, also protected by a heritage conservation easement, in commercial use as a day care facility located at the intersection of 14th Avenue and 9th Line;
- The applicant is applying for the grant retroactively, as the work on the windows was completed in 2018 after the awarding of grant money for the same year;
- The proposed work is eligible for funding up to a maximum of \$15,000.00 because the applicant has met all eligibility requirements of the program.

40-44 Main Street North

- The subject property is a Class A heritage property located in the Markham Village Heritage Conservation District;
- The proposed work is eligible for funding under the Commercial Façade Improvement Grant Program;

- Staff recommends grant funding up to \$3,107.50 for the proposed work subject to the applicant obtaining a Heritage Permit;

Heritage Markham Committee reviewed the applications

Heritage Markham supported the grant applications for 6890 14th Avenue and 40-44 Main Street North at their April 10, 2019 meeting. (See Appendix “B” for the Heritage Markham Extract)

FINANCIAL CONSIDERATIONS

The total sum of the grant assistance recommended for allocation through the Commercial Façade Improvement Grant program for 2019 is \$18,107.50. The requested grants will be funded through the Heritage Façade/Signage Replacement Project Account 620-101-5699-19016 which has a budget of \$15,000.00, and \$3,107.50 of unallocated funds from the 2019 Designated Heritage Property Grant Program (620-1010-5699-19015). The staff report for the Designated Heritage Property Grant Program for 2019, dated May 27, 2019, recommends that \$3,107.50 be transferred to this grant program to address the shortfall.

HUMAN RESOURCES CONSIDERATIONS

“Not Applicable”

ALIGNMENT WITH STRATEGIC PRIORITIES:

Assisting with the costs of restoring and improving commercial properties individually designated under the Ontario Heritage Act and commercial properties in Heritage Conservation Districts promotes private investment, increases property values, and property tax revenue, while strengthening a sense of community and civic pride.

BUSINESS UNITS CONSULTED AND AFFECTED:

The applications were forwarded to Heritage Markham for review. Heritage Markham supports the recommendations of this report. The Finance Department has also reviewed this report.

RECOMMENDED BY:

Biju Karumanchery, RPP, MCIP
Director, Planning and Urban Design

Arvin Prasad, MPA, RPP, MCIP,
Commissioner of Development
Services

ATTACHMENTS:

Appendix ‘A’
Appendix ‘B’

Summary of Applications
Heritage Markham Extract

Summary of 2018 Commercial Façade Improvement Grant Requests

6890 14th Avenue

Status: Part IV Designated Building in Box Grove subject to Heritage Conservation Easement Agreement



Completed Work	Quote 1	Quote 2
Re-conditioning of historic wooden windows and installation of new historically appropriate wooden storm sash	David Wylie Restorations Ltd.	Innovative Building Systems Window Craft Industries Ltd.
Total Cost	\$49,799.10	\$65,838.43

Staff Comment: Staff supports funding up to the maximum of \$15,000.00 as the applicant has met all eligibility requirements of the program and the work has been inspected and found to be satisfactory.

40-44 Main Street North

Status: Class 'A' heritage building (Markham Village Heritage Conservation District).



Proposed Work	Quote 1	Quote 2
Selective repair and re-painting of the historic wooden trim	Pro Touch Painting	The Painters Group
Total Cost	\$6,215.00	\$6,508.80

Staff Comment: the proposed work is eligible for up to \$3,107.50 worth of grant funding subject to the applicant obtaining a Heritage Permit for the proposed work.



Report to: Development Services Committee

Meeting Date: May 27, 2019

SUBJECT: Designated Heritage Property Grant Applications - 2019
PREPARED BY: Peter Wokral, Senior Heritage Planner ext. 7955
REVIEWED BY: Regan Hutcheson, Manager of Heritage Planning, ext. 2080

RECOMMENDATION:

- 1) That the report entitled “Designated Heritage Property Grant Applications -2019” dated May 27, 2019, be received;
- 2) That Designated Heritage Property Grants for 2019 be approved in the amounts noted for the following properties, totaling \$23,776.90, provided that the applicants comply with eligibility requirements of the program;
 1. 32 Washington Street, Markham Village-up to \$5,000.00 for construction costs of front veranda as required by Site Plan agreement for rear addition to the existing heritage dwelling;
 2. 6 Wismer Place, Markham Heritage Estates- up to \$7,500.00 for the replacement of the cedar shingle roof;
 3. 111 John Street, Thornhill-up to \$1,276.90 for the production of historically appropriate wooden storm windows and minor repairs to historic wooden sash and siding;
 4. 16 George Street, Markham Village –up to \$5,000.00 for re-conditioning of historic wooden windows and repairs to railing and floor deck of front veranda;
 5. 180 Main Street North, Markham Village-up to \$5,000.00 for the installation of a historically appropriate wooden front door and storm door;
- 3) That the grants be funded through the Designated Heritage Property Grant Project Fund, Account 620-101-5699-19015 (\$30,000.00 available for 2019);
- 4) That \$3,107.50 be transferred to the 2019 Commercial Façade Improvement Grant Program (Account 620-101-5699-19016);
- 5) That the remaining budget in the amount of \$3,115.60 (\$30,000 - \$23,776.90 - \$3,107.50) be returned to the original funding source;
- 6) And 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 approval of five applications for the 2019 Markham Designated Heritage Property Grant Program.

BACKGROUND:

The deadline for grant application submissions was March 29, 2019, and five applications were received.

Markham's Designated Heritage Property Grant Program

On January 19, 2010, Council approved the Designated Heritage Property Grant Program. Highlights of the Program include:

- Assistance to the owner in the form of a grant representing 50% of eligible work up to a maximum limit of \$5,000 per property per year for eligible work;
- Minimum amount of eligible work - \$500;
- Properties must be designated under the Ontario Heritage Act (Part IV or Part V). In the case of Part V (Heritage Districts), only properties identified in a district plan as being of cultural heritage value or interest are eligible;
- Ineligible Projects- Commercial façade projects in heritage districts as there is a separate program, and projects in Markham Heritage Estates (that have been in place less than 20 years);
- Grants are to be awarded on an annual cycle following a request for applications with a deadline established;
- Only one grant per calendar year, per property;
- First time applicants to the program receive priority funding while repeat applicants to the program are only considered if the annual funding cap is not required for first time applicants;
- Subject property must be in conformity with municipal by-laws and regulations;
- Eligible work primarily involves the repair, restoration or re-creation of heritage features or components (cornices, parapets, doors, windows, masonry, siding, woodwork, verandas, etc.);
- Eligible costs include the cost of materials, equipment and contracted labour (but not donated labour or materials). A grant of up to 50% for architectural/ design/ engineering fees to a maximum of \$1,000 (as part of the maximum permitted grant of \$5,000) is available;
- Exterior Painting- in documented original colours to a maximum grant contribution of \$2,000 or 25% of the cost, whichever is the lesser. One time only grant.
- Replacement of cedar shingle roofs in Markham Heritage Estates-up to \$7,500.00 in grant assistance, provided the shingles are installed using a system to maximize their longevity, satisfactory to Heritage Section staff;
- Two separate estimates of work (due to the specialized nature of the work) are to be provided by a licensed contractor (other than the owner) for consideration;
- Applications will be reviewed by City (Heritage Section) staff and Heritage Markham. Recommended submissions will be forwarded to Council for approval;
- Grant commitments are valid for 1 year and expire if the work is not completed within that time period (an extension may be granted);
- Grants are paid upon submission of receipts to the satisfaction of the City;
- Approved work completed since the previous year deadline for applications to the program can be considered eligible for grant assistance;
- Approved applicants will be required to enter into a Letter of Understanding with the City;

Eligibility requirements for grant assistance

The subject property must not be in default of any municipal taxes, local improvements or any other monies payable to the City (fees or penalties). Also the property must not be the subject of a by-law contravention, work order, or outstanding municipal requirements. Approved work completed since the 2018 deadline for applications to the program, may also be considered eligible for assistance.

Council extended the program for 2017-2019

In June 2016, Council passed a resolution to extend the program for another three years from 2017 to 2019 totaling \$90,000.00 from the Heritage Loan Reserve Fund. Council also approved amendments to the program giving priority to first time applicants over repeat applicants, and increasing the maximum grant of \$5,000.00 to \$7,500.00 for the replacement of cedar shingle roofs on homes in Heritage Estates that have been in the subdivision for at least twenty years. Staff advertised the availability of the 2018 grant assistance this winter in the local newspapers. Staff also advised representatives from community/heritage organizations through the Main Street Markham Committee and the Historic Unionville Community Vision Committee.

OPTIONS/ DISCUSSION:**All applications were reviewed by Heritage Section staff, and Heritage Markham**

Staff undertook a comprehensive review of the five applications. Each application was fully examined giving consideration to the type of work proposed, its eligibility using the program guidelines, the quoted cost of the work, and any conditions that would need to be attached to an approval. Then each application was assessed using the following evaluation criteria which were adopted by Council as part of the program:

- Preference will be given to applications where the integrity of the property may be threatened if the proposed work is not undertaken
- Preference will be given to applications proposing work visible to the general public
- The proposed work must comply with heritage conservation guidelines, principles and policies
- Scope of the work is to be clear, logical and demonstrate the maximum retention of historic fabric and heritage attributes
- Grant is not to reward poor stewardship
- The addition of new features (re-introduction of heritage features) needs to be backed up with evidence (physical, documentary or archival)
- First time applicants to the program were given priority by recommending that repeat applicants receive a proportional amount of the funds not needed by the first time applicants.

Five applications are recommended for approval

Staff is recommending grant assistance for all five of the applications received, totaling \$23,776.90 to be funded subject to certain conditions (see Appendix 'A' for Grant Summary).

Heritage Markham supports the recommended applications

On April 10, 2019 the Heritage Markham committee reviewed the recommended applications and individual summary sheets for all applications. The Committee supported the recommendations of staff subject to the specific conditions. (See Heritage Markham Extract of April 10, 2019 Appendix 'B')

Letter of Understanding is required

Once grant applications are approved by Council, owners will be required to enter into a Letter of Understanding with the City detailing any conditions associated with the grant assistance. Applicants must still obtain any necessary development approval and permits to undertake the work.

FINANCIAL CONSIDERATIONS

In June 2016, Council resolved to extend the Designated Heritage Property Grant program for another three years allocating \$90,000.00 transferred from the Heritage Reserve Loan Fund.

This is the last year of the program unless Council decides to extend the program into the future. A separate report to the Development Services Committee is being prepared by the Manager of Heritage Planning which outlines the results of the program from 2010 to 2019, and recommends possible sources for the future funding of the program.

For 2019, the grants recommended for approval total \$23,776.90 which can be funded through Account 620-101-5699-19015 (the approved allocation in 2019 for the Designated Heritage Property Grant Project Fund was \$30,000). In addition, funding in the amount of \$3,107.50 has been requested to be transferred from this Fund to the 2019 Commercial Facade Improvement Grant Program (Account 620-101-5699-19016) to address a shortfall in the amount of funding available in that program for 2019. See the staff report entitled "Commercial Facade Improvement Grant Program for 2019", dated May 27, 2019 for details. The remaining budget in the amount of \$3,115.60 (\$30,000 - \$23,776.90 - \$3,107.50) will be returned to the original funding source.

HUMAN RESOURCES CONSIDERATIONS

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

This program aligns with the Growth Management priority by working to preserve resources and features of cultural heritage value in order to create a better quality of community.

BUSINESS UNITS CONSULTED AND AFFECTED:

Reviewed by Finance Department and the Heritage Markham Committee

RECOMMENDED BY:

Biju Karumanchery, RPP, MCIP
Director, Planning and Urban Design

Arvin Prasad, MPA, RPP, MCIP,
Commissioner of Development
Services

ATTACHMENTS:

Appendix 'A' Grant Application Summary 2019
Appendix 'B' Heritage Markham Extract April 10, 2019

Q:\Development\Heritage\SUBJECT\Grant Program Designated Property\2019 Applications\Report to DSC May 27, 2019.doc

Appendix 'A'
Designated Heritage Property Grant Summary

Address	Eligible Work	Grant Amt. Requested	Grant Amount Recommended	Running Total	Comment
32 Washington Street, Markham Village	Yes	\$5,000.00	Up to \$5,000.00	\$5,000.00	Grant assistance is requested for the cost of constructing the front veranda as required by the Site Plan Agreement for the recent rear addition to the existing dwelling.
6 Wismer Place, Markham Heritage Estates	Yes	\$7,500.00	Up to \$7,500.00	\$12,500.00	Grant assistance is requested for the replacement of the cedar shingle roof installed when the house was relocated to Markham Heritage Estates in 1998.
111 John Street, Thornhill	Yes	\$1,276.90	Up to \$1,276.90	\$13,776.90	Grant assistance is requested to produce two new wooden storm windows, and minor repairs to existing historic sash and siding.
16 George Street, Markham Village	Yes	\$5,000.00	Up to \$5,000.00	\$18,776.90	Grant assistance is requested to recondition the historic windows and repair the front veranda decking and railing.
180 Main Street North, Markham Village	Yes	\$5,000.00	Up to \$5,000.00	\$23,776.90	Grant assistance is requested to install a historically appropriate wooden front door and storm door.

Designated Heritage Property Grant Application

Name	Mark Roche
Address	32 Washington Street
Status	Part V dwelling in the Markham Village HCD
Grant Project	Construction of front veranda as required in Site Plan agreement for the restoration and rear addition to the existing house.
Estimate 1	Not available
Estimate 2	Not available
Eligibility	Not technically eligible because there is no physical or photographic evidence of a front veranda on the home, but the program does allow for the Manager of Heritage Planning to support eligible alterations that they feel are important to the cultural heritage significance of the property.
Conditions	The Manager of Heritage Planning must support the proposed veranda as being eligible for grant funding and submission of two satisfactory estimates.
Previous Grants	No
Comments	Recommended for approval subject to noted conditions
Grant Amount	Up to \$ 5,000.00



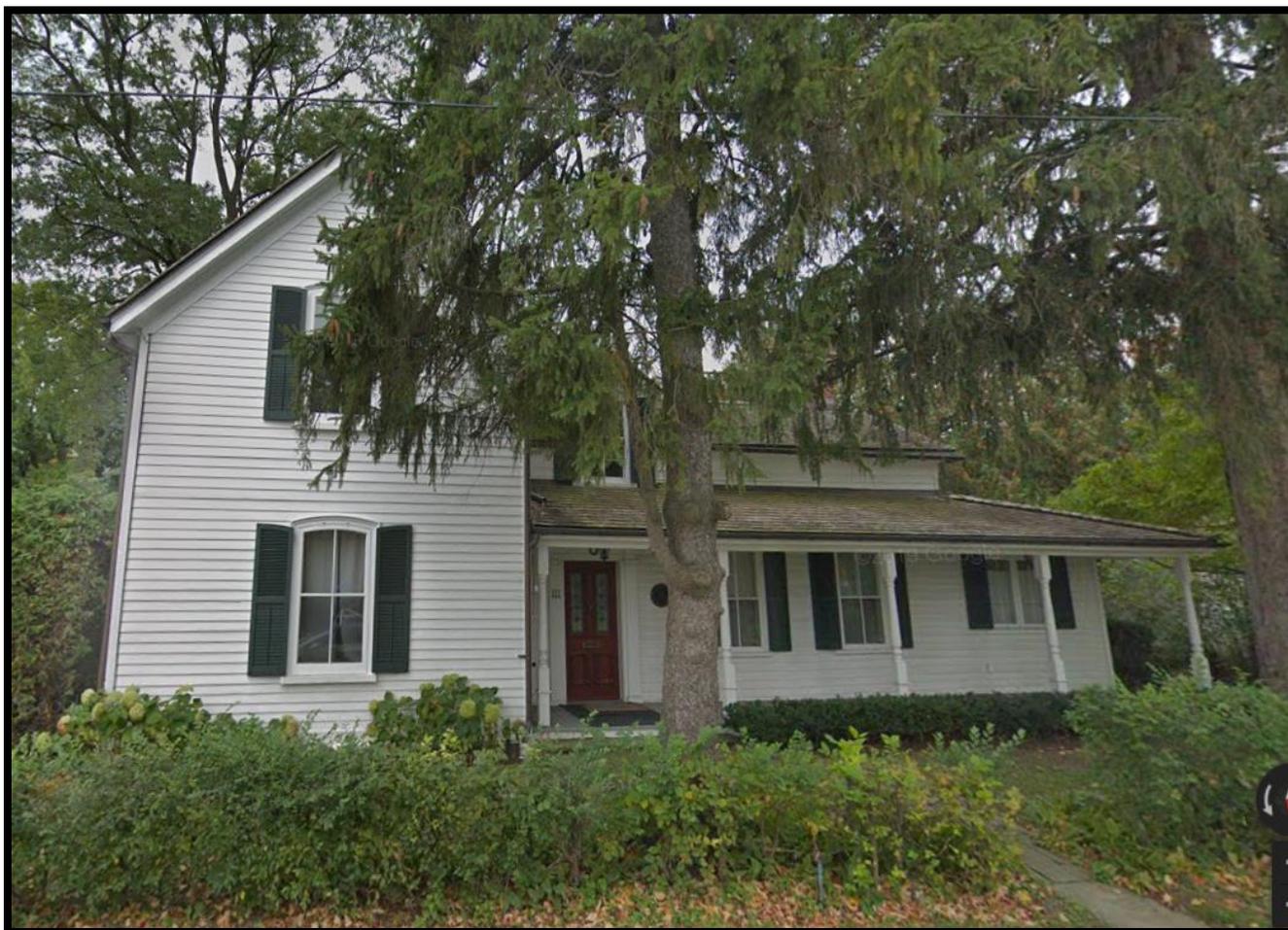
Designated Heritage Property Grant Application

Name	Ralf Gebelhoff & Catherine Somers
Address	6 Wismer Place, Markham Heritage Estates
Status	Part IV designated
Grant Project	Replacement of cedar shingle roof.
Estimate 1	Not available
Estimate 2	Not available
Eligibility	The building is eligible because it was relocated to Heritage Estates in 1998 and has been in the subdivision for the requisite 20 years.
Conditions	Provision of two satisfactory quotes for the proposed work.
Previous Grant	No
Comments	Recommended for Approval subject to noted condition.
Grant Amount	\$7,500.00



Designated Heritage Property Grant Application

Name	Jingduo Li
Address	111 John Street
Status	Part IV designated dwelling in the Thornhill HCD
Grant Project	Repair and reconditioning of historic windows and production of wooden storm windows.
Estimate 1	David Wylie Restorations Ltd. \$2,553.80
Estimate 2	Windowcraft Industries Ltd. \$3,546.73
Eligibility	Proposed work meets the eligibility requirements of the program
Conditions	Proposed work must be approved by a Heritage Permit
Previous Grants	No
Comments	Recommended for Approval subject to noted condition.
Grant Amount	\$1,276.90



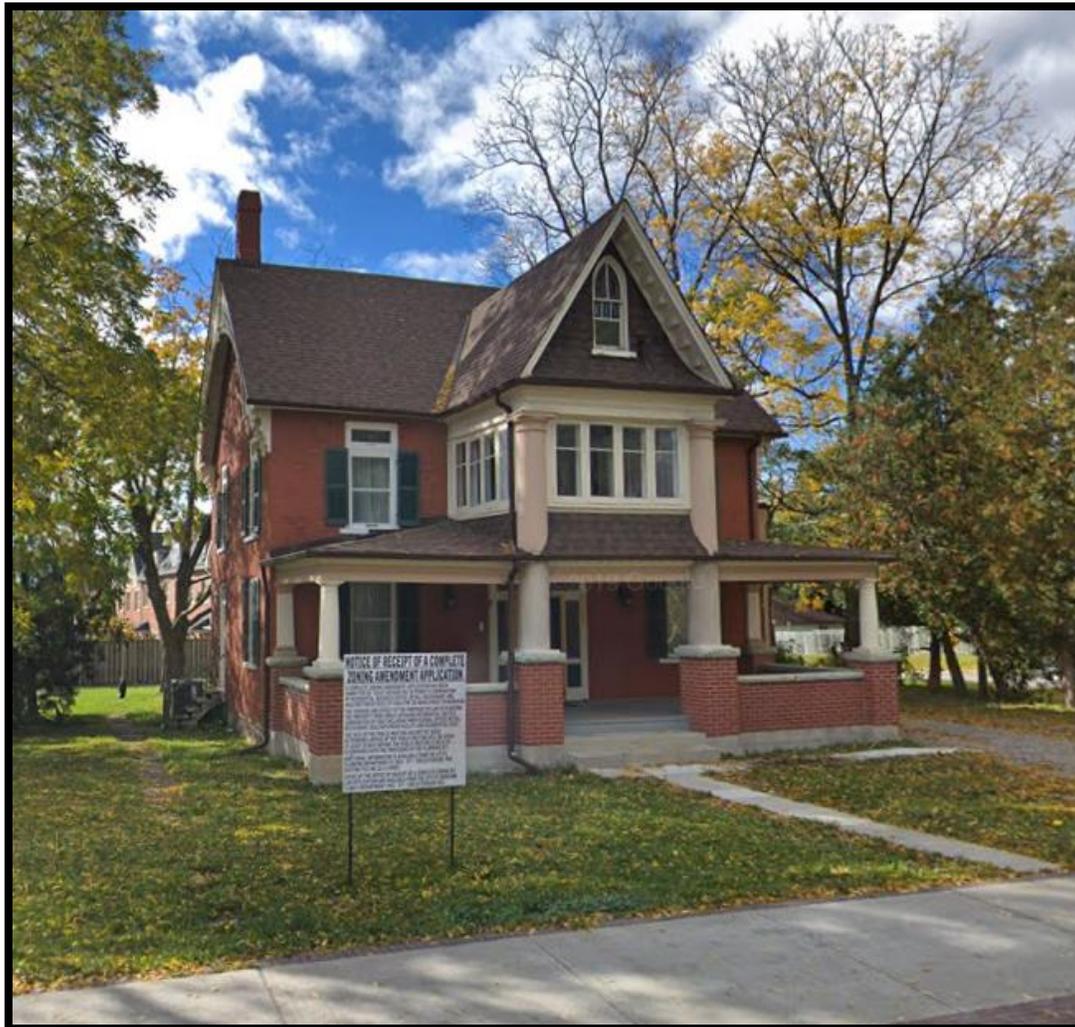
Designated Heritage Property Grant Application

Name	Aram Agopian
Address	16 George Street
Status	Part V Class 'A' dwelling in the Markham Village HCD
Grant Project	Reconditioning of historic wooden windows and repair of front veranda floor deck and railings
Estimate 1	Evergreen Carpentry Services Ltd. \$11,300.00
Estimate 2	Century Craft Custom Builders Inc. \$13,560.00
Eligibility	Proposed work meets eligibility requirements of the program
Conditions	Building Permit/ Heritage Permit
Previous Grants	Yes, \$5,000.00 for basement waterproofing in 2012
Comments	Recommended for Approval, subject to noted condition.
Grant Amount	\$5,000.00



Designated Heritage Property Grant Application

Name	Tristan Frenette-Ling
Address	180 Main Street North
Status	Part V Class 'A' dwelling in the Markham Village HCD
Grant Project	Installation of historically appropriate entrance door and storm door
Estimate 1	Not available
Estimate 2	Not available
Eligibility	Proposed work meets eligibility requirements but two quotes are required
Conditions	Proposed work requires a Heritage Permit and the submission of two satisfactory quotes for the proposed work.
Previous Grants	Yes, in 2010, 2011 and 2014 but with a different applicant
Comments	Recommended for Approval, subject to the noted conditions.
Grant Amount	Up to \$5,000.00





MEMORANDUM

To: Mayor and Members of Council

From: Arvin Prasad, Commissioner of Development Services

Prepared by: Marg Wouters, Senior Manager, Policy & Research, Development Services Commission

Date: May 27, 2019

Re: Decision on Proposed Amendment 1 to the Growth Plan 2017 (A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019)

RECOMMENDATION:

- 1) That the memorandum entitled “Decision on Proposed Amendment 1 to the Growth Plan 2017 (A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019)” be received.

BACKGROUND:

In January 2019 the Province released Proposed Amendment 1 to the Growth Plan 2017 which proposed a number of key policy changes. Council provided comments on Proposed Amendment 1 in late February 2019. On May 2, 2019, the Province released its decision on Proposed Amendment 1 in the form of A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019. This Plan replaces the Growth Plan 2017, and takes effect May 16, 2019. This memo provides a summary of the key changes in this new Growth Plan.

DISCUSSION:

For the most part, the new policies in the Growth Plan 2019 reflect the policies as drafted in Proposed Amendment 1, with the exception of minimum intensification and designated greenfield area density targets for York Region and certain other inner municipalities which have been lowered from the targets initially proposed. The following provides a summary of the decisions made on key policies in Proposed Amendment 1, along with Council’s previous comments (in italics).

Intensification and Density Targets – targets lowered

- Minimum intensification target of 50% to the year 2041 for the Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough, and the Regions of York, Peel, Durham, Halton, Waterloo and Niagara; this represents a reduction from the 60% target for the City of Hamilton and Regions of York, Peel and Waterloo initially proposed in Proposed Amendment 1; *Council supported a 50% intensification target for York Region.*

- Minimum designated greenfield area target of 50 residents and jobs per hectare for the Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of York, Peel, Durham, Halton, Waterloo and Niagara; this represents a reduction from the 60 residents and jobs per hectare target for the City of Hamilton and Regions of York, Peel and Waterloo initially proposed in Proposed Amendment 1; *Council supported the higher 60 residents and jobs per hectare target for York Region, but also recommended consistent targets across all GGH municipalities, particularly for the inner municipalities.*

Major Transit Station Areas (MTSA) Policies – generally approved as proposed

- Maintains requirement that municipalities identify MTSA's and minimum density targets along priority transit corridors
- Allows MTSA boundaries to range from approximately 500 to 800 metre radius of a transit station and allow municipalities to delineate and set density targets for MTSA's in advance of a MCR subject to certain conditions; *Council supported the MTSA policies.*

Employment Policies – generally approved as proposed

- Allows upper and single-tier municipalities, in consultation with lower-tier municipalities, a one-time window to undertake some employment land conversions in advance of the next Municipal Comprehensive Review (MCR) subject to criteria; *Council did not support these policies.*
- Introduces new Provincially Significant Employment Zone definition and mapping which identifies provincially significant employment lands that cannot be converted to non-employment uses outside of an MCR; *Council did not fully support the PSEZ mapping but recommended that the Province have further consultation with municipalities to refine the mapping. Although minor refinements appear to have been made to the PSEZ mapping, corrections to the mapping provided by Markham staff to the Province in April 2019 after discussion with Ministry staff (reflecting boundary refinements and previous Council decisions as outlined in Appendix 'A') have not been incorporated; however, the Province indicates in their decision that requests to review the zones or add new zones will still be considered.*

Settlement Area Boundary Expansion Policies – generally approved as proposed

- Allow municipalities to adjust settlement area boundaries outside of an MCR if there is no net increase in land within settlement areas, subject to criteria including lands being able to meet minimum density targets, and being serviced by municipal water and wastewater systems
- Allow municipalities to undertake expansions that are no larger than 40 hectares outside the MCR process, subject to specific criteria; *Council recommended allowing only minor expansions outside of a municipal comprehensive review under certain conditions.*

Rural Settlement Policies – generally approved as proposed

- Introduces new defined term 'rural settlement' as a subset of 'settlement areas' in place of 'undelineated built-up areas' and clarifying that rural settlements are not part of the designated greenfield area

- Introduces new policy that allows minor rounding out of rural settlements not in the Greenbelt Area, outside of an MCR subject to criteria; *Council did not support this policy.*

NEXT STEPS:

The changes to the Growth Plan are part of the Province's Housing Supply Action Plan initiative, which seeks to increase the supply of housing in Ontario. Proposed changes to other provincial legislation, including additional transitional provisions with respect to the Growth Plan, that form part of the Housing Supply Action Plan were also released on May 2, 2019 through the draft Bill 108, More Homes, More Choices Act,. Staff comments on draft Bill 108 will be provided in a separate report.

ATTACHMENTS:

Appendix 'A': Additional Markham Staff comments on the Proposed Framework for the Provincially Significant Employment Zones Supporting Proposed Amendment 1 to the Growth Plan, April 4, 2019



Development Services Commission

April 4, 2019

Charles O'Hara
 Director, Growth Policy, Planning and Analysis Branch
 Ontario Growth Secretariat
 Ministry of Municipal Affairs and Housing
 777 Bay Street, College Park, Suite 2304
 Toronto, ON M5G 2E5

Re: Additional Markham staff comments on the Proposed Framework for the Provincially Significant Employment Zones Supporting Proposed Amendment 1 to the Growth Plan

Dear Mr. O'Hara, *Charles*

Thank you for the opportunity to provide comments in Proposed Amendment 1 to the Growth Plan. Markham Council comments were submitted to the Province on February 28, 2019. This letter provides additional staff comments on the proposed Provincially Significant Employment Zones (PSEZ).

Recommendation 9 from the original City comments noted that prior to providing recommendations on PSEZ mapping changes, discussion occur with Provincial staff regarding the criteria used to select the areas for mapping, intent and use of the PSEZ, and refinement to the mapping to reflect local planning considerations.

On March 12, 2019 Markham and Ministry of Municipal Affairs and Housing staff had a teleconference to discuss the issues noted above. It was confirmed by Ministry staff that the initial purpose of the PSEZ is related to Proposed Amendment 1 policy 2.2.5.10 to protect employment areas identified by the PSEZ from being converted to other uses outside of a Municipal Comprehensive Review (MCR). It was communicated to Markham staff the long-term use of the PSEZ after the next MCR (2041) is still to be determined.

The City's comments on Proposed Amendment 1 and the PSEZ noted support for inclusion of employment area mapping in the Growth Plan, only if it afforded a higher level of protection than that already provided for in the York Regional Official Plan. Since this does not appear to be the case and the long-term purpose of the PSEZ has not been established, the amount of employment lands identified as PSEZ is recommended to be kept to a minimum if the Province retains the PSEZ.

It is requested that the following modifications be made to the proposed PSEZ mapping for accuracy purposes: Appendix A illustrates PSEZ lands in Markham that should be modified and a GIS shapefile reflecting the modifications is included with this letter.

- Round out the boundaries of the PSEZ to ensure employment areas remain connected to each other and to be consistent with the employment designations from Markham's Official Plan;
- Include Markham's Greenway System as part of the PSEZ where they maintain a contiguous area between employment areas;



Development Services Commission

-
- Remove lands from PSEZ that are not designated as employment in Markham's Official Plan. An example is land designated Commercial. Commercial lands are intended to have more intensive building forms and office, retail, and service uses, while remaining compatible within Markham's structure as part of the employment areas;
 - Remove Buttonville Airport lands from PSEZ; and
 - Remove municipally owned lands at the north west side of Warden Avenue and Highway 407.

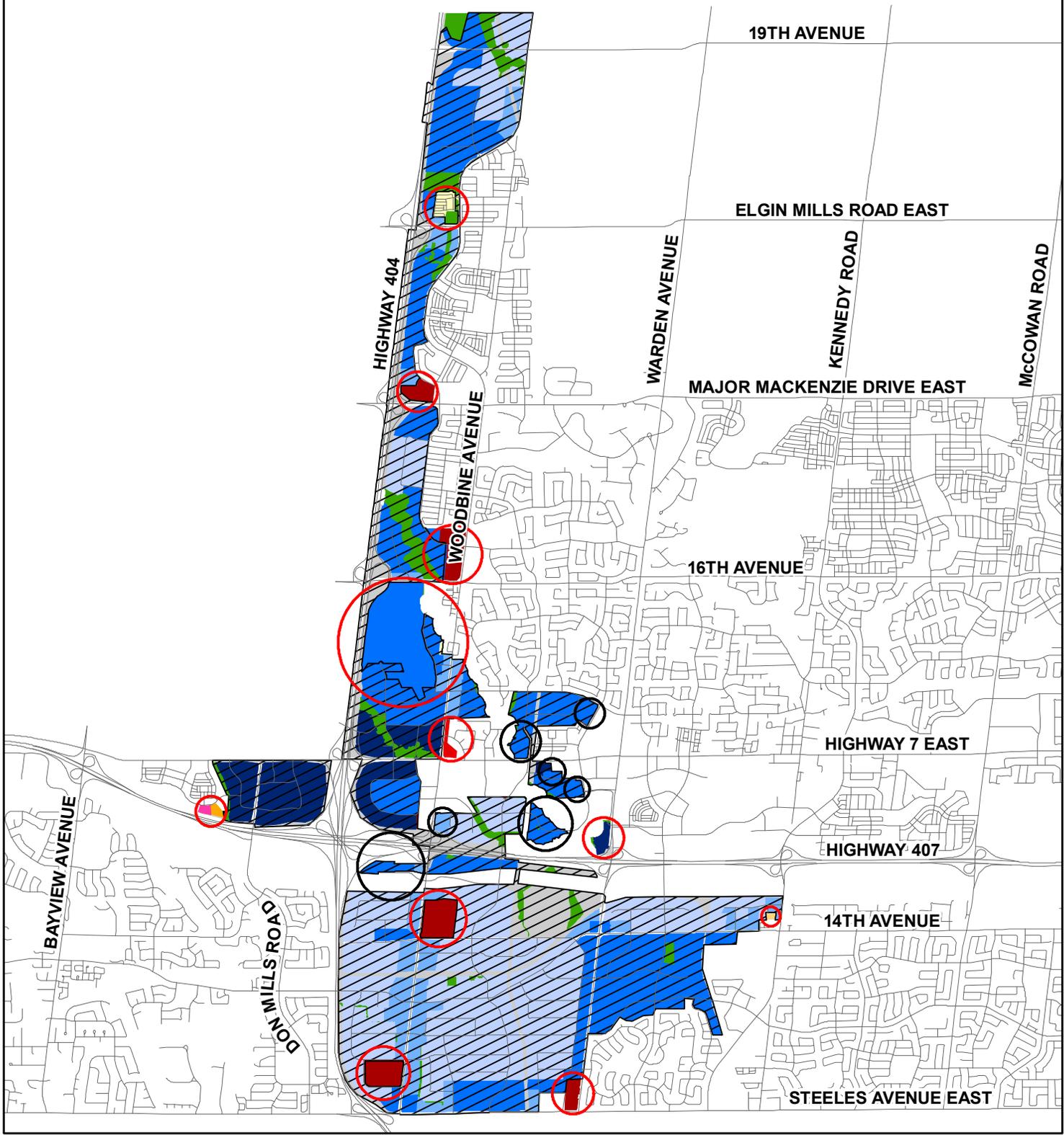
Markham staff appreciated the opportunity to discuss with Municipal Affairs and Housing staff the issues noted for the proposed PSEZ to help inform additional comments. I trust the recommended mapping modifications to the proposed PSEZ will help the Province to refine the mapping of the PSEZ. If you have questions regarding the mapping modifications, please contact Marg Wouters at 905-477-7000 ext.2909, or at mwouters@markham.ca or John Yeh at 905-477-7000 ext.7922, or at jyeh@markham.ca.

Sincerely,

Arvin Prasad, RPP, MCIP, MPA
Commissioner, Development Services Commission
905-477-7000 ext.4875
aprasad@markham.ca

c.c.

Biju Karumanchery, Director, Planning and Urban Design, City of Markham
Marg Wouters, Senior Manager, Policy and Research, City of Markham
Stewart Chisholm, Senior Associate, Growth Policy, Ontario Growth Secretariat, Ministry of Municipal Affairs and Housing



CITY OF MARKHAM

Proposed Markham Version of Provincially Significant Employment Zones (PSEZ)

Official Plan Map 3 - Land Use

- | | | |
|--|-----------------------|------------------------------|
| Business Park Office Priority Employment | Commercial | Residential Low Rise |
| Business Park Employment | Mixed Use High Rise | Residential Mid Rise |
| General Employment | Mixed Use Mid Rise | Greenway |
| Service Employment | Residential High Rise | Transportation and Utilities |

- Recommended Additions to PSEZ
- Recommended Deletions from PSEZ





MEMORANDUM

FROM: Arvin Prasad, Commissioner of Development Services

TO: Mayor and members of Council

PREPARED BY: Biju Karumanchery, Director of Planning and Urban Design

DATE: May 27, 2019

RE: Overview of Approval Processes and timelines for Official Plan Amendment; Zoning By-law Amendment; Draft Plan of Subdivision; and Site Plan Control

PURPOSE:

The purpose of this memorandum is to provide an overview of the approval processes and timelines for Official Plan Amendment (OPA); Zoning By-law Amendment (ZBA); Draft Plan of Subdivision (DPS); and Site Plan Control (SPC).

DISCUSSION:

While the approval processes for OPA, ZBA and DPS applications are not identical, they include the following main steps:

- Submission of a complete application
- Application circulation (4 to 6 weeks)
- Preparation of a Preliminary Report to DSC
- Statutory Public Meeting
- Recommendation Report to DSC
- DSC/ Council decision

The Planning Act sets out timelines for each of these application that establish when an application may be appealed due to non-decision by the City. The chart below identifies the timelines established in the Planning Act for each application, as well as the timing by which each of the key stages in the approval process would need to be completed in order to meet these prescribed timelines. It should be noted that the Planning Act only establishes the total timeline from submission of a Complete Application to the decision of the approval authority (far right column) not the intervening steps noted in this chart:

Application	Complete Application	Preliminary Report	Statutory Public Meeting	Recommendation Report	Decision of approval authority
OPA	0 Days	40 Days	90 Days	180 Days	210 Days
ZBA	0 Days	40 Days	60 Days	120 Days	150 Days
DPS	0 Days	40 Days	60 Days	150 Days	180 Days

When OPA and ZBA applications are filed at the same time, the planning act defers to the longest prescribed timelines and so the OPA timeline will apply to both applications.

It should also be noted that the City is the approval authority for ZBA and DPS applications. However, the Region of York is the approval authority for OPAs. When an OPA is deemed to be of local significance, the Region typically delegates final approval to the City. However, for major OPAs that affect Regional interests, the Region retains its approval authority and after Council adopts an Official Plan Amendment it does not come into effect until it receives Regional approval and an application may be appealed if Region does not make its decision within the 210 Day timeline.

The key stages in the SPC process include:

- Application submission
- Application circulation
- Recommendation report to Development Services Committee (if the Site Plan Approval By-law does not delegate approval to staff)
- Site Plan Endorsement
- Preparation and execution of Site Plan Agreement
- Site Plan Approval

The Planning Act establishes that a Site Plan Application may be referred to the LPAT if it is not approved within **30** days. This timeline has been in place for many years and has not been revised by any recent or proposed changes to the legislation. Given the steps involved even for a simple site plan approval, this timeline is often not met. Nevertheless, SPC applications are rarely appealed, and can only be appealed by the applicant.

City of Markham Comments on Proposed Bill 108, *More Homes, More Choice Act 2019*

May 27, 2019 Development Services Committee

Bill 108 *More Homes, More Choice Act 2019*

- May 2, 2019 Provincial release of the More Homes, More Choice: Ontario Housing Supply Action Plan – aims to make it faster and easier to build housing under these themes: speed, cost, mix, rent, innovation
- To support the Action Plan, Bill 108, *More Homes, More Choice Act, 2019* also released
- 8 of 13 Acts (underlined) are proposed to be amended that impact local planning and funding for provision of community services from new development
 - *Planning Act*
 - *Development Charges Act*
 - *Local Planning Appeal Tribunal Act*
 - *Conservation Authorities Act*
 - *Endangered Species Act*
 - *Ontario Heritage Act*
 - *Education Act*
 - *Environmental Assessment Act*
 - *Cannabis Control Act*
 - *Labour Relations Act*
 - *Occupational Health & Safety Act*
 - *Workplace Safety & Insurance Act*
 - *Environmental Protection Act*

Bill 108 *More Homes, More Choice Act 2019*

- The proposals for the *Planning Act*, *Development Charges Act* and *Ontario Heritage Act* are posted on the Environmental Registry of Ontario (ERO) website with a commenting deadline of June 1, 2019 (30-day period)
- Separate opportunities for consultation on the *Conservation Authorities Act*, *Endangered Species Act*, and *Environmental Assessment Act* also provided on ERO website and commenting has closed
- Regulations containing critical implementation details regarding the proposed changes to the statutes have not been released
- Regulations are needed to assess the financial impacts and impacts to land use planning and development approval processes



Proposed Bill 108 – Financial Issues

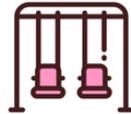
CURRENT



HARD DEVELOPMENT CHARGES



SOFT DEVELOPMENT CHARGES



PARKLAND & CASH IN-LIEU



SECTION 37 CHARGES

PROPOSED



HARD SERVICES, FIRE SERVICES
WASTE MANAGEMENT



LIBRARY, RECREATIONAL SERVICES,
PARKS DEVELOPMENT

Development Charges (*Development Charges Act*)

Community Benefits Charge (*Planning Act*)

Proposed Bill 108 – Financial Issues

- The expectation is that the community benefits charge will be lower than what City can currently charge, or obtain, independently for soft development charges, section 37 and parkland.
 - Less funding available to fund required growth facilities and services at the current level of service
- City will be unable to collect the community benefits charge if it also receives parkland as part of a subdivision

PROPERTY TAX



SERVICE LEVELS



- **Recommendation**

- That the cap on the community benefits charge should be set to include the full recovery for soft infrastructure costs and parkland dedication as now obtained under the current statutes. To ensure that growth pays for growth, a municipality should be allowed to levy both the community benefits charge and receive parkland in a residential development.

Proposed Bill 108 – Shortened Timeframe for Council Decisions on Development Applications

Application	Current Timelines	Proposed Bill 108 Timeline
Official Plan/Official Plan Amendment	210 days	120 days
Zoning Bylaw Amendment	150 days	90 days
Draft Plan of Subdivision	180 days	120 days

- **Recommendation**

- The proposed reduction in timelines for decisions on development applications is not supported as appeals for non-decisions to the Local Planning Appeal Tribunal removes decision making authority on development applications from Council, and may result in potentially longer decision timelines

Proposed Bill 108 – Additional Residential Units on a Lot

- Require official plan policies to authorize an additional residential unit in a detached house, semi-detached house, or row house as well as an additional unit in a building or structure ancillary
- This permits a third residential unit on a lot
- **Recommendation**
 - That municipalities retain their current authority to review and determine appropriate locations for dwelling units in ancillary buildings on a lot and within the municipality, and retain their current authority to refuse additional dwelling units where there are insufficient services to support the increased density, or apply appropriate development charges to facilitate construction of the required services

Proposed Bill 108 - Inclusionary Zoning Permitted in Only Major Transit Station Areas and Areas with a Development Permit System

- The proposed amendment would eliminate the City's ability to identify and apply inclusionary zoning provisions outside of protected major transit station areas, or areas subject to a development permit system
- **Recommendation**
 - Municipalities should continue to have ability to apply inclusionary zoning to development in areas other than protected major transit station areas or areas subject to a development permit system

Proposed Bill 108 - The Local Planning Appeal Tribunal reverts back to a “de novo” hearing process

- A “de novo” hearing is when the Local Planning Appeal Tribunal can consider a development proposal as if no decision had been made by a council (e.g. new evidence can be introduced that a council did not have access to or was available when making a decision)
- **Recommendation**
 - The Province should carry forward the current test for the appeal of a Planning Act application requiring the Local Planning Appeal Tribunal to evaluate a municipal decision on a planning application based on its consistency with the Provincial Policy Statement, and conformity with Provincial Plans, as well as Regional and local Official Plans

Proposed Bill 108 – Ontario Heritage Act

- Proposed changes impact the way property listing, designation, alteration and demolition applications are processed and tracked through Markham's heritage conservation program
 - Provincial direction is to be provided to municipalities in the form of Principles prescribed by a Regulation for future decision-making
 - Notice is to be provided after a property is listed on the municipal Heritage Register with appeal opportunities for the owner
 - A timeline is to be introduced for issuing a notice of intention to designate a property - 90 days from a prescribed event (submission of a planning application).
 - Appeals to designating an individual property, amendments to the by-law and alterations to these properties will be reviewed by the Local Planning Appeal Tribunal (currently Conservation Review Board)
- **Recommendation:** Given the extent of the proposed changes and absence of the Regulations, it is suggested that the amendments be deferred, and the Ministry of Culture undertake a full and meaningful consultation

Proposed Bill 108 – Core Mandatory Services for Conservation Authorities

- Core mandatory functions for conservation authorities will be limited to: hazard land protection and management (valleyland and floodplains); conservation and management of conservation authority lands; drinking water source protection; and protection of Lake Simcoe watershed (the latter not applicable to Markham)
- Activities outside of a conservation authorities' core mandate would no longer receive funding from the Province and would require dedicated funding agreements between the conservation authority and the benefitting party (i.e. municipality and/or other stakeholder)
- **Recommendation**
 - Provincial efforts are supported to clarify the role and accountability of conservation authorities and the Province is urged to support the Ministry of Natural Resources and Forestry, Ministry of Environment, Conservation and Parks and municipalities with enhanced natural heritage protection and watershed planning tools to fill the potential gap in natural resource, climate change and watershed planning services resulting from the proposed modified mandate of the TRCA.

Next Steps

- June 3, 2019 – Bill 108 to be referred to Standing Committee on Justice Policy for a public hearing and clause-by-clause consideration
- June 4, 2019 - Bill 108 will be received by the House on June 4, 2019
- Bill 108 is then expected to proceed to Third Reading and Royal Assent thereafter





Report to: Development Services Committee

Meeting Date: May 27, 2019

SUBJECT: City of Markham Comments on Proposed Bill 108, More Homes, More Choice Act 2019

PREPARED BY: Policy and Research Group
 Planning and Urban Design Department
 Infrastructure and Capital Projects
 Financial Strategy and Investment
 Legal Services
 Contact: John Yeh, MCIP, RPP, Manager, Policy (ext.7922)

RECOMMENDATION:

1. That the report entitled, “City of Markham Comments on Proposed Bill 108, *More Homes, More Choice Act 2019*”, dated May 27, 2019, be received; and,
2. That this report, including the 39 recommendations from the City of Markham on Proposed Bill 108, *More Homes, More Choice Act 2019*, as summarized in Appendix ‘A’, be forwarded to the Assistant Deputy Minister of Municipal Affairs and Housing and to York Region as the City of Markham’s comments on Bill 108; and,
3. That the City of Markham supports the Province of Ontario’s proposed measures to streamline the planning process while retaining appropriate public consultation during the planning process as long as these measures can be reasonably implemented and avoid negative impacts such as potential delays; and,
4. That the cap on the community benefits charge should be set to include the full recovery for soft infrastructure costs and parkland dedication as now obtained under the current statutes. To ensure that growth pays for growth, a municipality should be allowed to levy both the community benefits charge and receive parkland in a residential development.; and,
5. That the City of Markham does not support any proposed legislative changes that would in effect reduce a municipality’s ability to collect funds to ensure that growth pays for growth;
6. That the City of Markham supports the Province of Ontario’s proposed changes to increase resourcing for the Local Planning Appeal Tribunal but does not support the re-introduction of “de novo” hearings as part of the Local Planning Appeal Tribunal process; and,
7. That the City of Markham supports the Province of Ontario’s efforts to clarify the role and accountability of conservation authorities and urges the Province to support the Ministry of Natural Resources and Forestry, Ministry of Environment, Conservation and Parks, and municipalities with enhanced natural heritage

protection and watershed planning tools to fill the potential gap in natural resource, climate change and watershed planning services resulting from the proposed modified mandate of the TRCA; and further,

8. That Staff be authorized and directed to do all things necessary to give effect to this resolution

EXECUTIVE SUMMARY:

The Province is proposing changes to several statutes that support the Province's new More Homes, More Choice: Ontario Housing Supply Action Plan. The Action Plan aims to make it faster and easier for municipalities, non-profits and private firms to build housing. The proposed changes to the statutes are consolidated in Bill 108, *More Homes, More Choice Act, 2019*.

The following Schedules to Bill 108 contain proposed changes that impact the municipal land use planning and development approval process, and funding mechanism for provision of community services resulting from new development: *Planning Act*, *Development Charges Act*, *Local Planning Appeal Tribunal Act*, *Conservation Authorities Act*, *Endangered Species Act*, *Ontario Heritage Act*, *Education Act*, and *Environmental Assessment Act*. Implementation details in the form of proposed Regulations accompanying Bill 108 have not been provided for any of the statutes proposed to be amended.

Staff generally supports changes to the *Planning Act* and other legislation that would streamline the planning process and bring more housing to the market more quickly, but safeguards have to remain in place to ensure continued protection of the natural environment and cultural heritage, appropriate public consultation during the planning process, and the adherence to the principle that growth pays for growth.

One of the main components of Bill 108 are changes to the *Planning Act* and *Development Charges Act* which will allow municipalities to charge directly for community facilities, likely to be services such as libraries, recreation, and park development. This charge would replace section 37 of the *Planning Act*, perhaps some parkland dedication, and development charges for discounted soft services (e.g. library, recreation, parks). Given that a number of community services are proposed to be grouped together and capped, it would be reasonable to expect that the amounts collected for these services will be lower than what municipalities can currently charge independently for soft development charges, section 37 and parkland. It is recommended the Province defer consideration of the community benefits charges by-law until such time as the associated Regulations are released so that the financial impacts, planning and development approval impacts, and impacts to provision of community services resulting from growth can be determined and analyzed with a view to ensure that growth pays for growth.

Proposed changes to the *Planning Act* also shorten the timeframe for councils to make a decision on a development application before an appeal can be filed to the Local Planning Appeal Tribunal. For example, for official plan amendments the timeline is proposed to be reduced from 210 days to 120 days. Given the complexity of the development applications that the City receives, and given the fact that the City is responsible for coordinating comments from a number of external agencies, it will be a challenge to meet the proposed reduced timeframes. Staff does not support the proposed reduction in timelines for decisions on development applications as appeals for non-decisions to the LPAT removes decision making authority on development applications from Council, and may result in potentially longer decision timelines.

The *Planning Act* is also proposed to be amended to require official plan policies to authorize an additional residential unit in a detached house, semi-detached house, or row house as well as an additional unit in a building or structure ancillary. This change would permit a third residential unit on a lot. Examples of units in ancillary buildings are coach houses or garden suites. Staff recommend municipalities retain their current authority to review and determine appropriate locations for dwelling units in ancillary buildings on a lot and within the municipality, and retain their current authority to refuse additional dwelling units where there are insufficient services to support the increased density, or apply appropriate development charges to facilitate construction of the required services.

Proposed amendments to the *Planning Act* also direct the application of inclusionary zoning to protected major transit station areas and to areas that are the subject of a development permit system. Inclusionary zoning provides for the inclusion of affordable housing units within residential buildings. The proposed amendment would eliminate the City's ability to identify and apply inclusionary zoning provisions outside of protected major transit station areas, or areas subject to a development permit system. While staff support the application of inclusionary zoning in major transit station areas, as these are likely to represent the majority of a municipality's intensification areas, there may also be intensification areas outside of major transit station areas where inclusionary zoning would also be appropriate. Staff recommend municipalities should continue to have ability to apply inclusionary zoning to development in areas other than protected major transit station areas or areas subject to a development permit system.

The proposed changes to the *Local Planning Appeal Tribunal Act* largely bring back the procedures that were in place under the previous Ontario Municipal Board which include "de novo" hearings in which the Local Planning Appeal Tribunal can consider a development proposal as if no decision had been made by a council. Staff do not support the return of "de novo" hearings. Instead, the Province should carry forward the current test for the appeal of a *Planning Act* application requiring the Local Planning Appeal Tribunal to evaluate a municipal decision on a planning application based on its consistency with the Provincial Policy Statement, and conformity with Provincial Plans, as well as Regional and local Official Plans. If the Province is unwilling to restore the current appeal test, the Province should revise Bill 108 to provide for more deference to Council's decisions.

The proposed changes to the *Ontario Heritage Act* will impact the manner in which property listing, designation, alteration and demolition applications are processed and tracked through Markham's heritage conservation program.

Provincial direction is to be provided to municipalities in the form of principles prescribed by a Regulation for future decision-making. Staff are suggesting that this be accomplished through enhanced educational materials rather than through a Regulation. Notice is to be provided after a property is listed on the municipal Heritage Register with appeal opportunities for the owner. Staff are recommending that a time limit be introduced as to when an objection can be submitted.

Appeals to designating an individual property, amendments to the by-law and alterations to these properties will no longer be reviewed by the Conservation Review Board with Council as the ultimate decision-maker. These are to be considered by the Local Planning Appeal Tribunal which is removing Council's ability to protect what is considered to be of value from a heritage perspective and reflective of the local community. Staff is recommending that at a minimum, the Province maintain the Conservation Review Board as the non-binding appeal body for individual designation by-laws and amendments to their content, with the municipality having the final decision. The Local Planning Appeal Tribunal can address objections to alterations and demolition but need to be resourced accordingly with expertise in heritage matters.

Given the extent of the proposed changes to the *Ontario Heritage Act* and the absence of the Regulations, it is suggested that the amendments be deferred, and the Ministry of Culture undertaking a full, meaningful consultation, including a review of the proposed Regulations, with all stakeholders similar to that undertaken when the *Act* was last amended.

Bill 108 also proposes changes to the role of conservation authorities in natural heritage and watershed planning. Core mandatory functions for conservation authorities will be limited to hazard land protection and management (valleyland and floodplains); conservation and management of conservation authority lands; drinking water source protection; and protection of Lake Simcoe watershed (the latter not applicable to Markham).

Activities outside of a conservation authorities' core mandate would no longer receive funding from the Province and would require dedicated funding agreements between the conservation authority and the benefitting party (i.e. municipality and/or other stakeholder). For non-core functions, the City will need to determine how to address the gap in services, which could include revised agreements with the Toronto and Region Conservation Authority (TRCA), additional City staffing resources, or consulting services given that the City does not employ the appropriate technical expertise to address all natural heritage and watershed planning matters.

Provincial efforts are supported to clarify the role and accountability of conservation authorities and the Province is urged to support the Ministry of Natural Resources and Forestry, Ministry of Environment, Conservation and Parks and municipalities with

enhanced natural heritage protection and watershed planning tools to fill the potential gap in natural resource, climate change and watershed planning services resulting from the proposed modified mandate of the TRCA.

Staff recommend the Province provide a minimum 30 day commenting period once proposed Regulations are released to allow an opportunity to more fully assess the financial impacts, planning and development approval impacts, and impacts to provision of community services arising from Bill 108.

It is recommended that this report be forwarded to the Ministry of Municipal Affairs and Housing as the City of Markham's comments on Bill 108, *More Homes, More Choice Act 2019*, prior to the June 1, 2018 commenting deadline.

PURPOSE:

This report provides staff comments in response to the Province's proposed Bill 108, *More Homes, More Choice Act, 2019*.

BACKGROUND:

On May 2, 2019 the Province released the More Homes, More Choice: Ontario Housing Supply Action Plan that aims to make it faster and easier for municipalities, non-profits and private firms to build housing.

The release of the Housing Supply Action Plan follows the release of a broad consultation document in November 2018, which staff reported on at the January 21, 2019 and February 4, 2019 General Committee meetings, and the February 12, 2019 Council meeting. The consultation document sought comments on how to increase the supply of housing under the themes of speed, cost, mix, rent and innovation.

Recent changes to the Provincial Growth Plan, which Council also commented on in February 2019, and which are documented in a separate memorandum to Committee dated May 27, 2019, are also intended to support increasing the supply of housing.

In support of the Housing Supply Action Plan, the Province introduced Bill 108, *More Homes, More Choice Act, 2019* which proposes to amend thirteen different statutes. Eight of the thirteen statutes (those underlined below) impact the municipal land use planning and development approval process, and funding mechanism for provision of community services resulting from new development.

- Planning Act
- Development Charges Act
- Local Planning Appeal Tribunal Act
- Conservation Authorities Act
- Endangered Species Act
- Ontario Heritage Act
- Education Act
- Environmental Assessment Act
- Cannabis Control Act
- Labour Relations Act
- Occupational Health & Safety Act
- Workplace Safety & Insurance Act
- Environmental Protection Act

The Province has provided a 30 day commenting period for the proposed changes to the *Planning Act*, *Development Charges Act* and *Ontario Heritage Act*, which closes on June 1, 2019. Separate opportunities for consultation on the *Conservation Authorities Act*, *Endangered Species Act* and *Environmental Assessment Act* were provided through the Provincial Environmental Registry and have already closed.

Implementation details in the form of proposed Regulations accompanying Bill 108 have not been provided for any of the statutes proposed to be amended.

OPTIONS/ DISCUSSION:

The proposed changes in Bill 108 affecting municipal land use planning and development approval processes and the funding mechanism for provision of community services are grouped into the following statutes. According to the Province, the intended outcomes are:

- *Planning Act* – streamline development approvals process and facilitate faster decisions, make charges for community benefits more predictable, support a range and mix of housing, and increase housing supply
- *Development Charges Act* – support a range and mix of housing options, increase housing supply, increase cost certainty of development, and reduce costs to build certain types of homes
- *Local Planning Appeal Tribunal (LPAT) Act* and *Planning Act*, LPAT Practices and Procedures – allow LPAT to make decisions based on the best planning outcome by giving the Tribunal the authority to make final determination on appeals of major land use planning matters
- *Ontario Heritage Act* – support streamlining development approvals and increase the housing supply while continuing to empower municipalities and communities to identify and conserve their cultural heritage resources
- *Environmental Assessment Act* – modernize the environmental assessment program to eliminate duplication, streamlining processes, provide clarity to applicants, and improve service standards to reduce delays
- *Conservation Authorities Act* – clearly define core mandatory programs and services provided by conservation authorities and increase transparency in how conservation authorities levy municipalities for mandatory and non-mandatory programs and services
- *Endangered Species Act* - create new tools to streamline processes, reduce duplication and ensure costs incurred by clients are directed towards actions that will improve outcomes for the species or its habitat
- *Education Act* – allow localized education development agreements between a landowner and school board where a landowner can provide pupil accommodation as an alternative to development charges

The proposed changes to certain statutes need to be read together in order to understand the impacts on land use planning and the provision of community services. For example, the types of facilities and services that can be imposed under the *Planning Act* for the community benefits charge by-law (outlined in more detail below) cannot include services set out in the *Development Charges Act*.

The proposed changes in Bill 108, staff comments on the implications, and recommendations are provided for each statute and subject area involving multiple statutes are outlined below.

1. Implementation details in the form of proposed Regulations accompanying Bill 108 have not been provided for any of the statutes proposed to be amended

As mentioned, Regulations containing critical implementation details regarding the proposed changes to the statutes have not yet been released. As indicated in more detail below, staff have not been able to assess the full impact of the proposed changes in Bill 108 in the absence of the Regulations, and request the opportunity to comment on draft Regulations before they are finalized.

Recommendation 1: That the deadline for comments on Bill 108 be extended to a minimum of 30 days after the Regulations are released to allow for sufficient time to assess financial impacts, planning and development approval impacts, and impacts to provision of community services resulting from growth.

2. Planning Community Services and Amenities and Collecting Development Charges (Proposed Changes to the *Development Charges Act* and *Planning Act* from Schedules 3 and 12 of Bill 108)

The Province has indicated that it will maintain the general principle that growth pays for growth but has the aim of improving the predictability and transparency of the development charge process. The proposed changes would move discounted services (i.e. soft services) from the development charges framework to be recovered instead through a new community benefits charge, which would also include density bonusing provisions in the *Planning Act* (i.e. section 37) and perhaps some parkland dedication. Changes are also proposed in the *Development Charges Act* to have the amount of development charges established earlier in the development process and, for certain types of applications, to be paid in six annual installments.

Hard services including water, wastewater, stormwater, and roads will remain, and still be recovered through the *Development Charges Act*. Some soft services such as fire services, public works, and waste diversion will also remain in the *Development Charges Act*. Waste diversion is now proposed to be a 100% development charge recoverable service – the 10% discount is being removed as per paragraph 10 of subsection 2(4) of the *Development Charges Act*.

Staff had previously reported to Council that the Province was potentially examining eliminating water infrastructure from the development charge rates. This would have been a major impact to every resident's water bill. Fortunately, it appears as if the Province has decided not to make this change, nor impact any other development charge hard service. While waste management is only a small portion of Markham's development charge rates (i.e. less than 1%), it is worth noting that the elimination of the 10% discount is a positive change for municipalities.

A new community benefits charge is being proposed under the *Planning Act* to recoup capital costs for soft services (e.g. library, parks, recreation)

A proposed new community benefits charge will be created under the *Planning Act*, which will allow municipalities to charge directly for community facilities, likely to be services such as libraries, recreation, and park development. This charge would replace section 37 of the *Planning Act*, perhaps some parkland dedication, and development charges for discounted soft services (e.g. library, recreation, parks). The proposed community benefits charge is proposed to be a per unit levy (similar to a Development Charge) which is to be capped based on a percentage of the appraised value of the land that is subject to an application. There is currently no information regarding what percentage of the total land value will form the basis of this cap. Given that a number of community services are proposed to be grouped together and capped, it would be reasonable to expect that the amounts collected for these services will be lower than what municipalities can currently charge independently for soft development charges, section 37 and parkland.

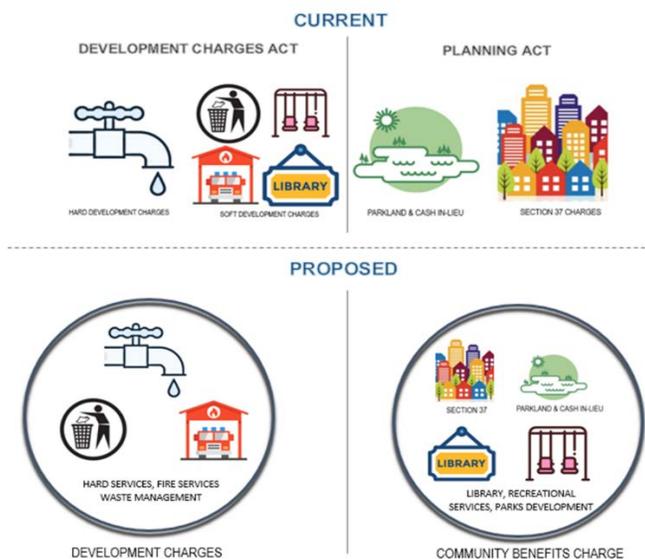
The City will be required to pass a community benefits charge by-law to facilitate collection of the charges, which are intended to recoup the capital cost of facilities, services and matters required as a result of development and redevelopment in the City. A list of services to be excluded from the community benefits charge may be included in the Regulations.

A community benefits charge by-law will be required to be approved by Council before a date to be prescribed in the Regulations. Before the passage of the community benefits charge by-law, the City will be required to prepare a community benefits charge strategy that identifies the facilities, services and matters that will be funded from the community benefits charge. A municipality will be required to spend or allocate at least 60% of the monies in the community benefits charge special account at the beginning of the year. Under the proposed legislation, there is no right to appeal a community benefits charge by-law.

A landowner may be allowed to provide municipal facilities, services or matters (in-kind contributions) the value of which will be deducted from the community benefits charge assessed on the site.

On the day a municipality passes a community benefits charge by-law, all monies in the development charge reserve fund related to services to be subject to the community benefit charge, are to be allocated to a special fund account.

The following image summarizes what is believed to be the major Bill 108 funding changes:



Bill 108 has the potential to significantly alter, and likely reduce, the financial tools available to the City to ensure that growth pays for growth. By removing the soft services from development charges and including it with a larger "community benefits" framework which includes parkland acquisition/dedication, which will then be subjected to a cap, there will more than likely be less funding available to fund required growth facilities and services at the current level of service. The services being removed from development charges comprise approximately 40% of the City's residential development charge recoveries. For example, the City's development charge rate for a single detached home will be reduced by approximately \$14,280/unit (from \$36,260 to \$21,980). The community benefit charge provision would have to equate to this reduction, plus providing for parkland, for the City to be able to cover the cost of growth. A reduction in growth-related cost recovery will negatively impact the City's ability to provide these services without harnessing other funding sources (e.g. property taxes).

Of note is the 10-year capital program (as per the 2017 Development Charges Background Study) for the anticipated impacted services of growth studies, library, indoor recreation, park development and, parking which totals \$380.5 million, consisting mainly of indoor recreation and park development services which make up approximately \$306.7 million (or 80%) of the capital cost. Under the community benefits charge by-law, the funding for these capital programs could be at risk.

Of particular concern, is the cap on collections to be imposed under the community benefits charge by-law (percentage of appraised land value), which may reduce the overall combined revenue for development charges soft services, density bonusing and parks dedication. If this occurs, the City may find itself in a position where it has to choose to:

- 1) Fund shortfalls from property taxes or other revenue sources
- 2) Reduce the current level of service for certain services



There is currently no information on whether the cap on total community benefits charge collected relate to the City only, or also includes the Region and School Boards.

At this time, there are no details on which soft services from development charges will be captured by the community benefits charge by-law – this information will be prescribed in the Regulations however it is anticipated that library services, parks and indoor recreation will be included. The Regulations can preclude services from the community benefits charge and this will be reported to Council when that information is made available.

A proposed change to the *Planning Act* (conveyance of land for parks and parkland for subdivision of land) indicates that the City will not be able to levy the community benefits charge if it also receives parkland as part of a subdivision. The City would be in a position where a choice has to be made between obtaining parkland or collecting contributions towards facilities and services (e.g. soft services). The City would collect parkland from a developer, but not be eligible to collect the community benefits charge for other community based services, including improvements on that parkland.

Recommendation 2: That the Province defer consideration of the community benefits charges by-law until such time as the proposed Regulations are released so that the financial impacts, planning and development approval impacts, and impacts to provision of community services resulting from growth can be determined and analyzed with a view to ensure that growth pays for growth.

Recommendation 3: That the cap on the community benefits charge should be set to include the full recovery for soft infrastructure costs and parkland dedication as now obtained under the current statutes. To ensure that growth pays for growth, a municipality should be allowed to levy both the community benefits charge and receive parkland in a residential development.

Recommendation 4: That a transition provision be adopted to allow for a 3-year term from the date of enactment of Bill 108, or until a community benefit by-law is enacted, as the implementation timeline is a concern given the number of municipalities that will have to study, develop and enact a community benefits charge by-law.

Recommendation 5: That for developments and secondary plans that were approved by Council prior to the enactment of Bill 108, the existing *Planning Act* provisions for height/density bonusing and parkland dedication continue to apply.

Recommendation 6: That if the development charges reserves are currently negative due to the pre-emplacement of facilities, municipalities should be allowed to use existing Reserve balances for *Planning Act* density bonusing provision (section 37) and Cash-in-Lieu to offset current development charge debt.

Removing permission to apply an alternative parkland dedication rate

The Province is proposing significant changes to the acquisition of parkland through development. As discussed earlier, there are changes to the *Development Charges Act* preventing the City from using any development charges to fund parks or other recreational facilities. Once a community benefits charge by-law has been enacted by the City, the parkland dedication by-law under section 42 of the *Planning Act* is no longer in-force and effect. The community benefits charge will have to include both land acquisition cost and any growth related costs that were previously a part of the “soft” services for development charges. Where a parkland dedication by-law is applied, the Province has removed permission for the City to apply an alternative parkland dedication rate, maintaining only the base rate of 2% for commercial and industrial, and 5% for all other uses, including residential.

Staff are unable to provide a detailed analysis of what impact the changes may have on the City’s ability to obtain parkland, or develop recreational facilities at this time. The proposed changes to density bonusing from section 37 of the *Planning Act* suggest that funds collected under the community benefits charge could be used to develop park and recreational facilities. However, these benefits are proposed to be capped. The Province has not yet provided Regulations outlining what the cap would be, so the impacts cannot be adequately measured.

Recommendation 7: That the proposal to not permit parkland dedication and a community benefits charge at the same time is not supported as municipalities may be forced into a position to choose either obtaining parkland or collecting contributions towards facilities and services (e.g. soft services) as it is not clear if Regulations prescribing services would include parkland.

Recommendation 8: That where a parkland dedication by-law is applied to a development, the City retain the authority under *Planning Act* section 42 (3) and 51.1 (2), and to apply an alternative parkland dedication rate.

Development charge rates to be established earlier in the development process and to be paid in six annual installments for certain types of development

It is proposed that development charge rates will be established at an earlier point in the development process (i.e. when an application is made for the later of a site plan or zoning approval), as opposed to the current process where development charge rates are determined on the date of issuance of the first building permit. Development charges will continue to be paid at the time of building permit issuance.

Payment installments are also proposed for development charges to be paid in six annual equal installments beginning on the earlier of the issuance of a building permit authorizing occupancy or the date the building is first occupied, and continuing on the five anniversaries of that date for rental housing, institutional development, industrial development, commercial development and, non-profit housing development.

A municipality may charge interest on the installments from the date the development charges would have been payable (e.g. building permit issuance) to the date the instalment is paid. The maximum interest rate will be prescribed in the Regulations. Amounts due can be added to the tax roll if unpaid.

The setting of development charge rates earlier and payment installments will likely result in the City receiving less revenue than anticipated, with rates locked in early in the development process and payments protracted over six installments. With less revenue, the City may be placed in a position to choose one service or facility over another, or necessitate increased borrowing. Continued prudent management of the City's cash resources will be important under this new framework to manage the pay down of the existing indoor recreation negative reserves resulting from the construction of recreation facilities in advance and in anticipation of future growth.

It is unclear whether the proposed changes to the *Development Charges Act* will have an impact on housing supply or price, or whether savings from these proposed changes will be passed down to home purchasers. Developers, who will now benefit from price certainty and lower costs, will likely continue to price their housing units for what the market will bear, not based on input cost.

Recommendation 9: That for development charge rates set earlier in the development process, there should be a sunset clause on the length of time permitted between a site plan and/or zoning application and building permit issuance – this could be in the range of 2 years to act as a disincentive for landowners who may want to apply but not proactively proceed with their development. Municipalities should also be allowed to index or charge interest from the date an application is deemed complete until a building permit is issued for all applications held for over a year.

Recommendation 10: That for developments subject to the six annual installment payment regime, the sale of the property should result in the immediate requirement to pay the remaining development charges due, by the original owner. Municipalities should be allowed to register the obligation on title to prevent transfer without the City being notified.

Recommendation 11: That the interest rate to be prescribed in the Regulations should be one that provides reasonable compensation to the City for the timing delay in receiving cash, as this may result in borrowing to fund growth-related requirements.

3. Permitting Up to Three Residential Units on a Lot (Proposed Changes to the *Development Charges Act* and *Planning Act* from Schedules 3 and 12 of Bill 108)

Currently, the *Planning Act* requires official plans to contain policies authorizing second residential units (referred to as secondary suites in the Markham Official Plan) and authorizes either two residential units in a detached house, semi-detached house, or row house with no residential unit in an ancillary building or structure, or one additional residential unit in a building or structure ancillary to a house containing a single residential unit. In either case, only two residential units on a lot are permitted.

The *Planning Act* is proposed to be amended to require official plan policies authorizing an additional residential unit in a detached house, semi-detached house, or row house as well as an additional unit in a building or structure ancillary to a detached house, semi-detached house, or row house. This permits a third residential unit on a lot. Examples of units in ancillary buildings are coach houses or garden suites.

To support this, the *Development Charges Act* is proposed to be amended to exempt the creation of a second dwelling unit in prescribed classes of new residential buildings, including structures ancillary to dwellings (e.g. coach houses), from development charges. The classes of residential buildings that will be eligible for this exemption will be prescribed in the Regulation.

Addressing impacts from permitting additional residential units

Ontario Regulation 384/94 currently outlines criteria that may or may not be applied by the City to second residential units through zoning provisions. References in this Regulation are limited to a second residential unit, and include caps on the number of parking spaces that can be required, and limits on the minimum floor area required for a dwelling unit. No draft Regulations have been provided at this time to outline any such criteria that may be applicable to a third residential unit in an ancillary building. Further, it is unclear if the permission for a residential unit in an ancillary structure would be accompanied by Regulations requiring the City to permit this type of building, where it may not be currently permitted.

In May, 2018, Staff reported to Council recommending the adoption of a zoning by-law (3A) to permit accessory dwelling (residential) units in single detached, semi-detached, and rowhouses. The City's Official Plan supports the permission of coach houses over garages on lane based dwellings where the lot has a frontage of greater than 9.75 metres. The City's Official Plan also speaks to criteria when approving zoning for a second suite. Section 8.13.8 of the City's Official Plan specifically references a second suite, however Subsection 8.13.8.1 c) directs Council to consider the number of dwelling units permitted on the same lot, in review of such an application.

The impact of the proposed amendments on servicing is unknown at this time. Through the Comprehensive Zoning By-law Phase 3A process, the City's consultant evaluated the impact of permitting second units in established neighbourhoods by using case studies of other jurisdictions, the potential uptake of an additional unit by property owners, and projecting population per unit based on census data. Staff are not aware of any Cities that have incorporated permissions for a third unit on a broad

scale to evaluate uptake or other impacts on servicing capacity. As development charges are also proposed to be waived on accessory dwelling units in new construction, it is unknown if there will be cumulative impact on the City's ability to provide services in a particular neighbourhood, whether in an established, or proposed new subdivision, based on the proposed changes.

Through review of the Official Plan, the City has contemplated coach houses on lane based dwelling units, however it has not contemplated coach houses or garden suites in the rear yard of established front loaded dwelling units. Lane based garages are incorporated into the initial design and development of a subdivision, and take into account such issues as access by the Fire Department, storm water management, and private outdoor amenity space. Where a unit is not accessed by a lane, units in an accessory building or structure may not be as readily accessible by the Fire Department, and may create a less than desirable built form in a rear yard.

The City's parking by-law currently requires two spaces for the main residential dwelling unit, and one space for each accessory dwelling unit. Should a site be permitted three dwelling units, as contemplated by the proposed amendment, four parking spaces would be required on the site. Staff recommended a reduction of the required parking space for accessory dwelling units during the 3A project. Staff have not contemplated the potential impact of three units on a lot, or the number of parking spaces required to appropriately accommodate the potential new tenancies.

As public safety is a primary responsibility of the City, it should be the priority of the City to retain the ability to review and permit or deny the establishment of units in accessory buildings or structures, and to restrict the establishment of additional dwelling units where servicing is limited.

Recommendation 12: That municipalities retain their current authority to review and determine appropriate locations for dwelling units in ancillary buildings on a lot and within the municipality.

Recommendation 13: That municipalities retain their current authority to refuse additional dwelling units where there are insufficient services to support the increased density, or apply appropriate development charges to facilitate construction of the required services.

Recommendation 14: That municipalities retain their current authority to apply minimum parking requirements, to primary and accessory dwelling units.

Recommendation 15: That municipalities retain their current authority to apply zoning provisions to construction accommodating additional dwelling units, to ensure the proposed development is compatible with the built form of the neighbourhoods in which they are located.

Recommendation 16: That second units should be subordinate to, or accessory to, a main residential building in order to be identifiably differentiated from other residential development such as stacked townhouses.

4. Inclusionary Zoning Permitted in Only Major Transit Station Areas and Areas Subject to a Development Permit System (Proposed Changes to the *Planning Act* from Schedule 12 of Bill 108)

Proposed amendments to the *Planning Act* direct the application of inclusionary zoning to protected major transit station areas and to areas that are the subject of a development permit system. Inclusionary zoning provides for the inclusion of a minimum number affordable housing units within residential construction.

The proposed amendment would eliminate the City's ability to identify and apply inclusionary zoning provisions outside of protected major transit station areas, or areas subject to a development permit system. While it is reasonable to assume that inclusionary zoning would be effective in major transit station areas, as these are likely to represent the majority of a municipality's intensification areas, there may also be intensification areas outside of major transit station areas, where inclusionary zoning would also be appropriate.

It should be noted that under current legislation, inclusionary zoning provisions are limited if they are also subject to a by-law under section 37 density bonusing of the *Planning Act*. The proposed amendment to remove density bonusing, establishing new requirements for a community benefits charge, eliminates this prohibition, and it is not yet clear whether inclusionary zoning and community benefits charge will be permitted in the same development application as the Regulations may address this.

Should the proposed amendments be passed as proposed, Council may wish to refine the boundaries of the proposed protected major transit station areas to ensure properties are appropriately captured within the legislative framework.

Proposed amendments to development permit system provisions continue to authorize the Minister to require a local municipality to establish a development permit system but removes the ability of an upper-tier municipality to require the same. A development permit system streamlines and expedites the planning process by providing a 'one-stop' planning service combining zoning, site plan, and minor variance processes into one application and approval.

The proposed legislation also permits the Minister to specify the delineation of the area's boundaries or the area surrounding and including a specified location in the case the Province does not delineate the area's boundaries. Also it is proposed that a development permit system would not be appealable to the Local Planning Appeal Tribunal.

Recommendation 17: That municipalities should continue to have ability to apply inclusionary zoning to development in areas other than protected major transit station areas or areas subject to a development permit system.

5. Application Review Timelines and Local Planning Appeal Tribunal Practices and Procedures (Proposed Changes to the *Local Planning Tribunal Act* and *Planning Act* from Schedules 9 and 12 of Bill 108)

The proposed changes aim to shorten the development application and appeal process. Combined, the changes in the *Local Planning Appeal Tribunal Act* and the *Planning Act* remove the previous “two-stage” appeal process, reduce application review timelines, and roll-back many of the changes brought forward when the new LPAT was introduced (under previous Bill 139). A “two-stage” appeal process involves Stage 1 – written hearing reviewing whether Council made a decision consistent with Provincial Policy, and conforming to Provincial Plans and Local/Regional Official Plans, and decision sent back to Council for reconsideration, then Stage 2 – formal hearing to determine the same question.

Shorter timeframe for a municipality to consider a development application

The proposed changes shorten the timeline for Council to make a decision on a development application. After the time has expired, the applicant may file an appeal to the Local Planning Appeal Tribunal. The proposed timelines are now shorter than the current timelines, as set out in the table below.

Application	Current Timelines	Proposed Bill 108 Timeline
Official Plan/Official Plan Amendment	210 days	120 days
Zoning Bylaw Amendment	150 days	90 days
Draft Plan of Subdivision	180 days	120 days

As development applications have become more complex and integrated, the current review timelines provide a better opportunity to comprehensively review applications. Given the complexity of the development applications that the City receives, and given the fact that the City is responsible for collecting comments from other government agencies and utilities, it will be a challenge to meet the proposed reduced timeframes. Reduced timelines may result in more applications being in a position to be appealed for non-decision, ultimately resulting in not only a loss of local control over development decisions, but also potentially longer approval times if more applications are approved through the Local Planning Appeal Tribunal.

Recommendation 18: That the proposed reduction in timelines for decisions on development applications is not supported as appeals for non-decisions to the LPAT removes decision making authority on development applications from Council, and may result in potentially longer decision timelines.

Recommendation 19: That rather than reducing timelines for Council decisions on applications, the Province provide sufficient resources to provincial ministries and agencies to allow for timely comments on development applications, thereby ensuring expedient reviews.

The Local Planning Appeal Tribunal reverts back to a “de novo” hearing process
The Province’s proposed changes to the *Local Planning Appeal Tribunal Act* largely bring back the procedures that were in place under the previous Ontario Municipal Board. The *Local Planning Appeal Tribunal Act* maintains the Local Planning Appeal Tribunal as the appeal body for Council’s decisions regarding planning applications.

The proposed changes to the *Planning Act* have re-introduced the “de novo” hearing where the Local Planning Appeal Tribunal can consider a development proposal as if no decision were made by a council. The changes also allow an applicant a greater ability to modify the application after it has been appealed, with provisions for Council to consider the modification for approval.

Under the changes previously enacted under Bill 139, the ability to modify a development application after it has been appealed was limited, and the Local Planning Appeal Tribunal was required to make its decision on the application based on whether the application was consistent with the Provincial Policy Statement, and conformed to the Growth Plan and City’s Official Plan. The intended effect of the Bill 139 changes was to give greater deference to Council’s decisions regarding development applications, and to the City’s Official Plan policies, when the Local Planning Appeal Tribunal considers an appeal. Also, Bill 139 sought to move more development matters quicker through the appeals process and eliminate the significant backlog of matters at the OMB at that time. The proposed Bill 108 rolls back the changes intended to give greater deference to municipal decisions regarding *Planning Act* applications in an appeal.

Other changes to the *Planning Act* include the limitation of the persons or corporations who can bring a third party appeal of an application for a Draft Plan of Subdivision. It is proposed that a third party appeal may now only be brought forward by public utilities, private oil or gas utilities, telecommunications providers, and railway companies in the vicinity of the application.

Major proposed changes to the *Local Planning Appeal Tribunal Act* include the power for the Local Planning Appeal Tribunal to require mandatory mediation of an appeal, and limitations to public participation. The *Local Planning Appeal Tribunal Act* now limits non-parties (also known as participants) to an appeal to providing written submissions in an appeal, where they were previously able to testify in person before the Local Planning Appeal Tribunal. Participants are typically local residents, ratepayer groups, and/or neighbouring landowners.

In the past, the Local Planning Appeal Tribunal has given less weight to written submissions by participants than to testimony given in-person. It is unclear whether

the Local Planning Appeal Tribunal will change this practice. If it does not, the effect will likely be a significant limitation on effective public participation in the appeal process. This change may also encourage participants to become parties, which will result in further delays of the hearing process. Should public participation continue to be limited to written submissions, staff recommend that Bill 108 include a provision in the *Local Planning Appeal Tribunal Act* requiring written submissions by participants (non-parties) be given the same consideration as in-person testimony.

Recommendation 20: That the proposed Local Planning Appeal Tribunal process that reverts back to a “de novo” hearing process is not supported. The Province should carry forward the current test for the appeal of a *Planning Act* application requiring the Local Planning Appeal Tribunal to evaluate a municipal decision on a planning application based on its consistency with the Provincial Policy Statement, and conformity with Provincial Plans, as well as Regional and local Official Plans, or if the Province is unwilling to restore the appeal test, the Province should revise Bill 108 to provide for more deference to Council’s decisions.

Recommendation 21: That there be a provision in the *Local Planning Appeal Tribunal Act* permitting oral testimony for participants (non-parties); otherwise, written submissions by participants should be given the same consideration as in-person testimony by the Local Planning Appeal Tribunal in the hearing of an appeal.

6. Proposed Changes to the *Ontario Heritage Act* (Schedule 11 of Bill 108)

The proposed changes to the *Ontario Heritage Act* will impact the manner in which property listing, designation, alteration and demolition applications are processed and tracked through Markham’s heritage conservation program.

According to the Province the changes to the *Ontario Heritage Act* seek to improve consistency, transparency and efficiency for communities, property owners and development proponents. Amendments and new guidance is being proposed that according to the Province will:

- Enhance Provincial direction to municipalities on how to use the tools provided in the *Act* and manage compatible change
- Provide clearer rules and improved tools to facilitate timely and transparent processes for decision-making
- Create consistent appeals processes

Provincial direction for municipalities to consider prescribed principles when making decisions

The proposed legislation will require the council of a municipality to consider any principles that may be prescribed by Regulation when exercising decision-making under prescribed provisions of both Part IV (individual property) or Part V (Heritage Conservation District). The Province’s rationale is that there is a lack of clearly articulated policy objectives to guide municipalities when protecting properties.

Requiring a municipal council to consider principles prescribed by a Regulation is unprecedented in enabling legislation. Since the principles have not been released there is no opportunity to comment on what the principles would involve and/or require, and their potential effect on heritage decision-making.

Recommendation 22: That the Province provide direction through enhanced educational materials to better guide heritage conservation objectives, including updating the Ontario Heritage Toolkit, as opposed to introducing principles by Regulation.

Require notice to a property owner within 30 days after being listed on the Register
The proposed legislation will require notice to a property owner within 30 days after being listed on the Register as well as providing a right of objection by the owner to the municipality. Also, the Province aims to provide improved guidance on listing best practices. The *Ontario Heritage Act* is currently silent on how heritage value is determined and there are no notice requirements to the property owner.

Originally “listing” had no legal implications and was intended as a planning tool to help municipalities identify all the properties in a community that were of potential cultural heritage value (basically those that had not been afforded protection through designation). In 2006, an amendment to the *Ontario Heritage Act* added a requirement for owners of listed properties to provide the municipality with 60-days notice before demolition could occur.

It is reasonable that owners be given notice of listing. It should allow the municipality to resolve any disagreements or confusion at an early stage. However, for the proposed amendments, the right to object to listing is open-ended and could result in multiple objections over time by current/future owners causing an undue administrative burden on municipal resources and potentially impeding listing initiatives.

The Province is recommending that notice be provided once Council has agreed to add the property to the Register. Recently Markham Council considered the option of providing notice to the owner prior to Council’s consideration of listing the property, but wanted to find a mechanism to ensure that a demolition permit could not be initiated upon notification.

Recommendation 23: That the Province consider the option of requiring notice to property owners prior to the matter being considered by Council with the condition that once notification of listing is given, the property owner would be prevented from submitting a demolition permit application until after Council has considered the recommendation for listing the property on the Register.

Recommendation 24: That the provision of enhanced guidance to municipalities on best practices for listing properties through education materials is supported.

Recommendation 25: That if the Province proceeds with the option of requiring notification to the property owner after Council has listed a property on the Register, the legislation should be amended to provide a time limit on the period when an objection to the listing can be submitted (as opposed to in perpetuity).

Designation by-laws to comply with requirements prescribed by Regulation

It is proposed that designation by-laws are required to comply with requirements prescribed by Regulation, including requirements related to describing the cultural heritage value or interest of the property and its heritage attributes. Although criteria for determining if a property has cultural heritage value is provided by existing Regulation, the Province proposes providing direction on the content of designation by-laws.

The current legislation already indicates that the municipality must provide a statement explaining the cultural heritage value of the property and a description of heritage attributes. The Ontario Heritage Toolkit also currently provides educational guidance on what is to be included in these subject areas.

The Regulation associated with this proposed change is not available at this time for review, and it may include “such other requirements as may be prescribed”. Better direction that results in more consistent and clear by-laws is supportive, but it could be provided through educational materials rather than through Regulation.

Markham has only identified physical heritage attributes in its designation by-laws, but if the concern from the Province is that non-physical features have been included by some municipalities, the Province may wish to address the matter by amending the definition in the *Ontario Heritage Act* of “heritage attributes” to clarify they are physical attributes.

Recommendation 26: That the Province defer consideration of the amendment concerning prescribed requirements by Regulation for designation by-laws until such time as the Regulation has been drafted and available for consultation.

Recommendation 27: That the Province consider providing clarity in the *Ontario Heritage Act* by further defining what constitutes “heritage attributes”.

Timelines for designation (individual properties) – 90 day time limit for municipality to issue notice of intention to designate and 120 days to designate after issuing notice

The legislation provides for a 90 day time limit for a municipality to issue a notice of intention (NOI) to designate where certain prescribed events have occurred on the property (these are to be identified by regulation and are anticipated to include certain applications under the *Planning Act*, subject to limited exceptions also prescribed by regulation). It also provides for a 120 day time limit for a municipality to pass a designation by-law after issuing a NOI subject to limited exceptions as prescribed by Regulation.

The current process in Markham for reviewing planning applications which affect a non-designated cultural heritage resource is to evaluate the resource and if considered worthy of protection and incorporation into the development, recommend designation as a condition of development approval (i.e. conditions of subdivision approval, a requirement in a Subdivision Agreement or condition of Site Plan Approval or provision in the Site Plan Agreement).

Under the proposed legislation, if a cultural heritage resource is to be protected, staff would have to prepare the designation by-law, prepare a staff report and recommend that Council approve a NOI to designate within 90 days of the beginning of the planning application (and more likely than not prior to Council considering the planning application).

Currently there are no limits placed on when Council may provide a NOI to designate and what constitutes a “prescribed event” has yet to be defined by Regulation.

Also from a practical perspective, if the designation by-law must be addressed and registered at an early stage and is part of a large development project, the by-law would have to be registered on title to the large development parcel as opposed to later in the development process when it could be registered against an identified lot or block. The development community does not prefer a designation by-law that is registered against all their property holdings.

The introduction of new statutory time limits in relation to the provision of various notices, decision-making and passing of designation by-laws will require the City to introduce an enhanced tracking tool to ensure that all civic departments and participants undertake their responsibilities in a timely manner. The failure to meet the new timelines could affect the protection of cultural heritage resources.

Recommendation 28: That the protection and incorporation of a cultural heritage resource should be considered as part of the final report on a planning application that is presented to a council so it can be considered in a holistic manner and not in a piecemeal approach (within the first 90 days).

Ability to appeal to the Local Planning Appeal Tribunal on decisions for designation by-laws

It is proposed there be a new right of appeal to the Local Planning Appeal Tribunal from final decisions related to designation by-laws passed by Council, as well as final decisions made by Council on applications for alterations on individually designated properties. Similar changes regarding appeal rights are made for amendments to designation by-laws and de-designation requests.

The Conservation Review Board currently reviews objections to such matters as designation and alterations to designated properties (Part IV) and their recommendations are not binding, but provide a review mechanism to ensure

Council's decisions are sound and appropriate from a heritage perspective. Council still has the final decision making authority, which ensures that decisions on what is of value from a heritage perspective is reflective of the local community and not of a provincial tribunal.

Replacing the Conservation Review Board's recommendations with the Local Planning Appeal Tribunal's decisions takes decision-making away from the local community on what is important from a heritage perspective and transfers the final decision to an unelected, unaccountable provincial body. The Conservation Review Board by all accounts works well, is less expensive for all parties and has adjudicators with heritage experience.

Municipal councils may be less likely to designate in response to owner opposition due to the formality, expense, delay and uncertainty of the Local Planning Appeal Tribunal process relative to the Conservation Review Board. This can also have an impact of municipal staff resources and the Local Planning Appeal Tribunal's ability to hold hearings in a timely manner.

Under the Bill's proposal, owners will have the right to appeal both alteration and demolition/removal decisions to the Local Planning Appeal Tribunal for a binding decision (this would treat alterations to individually designated properties consistently with alterations to properties in a heritage conservation district). However, the ability to appeal the initial individual designation to the Local Planning Appeal Tribunal in the first instance represents a significant and unnecessary change.

Recommendation 29: That at a minimum, the Province maintain the Conservation Review Board as the non-binding appeal body for individual designation and amendments to the content of designation by-laws with the municipal council having the final decision on what is considered to be of heritage value in the local community. The Local Planning Appeal Tribunal could address objections related to requested alterations and demolition requests (as it does currently for properties within heritage conservation districts).

Recommendation 30: That if the Conservation Review Board is replaced by the Local Planning Appeal Tribunal, the Province should ensure that Tribunal members assigned to *Ontario Heritage Act* appeals possess cultural heritage expertise and an understanding of the *Ontario Heritage Act*.

60 day timeline for a municipality to notify an applicant whether an application for alteration or demolition of a designated property is complete

A 60 day timeline is proposed for a municipality to notify the applicant whether an application for alteration or demolition of a designated property is complete. Minimum submission requirements can be established (either by the Province through Regulation or by the municipality). If the municipality fails to provide notice as prescribed, then the 90 day review period for Council to make a final decision begins immediately following the end of the 60 days.

At present in Markham, the “heritage permit” review process is incorporated into the review of *Planning Act* applications and Building Permit applications, a streamlined approach to heritage review that has offered efficiencies and cost/time savings for applicants (no separate applications or fees are required). The proposed changes will likely result in changes to our review/approval processes, and may require a more formal heritage application process.

Recommendation 31: That the amendments regarding the introduction of complete application provisions and specified timelines for alteration and demolition applications are supported.

The loss of heritage attributes will no longer be considered alterations

The legislation proposes to clarify that “demolition or removal” under sections 34 (individual properties) and 42 (properties in a district) will now include demolition or removal of heritage attributes as well as demolition or removal of a building or structure. The loss of heritage attributes will no longer be considered “alterations”. This change restricts the removal or demolition of heritage attributes without municipal approval and will allow municipalities to seek maximum fines for the unapproved removal or demolition of identified heritage attributes.

However, according to section 69(5 and 5.1) of the *Act*, the municipality can only recover restoration costs from the owner of the property (in addition to any other penalty imposed under the *Act*) if the property is “altered” in contravention of the *Act*. The legislation should be addressed to ensure that “altered” in this part of section 69 is removed and defined to include “removal or demolition of heritage attributes”. The removal of the word “altered” in both section 69(5)(a) and (b) may address this issue.

Recommendation 32: That the identified clarification in the legislation indicating that “demolition and removal” will also include demolition and removal of heritage attributes is supported, but that Section 69(5) which deals with offences and restoration costs should be amended to remove the reference to “altered” to ensure that a municipality can recover restoration costs associated with the removal or loss of heritage attributes if a property has been impacted by a contravention of the *Act*.

Request deferral of Ontario Heritage Act Amendments

Given that the proposed changes to the *Act* are extensive and were introduced with minimal time allocated for consultation, it is suggested that the amendments be deferred and that the Ministry undertake meaningful consultation with all stakeholders as was done when the 2005 and 2006 changes were made to the legislation. The proposed changes need to be fully tested as to their applicability and usefulness by working with heritage planners who use the current legislation on a daily basis as well as development proponents. There are some useful changes that

could make the Act work better and a fulsome consultation could produce a set of useful amendment with broad support.

Recommendation 33: That the changes to the *Ontario Heritage Act* be removed from Bill 108 or deferred to allow the Ministry to undertake meaningful consultation with all stakeholders on both improvements to the legislation and allow feedback on the future content of the identified Regulations.

7. Proposed Changes to the *Environmental Assessment Act* (Schedule 6 of Bill 108)

The proposed changes to the *Environmental Assessment Act* provide exemptions to certain undertakings and specified categories of undertakings within the class from the Act. The proposed changes also provide a new process governing amendments to approved class environmental assessments.

A number of proposed amendments and new subsection of the Act would specify when the Minister could issue orders under section 16 of the Act. An order under section 16 could require a proponent of an undertaking subject to a class environmental assessment process to carry out further study. The amendments would also provide that the Minister must make an order within any deadlines, as may be prescribed and should the Minister fail to do so, that written reasons be provided.

The proposed amendments also imposes limitations on persons making requests for orders under section 16 by requiring that the person be a resident of Ontario and make the request within a prescribed deadline.

The proposed exempted categories are supported, as long as environmental protection measures are maintained, for the following reasons:

- Provides the ability for some infrastructure projects to be exempt from the Environmental Assessment process. This will accelerate the process (i.e. detailed design to construction) if the requirement to carry out an Environmental Assessment is removed from the overall process. With these proposed changes, projects can move straight to detailed design stage and subsequently to construction
- Provide clarity in dealing with orders by allowing the proponent of an undertaking to carry out further study
- Provides deadlines for issuing orders

Recommendation 34: That the proposed exempted categories are supported as long as environmental protection measures are maintained.

8. Proposed Changes to the *Conservation Authorities Act* (Schedule 2 of Bill 108)

The proposed changes to the *Conservation Authorities Act* will clearly define the core mandatory programs and services provided by the conservation authorities.

The Province proposes to amend the prohibited activities of the existing Regulation to include low risk development in areas related to natural hazards such as floodplains, shorelines, wetlands and hazardous lands and interference with or alterations to a watercourse or wetland.

The Province also proposes a new Regulation defining the ability of a conservation authority to regulate prohibited development and other activities for impacts to the control of flooding and other natural hazards. Other changes include improving financial transparency and accountability of conservation authorities.

Reduced functions and optional activities of conservation authorities

The following are proposed core mandatory functions of a conservation authority which would continue to be partially funded by the Province:

- Hazard land protection and management (valleyland and floodplains)
- Conservation and management of conservation authority lands
- Drinking water source protection
- Protection of Lake Simcoe watershed (not applicable to Markham)

This would reduce the role of conservation authorities in natural heritage and watershed planning. The City will need to determine how to address the gap in services which could include revised agreements with the TRCA, additional City staffing resources, or consulting services given that the City does not employ the appropriate technical expertise to address all natural heritage and watershed planning matters.

Activities outside of a conservation authorities' core mandate would no longer receive funding from the Province and would require dedicated funding agreements between the conservation authority and the benefitting party (i.e., municipality and/or other stakeholder), would need to determine if Provincial funding exists and if additional costs need to be borne by the City, TRCA, and/or other stakeholders.

The City currently benefits from numerous activities provided by the Toronto and Region Conservation Authority (TRCA) which would be considered non-mandatory under the proposed changes including:

- Natural heritage restoration planning and implementation
- Design and rehabilitation of certain stormwater management infrastructure/emergency repairs
- Sustainability programs (Sustainable Neighbourhoods Action Plan, Sustainable Technologies Evaluation Program, Mayor's Megawatt Challenge)
- Technical advice on City-led studies and plans (e.g., Subwatershed Study).

Existing and new service agreements between the City and the TRCA will have to be reviewed within the allocated 18 – 24 month transition period and reviewed at regular intervals as specified in the *Act*.

Recommendation 35: That Provincial efforts are supported to clarify the role and accountability of conservation authorities and that the Province is urged to support the

Ministry of Natural Resources and Forestry, Ministry of Environment, Conservation and Parks and municipalities with enhanced natural heritage protection and watershed planning tools to fill the potential gap in natural resource, climate change and watershed planning services resulting from the proposed modified mandate of the TRCA.

Exempting certain low risk activities from permitting within natural hazards ('Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses')

The changes to the Regulation exempts certain low risk activities from requiring a conservation authority permit for works within the regulated hazard lands and will also permit conservation authorities to exempt further low risk development activities. The Regulation reduces restrictions within the 30 - 120 m boundary area of wetlands. The impact of reducing development restrictions in floodplains as we continue to address changing climatic conditions and severe storm events, is not fully understood which carries to property and people and the liability associated with it. The integrated watershed planning approach adopted by the TRCA has assisted the City in bringing clear, appropriate and balanced natural heritage policies in the City's Official Plan 2014.

Given the deadline for commenting on proposed changes to the *Conservation Authorities Act* by May 21, 2019, which were not provided in full detail prior to the release of proposed Bill 108, staff level comments as attached in Appendix 'B' have been forwarded to the Ministry of the Environment, Conservation and Parks.

9. Proposed Changes to the *Endangered Species Act* (Schedule 5 of Bill 108)

The proposed changes to the *Endangered Species Act* include:

- Enhancing government oversight and enforcement powers to ensure compliance with the *Act*
- Improving transparent notification of new species' listings
- Appropriate consultation with academics, communities, organizations and Indigenous peoples across Ontario on species at risk recovery planning
- Creating new tools to streamline processes, reduce duplication and ensure costs incurred by clients are directed towards actions that will improve outcomes for the species or its habitat.

Additional permitting tools are generally supported by staff with revisions

The proposed changes to the *Endangered Species Act* will provide two additional permitting tools to allow proponents (including the City) to protect and address impacts to species at risk. The first permitting tool is a 'landscape agreement' which will allow proponents to carry out multiple compensation/restoration activities to offset negative impacts to species at risk within a specified geographic area. This approach provides opportunities for proponents to work together and address natural heritage requirements in a coordinated fashion. While staff support the notion of a landscape agreement, it is suggested that improvements can be made to this section of

the legislation. As currently proposed, impacts to species at risk may not be fully mitigated in certain scenarios and staff recommend that refinements be made to ensure that impacts to each species at risk are fully offset.

The second permitting tool are 'species conservation charges' which are payments made to the proposed Species at Risk Conservation Trust which would be tasked with implementing on-the-ground activities to protect and recover species at risk. The amount to be paid would be determined based on the cost that the proponent would have otherwise incurred to mitigate and compensate for the adverse impacts to species at risk. Staff support the option to offset impacts to species at risk through a cash-in-lieu payment, however it is recommended that certain safeguards need to be put in place to ensure proper management and administration of this agency.

There is a need to ensure that 'species conservation charges' lead to on-the-ground improvements for species at risk and that necessary administration and staffing costs be appropriately taken into account. If the Province intends to recover administration and staff expenses, then the additional costs must be factored into account and charged to the proponents. In addition, projects funded by the agency should prioritize the recovery of species that have been impacted and for which a 'species conservation charge' has been collected. It is recommended that the agency provide annual reporting to clearly document all actions undertaken by the Trust to recover species at risk.

Recommendation 36: That refinements be made to section 16.1(2) of the proposed *Endangered Species at Risk Act* to ensure that landscape agreements are required to result in an overall net benefit to each impacted species at risk.

Recommendation 37: That the Species at Risk Conservation Trust be required to publish a regular report to provide an open and transparent accounting of the collection and spending of species conservation charges.

Preserving a precautionary approach to Ontario's biodiversity and species at risk

Species at risk populations in Ontario are facing risks due to climate change, invasive species and habitat alterations. Staff have identified a number of proposed changes to the *Endangered Species Act* which may have an overall undesirable impact on the recovery of species at risk in Ontario. These include the consideration of the condition of the species outside of Ontario; the ability to suspend protection of newly listed species at risk for up to three years; and, the ability to, by Regulation, limit the level of protection of newly listed species. Staff suggest that these changes be carefully reviewed in consultation with industry experts to ensure the overall purpose and intent of the *Endangered Species Act* is not compromised.

Given the deadline for comments on May 18, 2019, staff level comments as attached in Appendix 'C' have been forwarded to the Ministry of Environment, Conservation, and Parks.

Recommendation 38: That the changes proposed for the *Endangered Species Act* (proposed sections 5(4)(b), 8.1, 9(1.1)) be carefully reviewed in consultation with experts to ensure the purpose and intent of the *Endangered Species Act* is not compromised.

10. Proposed Changes to the *Education Act* (Schedule 4 of Bill 108)

Proposed changes to the *Act* provide for alternative projects that, if requested by a board and approved by the Minister, would allow the allocation of revenue from education development charge by-laws for projects that would address the needs of the board for pupil accommodation and would reduce the cost of acquiring land.

Localized education development agreements would be permitted that, if entered into between a board and an owner of land, would allow the owner to provide a lease, real property or other prescribed benefit to be used by the board to provide pupil accommodation in exchange for the board agreeing not to impose education development charges against the land.

The Province is defining Alternative Projects as: a project, lease or other prescribed measure, approved by the Minister that would address the needs of the board for pupil accommodation and would reduce the cost of acquiring land. Pupil accommodation is defined as a building to accommodate pupils or an addition or alteration to a building that enables the building to accommodate an increased number of pupils.

Alternative projects may have an impact on broader issues related neighbourhood planning and design

The potential impact of the proposed legislation on the City or its ability to provide services is not known at this time, and will depend on the form an alternative project takes within the City. As the project types and impact are unknown, and may have an impact on broader issues related to neighbourhood planning and design, the City should seek to be a party to any localized education development agreement to ensure the broader interests of a neighbourhood or community are maintained.

Recommendation 39: That if a landowner and a school board enter into an agreement for an alternative project, the municipality should be consulted on the alternative project.

11. Decision on Proposed Amendment 1 to the Growth Plan 2017

A staff Memorandum with summary of the Province's decision on Proposed Amendment 1 to the Growth Plan 2017 is included with the May 27, 2019 Development Services Committee agenda. In January 2019 the Province released Proposed Amendment 1 to the Growth Plan 2017 which proposed a number of key policy changes. On May 2, 2019, the Province released its decision on Proposed Amendment 1 in the form of A Place to Grow: The Growth Plan for the Greater Golden Horseshoe 2019. Key changes from the Growth Plan 2019 are meant to address housing supply:

-
- Minimum intensification target for the City of Hamilton and Regions of York, Peel, Durham, Halton, Waterloo and Niagara is 50% to the year 2041
 - Minimum designated greenfield area target of 50 residents and jobs per hectare for the City of Hamilton and Regions of York, Peel, Durham, Halton, Waterloo and Niagara
 - Allows upper and single-tier municipalities, in consultation with lower-tier municipalities, a one-time window to undertake some employment land conversions in advance of the next Municipal Comprehensive Review (MCR) subject to criteria
 - Allow municipalities to undertake expansions that are no larger than 40 hectares outside the MCR process, subject to specific criteria
 - Introducing new policy that allows minor rounding out of rural settlements not in the Greenbelt Area, outside of an MCR subject to criteria

NEXT STEPS:

It is recommended that this report be forwarded to the Ministry of Municipal Affairs and Housing as the City of Markham's comments on Bill 108, *More Homes, More Choice Act 2019*, prior to the June 1, 2018 commenting deadline. The Bill will be referred to the Standing Committee on Justice Policy on June 3, 2019 for a public hearing and clause-by-clause consideration. It will be received by the House on June 4, 2019. The Bill is then expected to proceed to Third Reading and Royal Assent thereafter.

Forthcoming Regulations implementing the amendments to the various statutes in Bill 108 are expected leading up to the Provincial Legislature's decision on Bill 108. The full impacts and detailed conclusions regarding Bill 108 can be assessed once the proposed Regulations are released. As noted in the report it is requested the Province provide an additional 30 days commenting period once proposed Regulations are released to allow for more time to assess financial impacts, planning and development approval impacts, and impacts to provision of community services resulting from growth.

Staff will report back to the Development Services Committee once the proposed Regulations supporting implementation of Bill 108 are released and once the final Bill 108 is released.

FINANCIAL CONSIDERATIONS

There will be financial impacts associated with Bill 108 due to the creation of the community benefits charge, the setting of the development charge rate earlier in the development process and, the institution of six year installment payments for some developments. In order to fully assess the impact of these changes, staff requires more information and this will ostensibly be included in the Regulations.

HUMAN RESOURCES CONSIDERATIONS

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The comments in this report on proposed Bill 108, *More Homes, More Choice 2019* support the City's efforts to enable a strong economy, manage growth, protect the natural environment, and ensure growth related services are fully funded, which are the key elements of the Engaged, Diverse and Thriving City; Safe and Sustainable Community; and Stewardship of Money and Resources strategic priorities.

BUSINESS UNITS CONSULTED AND AFFECTED:

Comments from the Planning & Urban Design, Engineering, Finance, and Legal Departments were included in this report.

RECOMMENDED BY:

Mark Visser
Acting Treasurer

Brian Lee, P. Eng.
Director, Engineering

Biju Karumanchery, MCIP, RPP
Director, Planning and Urban Design

Catherine Conrad
City Solicitor and Acting Director,
Human Services

Trinela Cane
Commissioner Corporate Services

Arvin Prasad, MCIP, RPP
Commissioner Development Services

ATTACHMENTS:

Appendix 'A' - Consolidated Recommendations from Staff Report "City of Markham Comments on Proposed Bill 108, *More Homes, More Choice Act 2019*", dated May 27, 2019

Appendix 'B' – Staff Comments on proposed changes to the *Conservation Authorities Act*

Appendix 'C' – Staff Comments on proposed changes to the *Endangered Species Act*

Consolidated Recommendations from Staff Report “City of Markham Comments on Proposed Bill 108, More Homes, More Choice Act 2019”, dated May 27, 2019 (in response to ERO 019-0016, ERO 019-0017, 019-0021, 013-5018, 013-5033)

Recommendation 1: That the deadline for comments on Bill 108 be extended to a minimum of 30 days after the Regulations are released to allow for sufficient time to assess financial impacts, planning and development approval impacts, and impacts to provision of community services resulting from growth.

Planning Community Services and Amenities and Collecting Development Charges (Proposed Changes to the *Development Charges Act* and *Planning Act* from Schedules 3 and 12 of Bill 108)

Recommendation 2: That the Province defer consideration of the community benefits charges by-law until such time as the proposed Regulations are released so that the financial impacts, planning and development approval impacts, and impacts to provision of community services resulting from growth can be determined and analyzed with a view to ensure that growth pays for growth.

Recommendation 3: That the cap on the community benefits charge should be set to include the full recovery for soft infrastructure costs and parkland dedication as now obtained under the current statutes. To ensure that growth pays for growth, a municipality should be allowed to levy both the community benefits charge and receive parkland in a residential development.

Recommendation 4: That a transition provision be adopted to allow for a 3-year term from the date of enactment of Bill 108, or until a community benefit by-law is enacted, as the implementation timeline is a concern given the number of municipalities that will have to study, develop and enact a community benefits charge by-law.

Recommendation 5: That for developments and secondary plans that were approved by Council prior to the enactment of Bill 108, the existing *Planning Act* provisions for height/density bonusing and parkland dedication continue to apply.

Recommendation 6: That if the development charges reserves are currently negative due to the pre-emplacement of facilities, municipalities should be allowed to use existing Reserve balances for *Planning Act* density bonusing provision (section 37) and Cash-in-Lieu to offset current development charge debt.

Recommendation 7: That the proposal to not permit parkland dedication and a community benefits charge at the same time is not supported as municipalities may be forced into a position to choose either obtaining parkland or collecting contributions towards facilities and services (e.g. soft services) as it is not clear if Regulations prescribing services would include parkland.

Recommendation 8: That where a parkland dedication by-law is applied to a development, the City retain the authority under *Planning Act* section 42 (3) and 51.1 (2), and to apply an alternative parkland dedication rate.

Recommendation 9: That for development charge rates set earlier in the development process, there should be a sunset clause on the length of time permitted between a site plan and/or zoning application and building permit issuance – this could be in the range of 2 years to act as a disincentive for landowners who may want to apply but not proactively proceed with their development. Municipalities should also be allowed to index or charge interest from the date an application is deemed complete until a building permit is issued for all applications held for over a year.

Recommendation 10: That for developments subject to the six annual installment payment regime, the sale of the property should result in the immediate requirement to pay the remaining development charges due, by the original owner. Municipalities should be allowed to register the obligation on title to prevent transfer without the City being notified.

Recommendation 11: That the interest rate to be prescribed in the Regulations should be one that provides reasonable compensation to the City for the timing delay in receiving cash, as this may result in borrowing to fund growth-related requirements.

Permitting Up to Three Residential Units on a Lot (Proposed Changes to the Development Charges Act and Planning Act from Schedules 3 and 12 of Bill 108)

Recommendation 12: That municipalities retain their current authority to review and determine appropriate locations for dwelling units in ancillary buildings on a lot and within the municipality.

Recommendation 13: That municipalities retain their current authority to refuse additional dwelling units where there are insufficient services to support the increased density, or apply appropriate development charges to facilitate construction of the required services.

Recommendation 14: That municipalities retain their current authority to apply minimum parking requirements, to primary and accessory dwelling units.

Recommendation 15: That municipalities retain their current authority to apply zoning provisions to construction accommodating additional dwelling units, to ensure the proposed development is compatible with the built form of the neighbourhoods in which they are located.

Recommendation 16: That second units should be subordinate to, or accessory to, a main residential building in order to be identifiably differentiated from other residential development such as stacked townhouses.

Inclusionary Zoning Permitted in Only Major Transit Station Areas and Areas Subject to a Development Permit System and Removing Provision for Upper-Tier Municipalities to Require a Local Municipality to Establish a Development Permit System (Proposed Changes to the *Planning Act* from Schedule 12 of Bill 108)

Recommendation 17: That municipalities should continue to have ability to apply inclusionary zoning to development in areas other than protected major transit station areas or areas subject to a development permit system.

Application Review Timelines and Local Planning Appeal Tribunal Practices and Procedures (Proposed Changes to the *Local Planning Tribunal Act* and *Planning Act* from Schedules 9 and 12 of Bill 108)

Recommendation 18: That the proposed reduction in timelines for decisions on development applications is not supported as appeals for non-decisions to the LPAT removes decision making authority on development applications from Council, and may result in potentially longer decision timelines.

Recommendation 19: That rather than reducing timelines for Council decisions on applications, the Province provide sufficient resources to provincial ministries and agencies to allow for timely comments on development applications, thereby ensuring expedient reviews.

Recommendation 20: That the proposed Local Planning Appeal Tribunal process that reverts back to a “de novo” hearing process is not supported. The Province should carry forward the current test for the appeal of a Planning Act application requiring the Local Planning Appeal Tribunal to evaluate a municipal decision on a planning application based on its consistency with the Provincial Policy Statement, and conformity with Provincial Plans, as well as Regional and local Official Plans, or if the Province is unwilling to restore the appeal test, the Province should revise Bill 108 to provide for more deference to Council’s decisions.

Recommendation 21: That there be a provision in the Local Planning Appeal Tribunal Act permitting oral testimony for participants (non-parties); otherwise, written submissions by participants should be given the same consideration as in-person testimony by the Local Planning Appeal Tribunal in the hearing of an appeal.

Proposed Changes to the *Ontario Heritage Act* (Schedule 11 of Bill 108)

Recommendation 22: That the Province provide direction through enhanced educational materials to better guide heritage conservation objectives, including updating the Ontario Heritage Toolkit, as opposed to introducing principles by Regulation.

Recommendation 23: That the Province consider the option of requiring notice to property owners prior to the matter being considered by Council with the condition that once notification of listing is given, the property owner would be prevented from submitting a demolition permit

application until after Council has considered the recommendation for listing the property on the Register.

Recommendation 24: That the provision of enhanced guidance to municipalities on best practices for listing properties through education materials is supported.

Recommendation 25: That if the Province proceeds with the option of requiring notification to the property owner after Council has listed a property on the Register, the legislation should be amended to provide a time limit on the period when an objection to the listing can be submitted (as opposed to in perpetuity).

Recommendation 26: That the Province defer consideration of the amendment concerning prescribed requirements by Regulation for designation by-laws until such time as the Regulation has been drafted and available for consultation.

Recommendation 27: That the Province consider providing clarity in the *Ontario Heritage Act* by further defining what constitutes “heritage attributes”.

Recommendation 28: That the protection and incorporation of a cultural heritage resource should be considered as part of the final report on a planning application that is presented to a council so it can be considered in a holistic manner and not in a piecemeal approach (within the first 90 days).

Recommendation 29: That at a minimum, the Province maintain the Conservation Review Board as the non-binding appeal body for individual designation and amendments to the content of designation by-laws with the municipal council having the final decision on what is considered to be of heritage value in the local community. The Local Planning Appeal Tribunal could address objections related to requested alterations and demolition requests (as it does currently for properties within heritage conservation districts).

Recommendation 30: That if the Conservation Review Board is replaced by the Local Planning Appeal Tribunal, the Province should ensure that Tribunal members assigned to *Ontario Heritage Act* appeals possess cultural heritage expertise and an understanding of the *Ontario Heritage Act*.

Recommendation 31: That the amendments regarding the introduction of complete application provisions and specified timelines for alteration and demolition applications are supported.

Recommendation 32: That the identified clarification in the legislation indicating that “demolition and removal” will also include demolition and removal of heritage attributes is supported, but that Section 69(5) which deals with offences and restoration costs should be amended to remove the reference to “altered” to ensure that a municipality can recover restoration costs associated with the removal or loss of heritage attributes if a property has been impacted by a contravention of the Act.

Recommendation 33: That the changes to the *Ontario Heritage Act* be removed from Bill 108 or deferred to allow the Ministry to undertake meaningful consultation with all stakeholders on both improvements to the legislation and allow feedback on the future content of the identified Regulations.

Proposed Changes to the *Environmental Assessment Act* (Schedule 6 of Bill 108)

Recommendation 34: That the proposed exempted categories are supported as long as environmental protection measures are maintained.

Proposed Changes to the *Conservation Authorities Act* (Schedule 2 of Bill 108)

Recommendation 35: That Provincial efforts are supported to clarify the role and accountability of conservation authorities and that the Province is urged to support the Ministry of Natural Resources and Forestry, Ministry of Environment, Conservation and Parks and municipalities with enhanced natural heritage protection and watershed planning tools to fill the potential gap in natural resource, climate change and watershed planning services resulting from the proposed modified mandate of the TRCA.

Proposed Changes to the *Endangered Species Act* (Schedule 5 of Bill 108)

Recommendation 36: That refinements be made to section 16.1(2) of the proposed *Endangered Species at Risk Act* to ensure that landscape agreements are required to result in an overall net benefit to each impacted species at risk.

Recommendation 37: That the Species at Risk Conservation Trust be required to publish a regular report to provide an open and transparent accounting of the collection and spending of species conservation charges.

Recommendation 38: That the changes proposed for the *Endangered Species Act* (proposed sections 5(4)(b), 8.1, 9(1.1)) be carefully reviewed in consultation with experts to ensure the purpose and intent of the *Endangered Species Act* is not compromised.

Proposed Changes to the *Education Act* (Schedule 4 of Bill 108)

Recommendation 39: That if a landowner and a school board enter into an agreement for an alternative project, the municipality should be consulted on the alternative project.



May 17, 2019

Carolyn O'Neill
Ministry of the Environment, Conservation and Parks
Great Lakes and Inland Waters Branch
Great Lakes Office
40 St Clair Avenue West, Floor 10
Toronto, M4V 1M2
glo@ontario.ca

Dear Ms. O'Neil:

Re: Comments on ERO Posting # 013-5018: Modernizing Conservation Authority Operations –
Conservation Authorities Act

The City of Markham is in receipt of ERO Posting 013-5018 and wish to provide comments on this significant change to the mandate and operation of the conservation authorities in Ontario. We note that proposed amendments to the Conservation Authorities Act have been included in the omnibus Bill 108 More Homes, More Choices Act. Given the timeline provided by the Province these comments are prepared by staff and will be followed by a position of Markham Council at our earliest convenience. The Toronto and Region Conservation Authority is the CA with jurisdiction in the City of Markham.

The TRCA is one of the larger CA's in the province and has been a strong leader in conservation planning by ensuring the protection of valleylands and wetlands within their regulatory framework, providing accurate flood plain mapping products, being excellent stewards of their lands, providing guidance documents to help manage natural heritage and hydrological resources, leading the complicated files of source water protection and climate change mitigation and providing vision and leadership in the conservation and management of environmental lands and watershed management. Overall, Markham has benefited from the guidance provided by the TRCA. Staff supports the opportunity to review the role and function of CA's and wish to offer some insight and practical suggestions for consideration.

Transparency and Accountability is Supported

Staff support the rationalization of fees for services and greater accountability. In our experience, we have found that in some areas the TRCA fees required for certain services appear to be overly high. This could be in part due to the same fee applied to smaller or rural municipalities who do not employ environmental engineers or who may not have up to date technical guidelines or subwatershed plans that address current standards. We suggest that future fee structures be based on the level of service needed to address a technical requirement. We also suggest that the fee and approval structure should

recognize the larger municipalities who undertake appropriate technical studies such as Subwatershed Plan and Master Environmental Serving Plans to guide development.

A Comprehensive Approach to Natural Heritage and Hazard Land Protection is Supported

The provincial proposal recommends that the TRCA's broader role in conservation and resource management be eliminated with a focus only on hazard lands (floodplain and erosion) protection. While this is certainly a significant responsibility and its importance is not understated, the City has adopted a new Official Plan 2014 (partially approved on November 24, 2017 and further updated on April 9, 2018) which adopts a systems approach to natural heritage planning and intrinsically links feature based protection (woodlands, wetlands and valleylands which include flood plain hazard lands) in order to address multiple natural heritage requirements (eg. hazard lands protection, natural heritage protection, habitat and species protection). We implement our policies in partnership with the TRCA. This provides the City with the highest level of confidence that development approval decisions will not adversely impact the City's Greenway System. Removing TRCA from its ability to provide input and comments to municipalities on natural heritage planning will create a gap that will need to be addressed. As the City does not employ biologists, hydrogeologists, ecologists and other science-based professionals, this function will need to be addressed at a cost to Markham and other municipalities either through new non-mandatory agreements with TRCA or through the private sector. Municipalities should not be expected to carry the additional financial burden of natural heritage protection alone. Additional tools and resources should be provided by the Province to ensure natural heritage protection is not diminished as a result of the removal of the commenting function of the TRCA on valleyland systems.

Watershed Management and Restoration

Watershed planning and the preparation of watershed plans provide a science-based foundation for responsible decisions on land development. Watershed boundaries cross municipal boundaries and as such conservation authorities are the obvious lead for these planning activities. Combined with their in-house expertise of science based professionals, conservation authorities have been successfully leading watershed plans for decades. Many conservation authorities offer tree planting and restoration programs which are highly valued by residents and landowners. These programs directly support watershed management and the conservation of Ontario's natural resources – a goal of the 'Made-in-Ontario Environment Plan'. We support a continued role for the conservation authorities in these activities.

Conservation and Management of TRCA Owned Lands

The TRCA own and manage a significant portion of lands in Markham (some of which will be transferred to Parks Canada). Adequate funding should be available to ensure that these lands can be managed over the long term, including lifecycle expenditures such as repair of structures in particular heritage buildings and preparation of management plans to ensure their long term function and sustainability.

Non- Mandatory Programs

The City has many project and service agreements with TRCA. These range from tree funding partnerships, invasive species management, culvert works and rehabilitation, SNAP program, STEP

program, Mayor's Megawatt Challenge, Markham Museum Rain Garden, technical advice on Berczy, Bruce, Robinson, Eckardt, Robinson Creek Subwatershed Study and other important initiatives. We are also concerned that the non-mandatory programs will force municipalities to opt-in and opt-out of programs and services based on budget priorities resulting in a potential inconsistent approach between municipalities. We believe a fair and consistent approach towards the protection and management of natural resources is not only beneficial in the implementation of local, regional and provincial policy, it also benefits the development community. Markham supports a balanced approach to growth which allows us to meet our mandated provincial growth targets, while providing us with the tools to protect what is valuable to us.

In terms of local context, and important to Markham, are the challenges associated with protecting and enhancing our already low natural heritage cover (approximately 13.7%). When compared to other Greater Toronto Area municipalities, the historical agricultural land clearing practices and the pace of urbanization has resulted in Markham having the lowest natural heritage cover. Markham and TRCA share a vision for a sustainable and healthy local natural heritage system and work in partnership to address development pressures in a balanced and responsible manner. In this way, Markham can make small strides towards meeting published natural heritage, woodland and tree canopy targets prepared by all levels of governments and natural heritage agencies. Markham supports a role for conservation authorities in the conservation, restoration and management of natural resources within a watershed context.

Sincerely,



Arvin Prasad, RPP, MCIP
Commissioner of Development Services
City of Markham

C. Member of Council
Andy Taylor, CAO, Markham



May 17, 2019

Ministry of the Environment, Conservation and Parks
Species Conservation Policy Branch
300 Water Street, Floor 5N
Peterborough, ON K9J 3C7

RE: 10th Year Review of Ontario's Endangered Species Act: Proposed Changes (ERO-013-5033)

Dear Sir/Madam:

Thank you for the opportunity to provide comments on the Province's proposed changes to the Endangered Species Act (ESA). It is understood that the Province is seeking to improve the administration of the ESA through new types of permit and agreements while ensuring positive outcomes for species at risk. While implementation challenges have been expressed in the implementation of the ESA, the Province's Made-in-Ontario Environment Plan also recognizes that species at risk in Ontario are facing increasing strain and pressure due to the effects of climate change, invasive species and habitat alteration. City of Markham staff supports the intent of this Act to reverse negative trends to species at risk populations and have concerns that some of the proposed changes may weaken the level of protection afforded to Ontario's species at risk. We provide the following comments for your consideration.

1. Integration of ESA permitting with land use planning

City of Markham staff support the concept of a 'landscape agreement'. The City is currently planning for the 'Future Urban Area' encompassing approximately 1300 hectares to accommodate growth to 2031 and it is anticipated that numerous ESA permits will be required in support of urban development. To manage the impacts of urban development, the City is requiring that a natural heritage restoration plan be prepared for each of the four community blocks. The option to implement a 'landscape agreement' can assist in a coordinated and strategic approach to the implementation of multiple restoration projects to enhance the natural environment including the habitat for species at risk.

Careful attention must be paid to the implementation of the landscape agreement to ensure that unforeseen impacts to species at risk are not incurred. Staff have concerns that landscape agreements are not required to fully offset impacts to each impacted species at risk as proposed under section 16.1(2) of the ESA. This could result in a difficult scenario where Provincial staff have to choose "winners and losers" amongst species at risk.

2. Species at Risk Conservation Trust

City of Markham staff support the option to offset impacts to species at risk through a dedicated fund, however safeguards need to be put in place to ensure proper management and administration of this agency.

Firstly, it should be ensured that 'species conservation charges' are directed towards beneficial activities for species at risk rather than administration and staffing costs. If the Province intends to recover

City of Markham • 101 Town Centre Boulevard, Markham, Ontario L3R 9W3

Website: www.markham.ca • Tel: 905-477-5530 • Fax: 905-479-7767



administration and staff expenses through the 'species conservation charge', then these additional costs should be factored into account.

Secondly, projects funded by the agency should prioritize the recovery of species that have been impacted and for which a 'species conservation charge' has been collected. As proposed, it appears that funds collected under the Species at Risk Conservation Trust may be directed towards any species at risk.

3. Adopting a Precautionary Approach to Ontario's Biodiversity and Species at Risk

While City staff support a number of the proposed changes, other proposed changes could have an undesirable result on the recovery of species at risk in Ontario. These include:

- Consideration of the condition of the species outside of Ontario (s. 5(4)(b))
- Ability to suspend protection of newly listed species at risk for up to three years (s. 8.1)
- Ability to, by regulation, limit the protection of newly listed species (s. 9(1.1))

Species at risk populations are facing increasing risks due to climate change, invasive species and habitat alteration. Staff suggest that these changes be carefully reviewed in consultation with industry experts to ensure that the overall purpose and intent of the ESA is not compromised.

Should you have any questions, please feel free to contact Patrick Wong, Natural Heritage Planner at 905-477-7000 ext. 6922 or patrickwong@markham.ca.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arvin Prasad'.

Arvin Prasad, RPP, MCIP
Commissioner of Development Services
City of Markham

cc. Mr. Brad Allan, District Manager (A), Ministry of Natural Resources and Forestry, Aurora District, 50 Bloomington Rd, Aurora, ON L4G 0L8



Report to: Development Services Committee

Meeting Date: May 27, 2019

SUBJECT: The Use of Box Grove Community Funds for Street Lights
(Ward 7)

PREPARED BY: Brian Lee, Director of Engineering, ext. 7507

RECOMMENDATION:

1. That the report entitled “The Use of Box Grove Community Funds for Street Lights (Ward 7)” be received; and,
2. That available Box Grove Community Funds in the amount of \$357,858 be used for the installation of municipal street lights on Ridgevale Drive and Rouge River Circle in Box Grove be endorsed; and,
3. That a 2019 Engineering Capital Project be established using the Box Grove Community Funds as the funding source for the design and construction of street lights on Ridgevale Drive and Rouge River Circle, at an estimated cost of \$345,000 including contingencies, internal charges and HST impact; and
4. That, following completion of the project, the estimated remaining Box Grove Community Funds of \$12,858 (\$357,858 - \$345,000) remain in the Box Grove Community Funds until future community use of the funds is identified and until the funds are exhausted; and further,
5. 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 seek Council’s approval to use the Box Grove Community Funds for installation of municipal street lights on Ridgevale Drive and Rouge River Circle in the Box Grove Community.

BACKGROUND:

The City received the Box Grove Community Funds (620 101 5699 6805) with the original amount of \$500,000 through the Box Grove Community Memorandum of Understanding dated June 13, 2002 (the “MOU”). The MOU requires the Owner of the Box Grove developer group to pay the Funds which are to be used “for public infrastructure and community facilities, in addition to that described in other clauses of this MOU.”

Since that time, some of the funds have been used. There is also a history where the resident groups and Council disagreed how to use the remainder of the funds. A brief chronology of the various decisions and staff reports is provided in Attachment “A”.

A staff report to Development Services Committee (DSC) meeting on February 19, 2008 entitled “Box Grove Community Fund Distribution” recommended that the remaining funds be used for street light improvements and improvements to the Box Grove Community Centre. The ratepayers did not support the use of the funds as recommended by staff and the report was deferred. The March 18, 2008 DSC resolved that the fund distribution “be referred to the Markham Subcommittee following a Box Grove residents meeting to discuss these matters.”

Subsequently, some of the funds were used as approved by Council and agreed to by the resident group. Currently, there is a remaining balance of \$357,858.

OPTIONS/ DISCUSSION:

Street Lights for the Box Grove Community is a Community Benefit

As indicated in the 2008 staff report mentioned above, staff indicated that street light improvements to municipal streets is a community benefit and is an appropriate use of the funds. In the 2008 report, staff recommended that certain sections of Ninth Line, 14th Avenue, Ridgevale Drive and Rouge River Crescent be provided with municipal street light. This was not well received by the residents at that time and the plan as abandoned.

Letter from Mr. Tom Ferrar Supports the use of the Funds for Street Lights

Mr. Tom Ferrar (President of Box Grove Community Association – 1991 to 2013) wrote to the Mayor & Councillors in a letter dated December 1, 2018 (see Attachment “B”) requested that homeowners on 14th Avenue and Ninth Line south of 14th Avenue be compensated for water lines, streetlights for Ridgevale Drive and Rouge River Crescent, and funds to be prorated per household to augment the installation of sewers.

Since the 2008 staff report, streetlights have been installed for 14th Avenue and Ninth Line except for Ridgevale Drive and Rouge River Crescent. Mr. Ferrar supports using the Funds for streetlights on these two streets in his recent letter.

Residents at Ridgevale Drive and Rouge River Crescent have Requested Street Lights

Staff has received increasing number of requests from residents of Ridgevale Drive and Rouge River Crescent in recent years for street lights on their streets.

CONCLUSION:

Based on the above factors, staff is of the opinion that using the Funds for street lights serves a community benefit and there appears to be public support in general. Therefore, staff recommends that a 2019 Engineering Capital Project be established for the design and construction of the street lights. Based on staff preliminary estimate of \$345,000 for the design and construction (including contingencies, internal charges and HST impact), there is sufficient amount in the Box Grove Community Funds to pay for this project. If approved by Council, staff will proceed with the design of the street lights now and construction will likely be carried out in 2020. Any amount remaining from the project

will be returned to the Box Grove Community Funds for future uses for which the funds were established, until the funds are exhausted.

FINANCIAL CONSIDERATIONS:

There is a balance of \$357,858 in the Box Grove Community Funds – Account 620 101 5699 6805. If Council is supportive of using the Funds for street light, a new Engineering Capital Project be requested to fund the design and construction, and the required amount be transferred from the Box Grove Community Funds to this new account.

HUMAN RESOURCES CONSIDERATIONS:

Not Applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The installation of street lights increases public safety to this neighbourhood.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Finance Department was consulted in the preparation of this report.

RECOMMENDED BY:

Brian Lee, P. Eng.
Director, Engineering

Arvin Prasad, M.C.I.P., R.P.P.
Commissioner, Development Services

ATTACHMENTS:

Attachment “A” – Chronology of Box Grove Community Funds

Attachment “B” – Letter from Mr. Tom Farrar dated December 1, 2018

Attachment "A"
Chronology of Box Grove Community Funds

1. Staff report "*Proposed Box Grove Secondary Plan Draft Memorandum of Understanding*" was adopted by Council at its meeting on August 29, 2000. The CAO was authorized to execute the MOU attached to the staff report.
2. In the August 29, 2000 staff report, it states that the draft MOU is to deal with a number of matters including:
 - construction of watermains to service the existing Hamlet
 - oversizing sanitary sewers to allow future extension to serve the Hamlet
 - financial contribution of public infrastructure and community facilities
3. Executed Box Grove Community Memorandum of Understanding dated June 13, 2002 (the "Box Grove MOU") clause 5.a. Description of Undertaking, requires the Owner to pay \$500,000 to Markham "for public infrastructure and community facilities, in addition to that described in other clauses of this MOU."
4. The Amendment No. 1 of the Box Grove Community Memorandum of Understanding was executed April 4, 2008 to address changes in land ownership, development phasing, transportation infrastructure, "Hold (H)" provision, etc.
5. Staff report to DSC on February 19, 2008 "*Box Grove Community Fund Distribution*" and recommended that remaining funds of Box Grove Community Funds (80 6900 6805 005) (the "Funds") in the amount of \$401,858 be used for **street lighting improvements** and **improvements to the Box Grove Community Centre** to use up the funds. Ratepayers supported using the funds for sanitary sewage facilities for the hamlet residents (about \$3,809,500 for 100 homes). Staff felt the Funds should be applied to projects with "a clear public benefit". DSC deferred the report to March 18, 2008.
6. At the March 18, 2008 DSC meeting, staff advised that "ultimately it is up to Council (in consultation with the public) to determine how to apply the funds." DSC resolved that the funds distribution "be referred to the Markham Subcommittee following a Box Grove residents meeting to discuss these matters."
7. Markham Subcommittee Meeting Minutes of April 29, 2008 were reported out at the DSC meeting of May 20, 2008. DSC adopted the resolution of Markham Subcommittee: (a)

\$44,000 be used to reimburse the property owners on 9th Line, north of 14th Avenue for their out of pocket expenditure for water connection; (b) balance of the funds be used for providing sanitary sewer system in the Hamlet with the balance of the overall cost being paid through a local improvement charge on their taxes with an amortization period of 20 years subject to the community supporting the full servicing project with a minimum of 2/3 majority of all benefiting properties. (Funds available after using \$44,000 for water connection was \$357,858.)

8. Council at its meeting on September 29, 2009 approved staff report to General Committee "*Box Grove Water Connection Reimbursement*" to transfer an addition of \$2,500 from Box Grove Community Funds (Capital Budget Account 620 101 5699 6805) for a total of \$46,500 to cover the reimbursement of water connection cost for the 27 identified lots.
9. Staff report to DSC on May 20, 2014 "*Box Grove Community Infrastructure Improvements*" recommends how to use the remaining amount of \$357,858:
 - allocate \$200,000 for Box Grove Community Centre Parkland Improvements;
 - create "*Box Grove Community Sanitary Sewer Improvements*" (\$157,858); if sanitary work does not proceed, the amount to be used for the Phase 3 improvements at the Box Grove Community Centre Parkland.

The report was deferred to the June 10, 2014 DSC meeting.
10. Ward councillor advised DSC on June 10, 2014 that a community meeting had been held regarding the distribution of the Box Grove Community Funds and that the local residents requested time to consider alternatives. Staff was requested to report back on the sanitary sewers on June 17, 2014, and report back on further improvements in the spring 2015.
11. Staff reported to DSC on May 24, 2016 "*Box Grove Community Infrastructure Improvements*" and recommended:
 - a. Phase 2 improvements to the parklands at Box Grove Community Centre (up to \$480,000),
 - b. Transfer the remaining \$357,858 to a new capital account for Phase 2 improvements to the parklands (above)
 - c. Remaining required balance of \$122,142 to be funded 90% DC and 10% from NON-DC Capital Contingency.

The staff recommendation would effectively use up all of the remaining Box Grove Community Funds.

Staff indicated that “consensus could not be achieved on proposed sewer improvements, and staff suggested further public consultation could be held to determine how the funds are to be spent. DSC resolved that the Box Grove Community Infrastructure Improvements be deferred to a Development Services Committee meeting in June, 2016, to allow a community meeting on this matter.

12. It is staff understanding that no further community meetings had been held since that report. Therefore the amount \$357,858 remains.
13. Staff met with Mr. Tom Farrar on March 27, 2017 to verify that the above is generally the chronology of events related to the Funds.

Letter to Mayor and Councillor from Mr. Tom Farrar dated December 1, 2018

December 1, 2018

Mayor and Councillors,
City of Markham

Re: Box Grove Community Impact Fund \$500,000
Box Grove from Hamlet to a vibrant suburb of The City of Markham

Box Grove was a Hamlet of approximately 125 homes centered by the intersection of 9th Line and 14th Avenue and included Ridgevale Drive and Rouge River Circle.

Early in the 1990's IBM/Minto proposed to develop the east half of the IBM Golf Course which became the community known as Legacy. During the planning stages the Box Grove residents, as represented by the Box Grove Community Association (ratepayers) were consulted. The meetings were facilitated by the then Town of Markham Planning Department. We negotiated for and received access to sanitary sewer connections to the rear of the properties on the west side of 9th Line north of 14th Avenue. At the time we were asking for sanitary sewers for all of Box Grove but were told that that was not an option. We were assured that as further development occurred similar sewer connections would be made available to the then existing Box Grove homes. This assurance was later withdrawn as it was against new policies for sewer connections.

A secondary waterline to supply Legacy was installed down the centre of 9th Line to 14th Avenue and the facing residents were allowed to connect by payment of a connection fee.

The next major happening was the proposal by TACC Developments for the remaining open lands to be developed. Silvio DeGasperas and David Stewart made a presentation to the BGCA showing plans and looking for our participation. As part of our input we provided the following 'wish list' to the developer:

- 1) municipal water connections for **all existing residents**
- 2) sanitary sewer connections for **all existing residents**
- 3) street lighting (illumination not traffic lights) for **all Box Grove**
- 4) continued involvement throughout the planning process
- 5) compensation to bring the **existing community up to the municipal standards of the new community**

Page 2

Re: Box Grove Community Impact Fund \$500,000

Box Grove from Hamlet to a vibrant suburb of The City of Markham

We received:

- 1) municipal water connections for Ridgevale/Rouge River Circle but not for 14th Avenue nor 9th Line south of 14th Avenue.
- 4) continued involvement throughout the planning process
- 5) **a \$500,000 community impact fund designated specifically to bring the existing community up to the municipal standards of the new community**

As we went forward it was determined by the BGCA that the connections to the now existing 9th Line waterline would be paid out of the fund putting them on an equal standing with the Ridgevale/Rouge River Circle residents at an estimated budget of \$44,000. It should be noted that at this time municipal water was not available to 14th Avenue or 9th Line residents south of the intersection but that they should also be compensated as municipal water lines were installed.

We then became aware that \$100,000 of the Box Grove fund was used to upgrade a ball diamond located at Steeles Avenue and Reesor Road well beyond the borders of Box Grove.

We had a contiguity plan going forward to fund street lighting but there was an opportunity to invest the fund in a proposed sanitary sewer project for existing Box Grove thereby reducing the cost per household. Unfortunately the sanitary sewer project did not proceed.

Street lighting has since been installed on 9th Line and 14th Avenue as part of a separately funded project. This leaves only Ridgevale/Rouge River Circle without street lighting.

Which brings us to the present. Repeated requests to determine the status of the balance of the fund (approximately \$360,000) have gone unanswered.

The fund must be used as originally designated for the betterment of the homes and residents in what was the Hamlet of Box Grove. To this end:

- 1) the residents of 14th Avenue and 9th Line south should be compensated for municipal water connections.
- 2) Funds should be prorated per household to augment the installation of sewers.
- 3) Street lighting should be installed on Ridgevale/Rouge River Circle.

Page 3

Re: Box Grove Community Impact Fund \$500,000
Box Grove from Hamlet to a vibrant suburb of The City of Markham

The remaining funds should then be reevaluated for further community improvements.

The above is based on my serving as president (1991 to 2013) of the board of the Box Grove Community Association (ratepayers) and having gained from experience and input from my fellow residents what would help Box Grove achieve the municipal standards of all of The City of Markham.

I will gladly discuss the above given the opportunity.

Yours truly,



Tom Farrar

