

Electronic Development Services Committee Meeting

Minutes

Meeting Number 2

February 8, 2021, 9:30 AM - 1:00 PM

Live streamed

Roll Call	Mayor Frank Scarpitti Deputy Mayor Don Hamilton Regional Councillor Jack Heath Regional Councillor Joe Li Regional Councillor Jim Jones Councillor Keith Irish Councillor Alan Ho	Councillor Reid McAlpine Councillor Karen Rea Councillor Andrew Keyes Councillor Amanda Collucci Councillor Khalid Usman Councillor Isa Lee
Staff	Andy Taylor, Chief Administrative Officer Arvin Prasad, Commissioner, Development Services Claudia Storto, City Solicitor and Director of Human Resources Biju Karumanchery, Director, Planning & Urban Design Brian Lee, Director, Engineering Bryan Frois, Chief of Staff Ron Blake, Senior Development Manager, Planning & Urban Design Sabrina Bordone, Senior Planner, Central District Loy Cheah, Senior Manager, Transportation Lilli Duoba, Manager, Natural Heritage Darryl Lyons, Manager, Policy	Stephen Lue, Manager, Central District Stacia Muradali, Manager, Development - East Marg Wouters, Senior Manager, Policy & Research Brad Roberts, Manager, Zoning and Special Projects Dimitri Pagratis, Senior Planner, Central District Parvathi Nampoothiri, Manager, Urban Design Grace Lombardi, Acting Election & Committee Coordinator Patrick Wong, Senior Planner, Natural Heritage Liliana Da Silva, Senior Planner Laura Gold, Council/Committee Coordinator Hersh Tencer, Senior Manager, Real Property

Alternate formats for this document are available upon request

1. CALL TO ORDER

In consideration of the ongoing public health orders, this meeting was conducted electronically to maintain physical distancing of participants. With the passage of the *COVID-19 Economic Recovery Act, 2020* (Bill 197), municipal Council Members are now permitted to meet remotely and count towards quorum.

The Development Services Committee meeting convened at the hour of 9:35 AM with Regional Councillor Jim Jones presiding as Chair for all items on the agenda.

The Development Services Committee recessed at 11:40 AM and reconvened at 11:51 PM.

The Development Services Committee recessed at 1:06 PM and reconvened at 2:02 PM.

2. DISCLOSURE OF PECUNIARY INTEREST

None disclosed.

3. APPROVAL OF PREVIOUS MINUTES

3.1 DEVELOPMENT SERVICES COMMITTEE MINUTES – JANUARY 25, 2021 (10.0)

Councillor Karen Rea addressed the Committee and indicated that item # 9.1 Request for Demolition 12 Imperial College Lane (Formerly 9900 Markham Road), William Clarry House, Sunny Communities, Ward 6 include, that staff report back to the Development Services Committee within 90 days and that staff include enforcement in the update status report.

Moved by Councillor Khalid Usman
Seconded by Deputy Mayor Don Hamilton

1. That the minutes of the Development Services Committee meeting held January 25, 2021, be confirmed.

Carried

4. DEPUTATIONS

Deputations were made for the following items:

7.2 - City of Markham Comments to the Province on a Minister's Zoning Order Request by Mon Sheong Foundation to Permit a Long-Term Care Facility within a Learning Centre and Assisted Living Community at 36 Apple Creek Boulevard

Refer to the individual item for the deputation details.

5. COMMUNICATIONS

5.1 CITY OF MARKHAM COMMENTS TO THE PROVINCE ON A MINISTER'S ZONING ORDER REQUEST BY FLATO DEVELOPMENTS INC. TO PERMIT 325 TO 485 SINGLE DWELLINGS, 190 TO 380 TOWNHOUSES, AND TWO 6 TO 8-STOREY APARTMENT BUILDINGS OF 240 TO 320 UNITS ON LANDS KNOWN MUNICIPALLY AS 5474 19TH AVENUE AND 5662 19TH AVENUE (10.5)

Refer to Item # 7.2 for the staff report.

Moved by Councillor Isa Lee

Seconded by Councillor Alan Ho

That the communications submitted by Andrew McCammon, Executive Director, The Ontario Headwaters Institute, Michelle Hannikainen, Kelly Swartz, Samantha Bite, Hayley Young, Katie Koichopolos, Leslie Fan, Colleen Frankovich, Alannah Copetti, Amanda Bonomo, Emily Crocker, Alexandra Henriques, Marg Drudge, Cathy Hedderwick, Laura Tipton (1), Jacqueline Furfaro, Hannah Sunderani, Lauryne Hartman, Arti Jalan, Kristen Hosick, Ellen Reesor, Stephanie Ramautar, Project Manager – Municipal Planning at Trillium Health Partners, Mark Cooper, Matt Rock, Maddie Chambers, Rita Di Cesare, **Allison Rock, Alfred Chalk, Ralph Strutt, Jaykamath, Amy Fabbo, Iris Leung, Mrianda Minhas, Donald Strathroy, Miriam Reesor, Josh Griffin, Judith Livingston, Cookie Roscoe, Linda McIntosh, Trishna Kamath, Alexander Wolf, Joan Moore, Michael Robertson, Hitesh Parmar, Katrina Basso, Jean Rennie, Karen Grimshaw, Margaret Calver, Susan Reesor (1), Susan Reesor (2), Peeter Vanker, Patricia J. Rennie, Marilyn Ginsburg, Mary Jo Turner, Corie Bonnaffon, Reid Williamson, Valerie and Dave Burke, Laura Tipton (2), Carey Yeoman, Ajda El-Zabet, Kimberly Seymour and Michael Oberpichler, Leslie Girdharry, Judith Marshall, Diane Berwick, Kimberly Seymour on behalf of the Settler's Park Residence Association, Valerie Tate, Joan Honsberger, Rhonda Duma, Yared Lakew, The Executive of Ward One (South) Thornhill Residents Inc., Arlene Reesor and Denis Taylor,**

Tarun Dewan on behalf of Grandview Area Residents Association, Art Reesor, Carolyn Reesor, Carolyn Burke, Board of Directors, York Region Federation of Agriculture, Dr. Sue Carstairs, be received.

Carried

6. PETITIONS

There were no petitions.

7. REGULAR REPORTS - DEVELOPMENT AND POLICY ISSUES

7.1 CITY OF MARKHAM COMMENTS TO THE PROVINCE ON A MINISTER'S ZONING ORDER REQUEST BY MON SHEONG FOUNDATION TO PERMIT A LONG-TERM CARE FACILITY

WITHIN A LEARNING CENTRE AND ASSISTED LIVING COMMUNITY AT 36 APPLE CREEK BOULEVARD (WARD 2) FILE NO.: MZO 21 105377 (10.5)

Arvin Prasad, Commissioner, Development Services, introduced the item and provided brief opening remarks with respect to the Minister's Zoning Order (MZO) request by Mon Sheong Foundation.

Stephen Lue, Manager, Development, Central District, delivered a presentation and provided a high-level overview on the City of Markham's comments to the province on a MZO request by Mon Sheong Foundation that included, policy context, proposed development, city recommendations, and the next steps. Mr. Lue provided clarification on the current zoning of the subject land. It was noted that the long-term care facility is not a permitted use within the subject area and an employment land conversion is required. It was also noted that York Region is conducting a Municipal Comprehensive Review (MCR) and the deadline for conversion requests submission was November 29, 2019.

Eldon Theodore, Tim Kwan, Frank Chau, Michael Nicholas-Schmidt, and Stephanie Wong, on behalf of Mon Sheong Foundation, delivered a presentation on the proposed mixed use and multi-purpose seniors living community at 36 Apple Creek Boulevard which included, problem context, policy context, site statistics, and the vision. It was noted that a decision for the purchase agreement between Mon Sheong Foundation and the landowner expires February 2021, and that the MZO is time sensitive.

The Committee discussed the following relative to the staff report:

- Concerns with the short time frame to provide feedback to the Ministry and concerns with not having public consultation;
- Importance of having long-term care homes assisting with the shortage of long-term care room availability within the City of Markham;
- Ensuring that a future Site Plan Application by Mon Sheong Foundation for the proposed location are required to be approved by the City of Markham;
- Ensuring the conditions in Appendix “E” of the staff report include that no residential units be located on the east side of the building fronting Apple Creek Boulevard; and,
- The need to consider additional sound proofing in the proposed Mon Sheong development to assist with future noise impact from the surrounding land uses.

It was suggested that the Ward Councillor and representatives from Mon Sheong Foundation hold a Community Information Meeting at a future date to receive public feedback.

Moved by Mayor Frank Scarpitti

Seconded by Councillor Alan Ho

1. That the report entitled, “City of Markham Comments to the Province on a Minister’s Zoning Order request by Mon Sheong Foundation to permit a long-term care facility within a learning centre and assisted living community at 36 Apple Creek Boulevard (Ward 2), File No.: MZO 21 105377”, be received; and,
2. **That a future Site Plan Application by Mon Sheong Foundation be required for 36 Apple Creek Boulevard and be subject to approval by the City of Markham; and,**
3. That Appendix "E" include the following additional condition:

"5. That in Building 1, no residential units shall be located on the east side of the portion of the building fronting on Apple Creek Boulevard."; and,
4. That the City of Markham support the Minister’s Zoning Order request by Mon Sheong Foundation for the lands at 36 Apple Creek Boulevard, subject to the recommended zoning standards in Appendix “D”, attached to this staff report; and,

5. That this report be forwarded to the Minister of Municipal Affairs and Housing, York Region, and the Toronto and Region Conservation Authority as the City of Markham's comments on the MZO request by Mon Sheong Foundation for 36 Apple Creek Boulevard; and further,
6. That staff be authorized and directed to all things necessary to give effect to this resolution.

Carried

Moved by Regional Councillor Jack Heath
 Seconded by Councillor Reid McAlpine

1. That the report entitled, "City of Markham Comments to the Province on a Minister's Zoning Order request by Mon Sheong Foundation to permit a long-term care facility within a learning centre and assisted living community at 36 Apple Creek Boulevard (Ward 2), File No.: MZO 21 105377", be received; and,
2. **That staff be directed to hold a Community Information meeting and that the results of the Community Information meeting and the proposed staff recommendation be considered at a Special Council meeting to be held during the week of February 15, 2021; and,**
3. That the City of Markham support the Minister's Zoning Order request by Mon Sheong Foundation for the lands at 36 Apple Creek Boulevard, subject to the recommended zoning standards in Appendix "D", attached to this staff report; and,
4. That this report be forwarded to the Minister of Municipal Affairs and Housing, York Region, and the Toronto and Region Conservation Authority as the City of Markham's comments on the MZO request by Mon Sheong Foundation for 36 Apple Creek Boulevard; and further,
5. That staff be authorized and directed to all things necessary to give effect to this resolution.

Lost

7.2 CITY OF MARKHAM COMMENTS TO THE PROVINCE ON A MINISTER'S ZONING ORDER REQUEST BY FLATO

**DEVELOPMENTS INC. TO PERMIT RESIDENTIAL DEVELOPMENT
ON LANDS AT 5474 AND 5662 19TH AVENUE (WARD 2) (10.5)**

Arvin Prasad, Commissioner, Development Services, addressed the Committee and provided brief opening remarks.

Darryl Lyons, Manager, Policy, delivered a presentation and summarized the details outlined in the staff report, which included the Minister's Zoning Order (MZO) request by Flato Developments Inc., staff recommendations, and next steps. Mr. Lyons provided clarification on the designation of the subject area and the process of a Municipal Comprehensive Review (MCR) completed by York Region.

Katarzyna Sliwa, Dentons Canada LLP, and Shakir Rehmatullah, on behalf of Flato Developments Inc., addressed the Committee and provided an overview of the proposed development. Ms. Sliwa provided clarification on the preserved area for the greenbelt and the greenway system. Mr. Rehmatullah provided an explanation on the reasons for the decrease in the number of units.

Brian Lee, Director, Engineering, provided clarification on the cross boundary municipal servicing at the subject area and cited examples in other areas within the City of Markham. Mr. Lee also indicated that there is a stormwater management pond that is located in the City of Markham, owned and operated by the Town of Whitchurch-Stouffville, which services a Whitchurch-Stouffville residential subdivision, but there is no cross boundary municipal servicing because that stormwater management pond does not service any properties in Markham.

The following individuals spoke in opposition to the Minister's Zoning Order request by Flato Developments Inc.:

- Peter Miasek, on behalf, Unionville Residents Association
- Alexis Edghill Whalen
- Ellen Reesor
- Marilyn Ginsburg
- Matthew Rock
- Richard Reesor
- Jay Reesor
- Valerie Burke

The Committee discussed the following relative to the staff report:

- The size of the subject land and the number of acres preserved for the greenbelt and greenway system;
- Comparing the potential housing price range of the proposed development with other affordable housing price ranges within York Region;
- Ensuring an Environmental Impact Study and other studies required for a re-zoning application are completed;
- Clarification on the reason for the decrease in number of units;
- Confirming the responsibilities of the cross-boundary servicing;
- Incorporating a variety of housing within the proposed development to include semi-detached, duplex, triplex, fourplex, bungalow such as, bungalow and bungatown;
- Incorporating commercial units within the proposed development to provide amenities to the area;
- Concerns with the proposed development not having a transit service to assist with transportation for seniors;
- Incorporating additional four acres of parkland, above what is required under the *Planning Act*, and considering the capital cost for construction of the park;
- Incorporating an additional 100 affordable rental units as defined under the York Region Official Plan;
- Ensuring that the York Region and Toronto and Region Conversation Authority (TRCA) are communicated with as part of the conditions of approval; and,
- Ensuring that Site Plan Applications remain in the control of the City of Markham.

There was discussion that a Community Information meeting be held.

The Development Services Committee consented to place this item on the February 9, 2021 Council agenda for consideration.

Refer to Item # 5.1 for communications related to this matter.

Moved by Councillor Amanda Collucci

Seconded by Councillor Andrew Keyes

1. That the report entitled, “City of Markham Comments to the Province on a Minister’s Zoning Order request by Flato Developments Inc. to permit residential development on lands at 5474 and 5662 19th Avenue (Ward 6)”, dated February 8, 2021, be received;
2. **That the deputations from Peter Miasek, Alexis Edghill Whalen, Ellen Reesor, Marilyn Ginsburg; Matthew Rock, Richard Reesor, Jay Reesor, Valerie Burke, be received; and,**
3. That the City of Markham supports the revised Minister’s Zoning Order request by Flato Developments Inc. as presented to Development Services Committee on February 8, 2021, for 5474 and 5662 19th Avenue, to permit 219 single-detached dwellings, 197 townhouses, 200 purpose built rental apartment units, and two parks each at 0.8 hectares, subject to the following conditions:
 - a. **That an additional four acres of parkland above and beyond the parkland dedication required under the *Planning Act* be provided for a serviced park, and that Flato Developments Inc. agrees to provide up to 50 percent or \$1 million, whichever is greater, of the capital cost for construction of the park;**
 - b. **That an additional 100 affordable units be provided as defined under the York Region Official Plan, 2010, and include accessibility features to the satisfaction of the City;**
 - c. **Ensure that all technical studies normally required as part of a re-zoning application, including but not limited to, an Environmental Impact Study be submitted to the satisfaction of the Commissioner of Development Services;**
 - d. **Ensure that the requirements and conditions of approvals of York Region and the Toronto and Region Conservation Authority are addressed;**
 - e. **That the applicant submit municipal servicing plans for approval by the City and York Region, and the Town of Whitchurch-Stouffville if applicable, and enter into any servicing agreements as necessary;**
 - f. **That public art be provided in this development to the satisfaction of the City;**
 - g. **That Flato Developments Inc. consider the provision of the following range of uses within the development: semi-detached, duplex, triplex, fourplex, bungalow (e.g. bungalow and bungatown);**

- h. **That Flato Developments Inc. be required to provide payment of all development application fees, including but not limited to, the Minister's Zoning Order application fee; and**
- i. **That site plan control applies to all blocks within this development and its approval authority remains with the City.**
- 4. **That the recommended zoning standards as revised and shown in Attachment 1 to this resolution be received, and that should the Minister consider it appropriate to issue an MZO, that these zoning standards be applied; and,**
- 5. **That this resolution, including Attachment 1, be forwarded to the Ministry of Municipal Affairs and Housing, York Region, and the Town of Whitchurch-Stouffville as the City of Markham's comments on the Minister's Zoning Order (MZO) request submitted by Flato Developments Inc. for 5474 and 5662 19th Avenue; and,**
- 6. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

Moved by Regional Councillor Jack Heath
 Seconded by Councillor Reid McAlpine

- 1. That the report entitled, "City of Markham Comments to the Province on a Minister's Zoning Order request by Flato Developments Inc. to permit residential development on lands at 5474 and 5662 19th Avenue (Ward 6)", dated February 8, 2021, be received; and,
- 2. **That the deputations from Peter Miasek, Alexis Edghill Whalen, Ellen Reesor, Marilyn Ginsburg; Matthew Rock, Richard Reesor, Jay Reesor, Valerie Burke, be received; and,**
- 3. **That staff be directed to hold a Community Information meeting and that the results of the Community Information meeting and the proposed staff recommendation be considered at a future Council meeting; and,**
- 4. That this report be forwarded to the Ministry of Municipal Affairs and Housing, York Region, and the Town of Whitchurch-Stouffville as the City of Markham's comments on the Minister's Zoning Order (MZO) request submitted by Flato Developments Inc. for 5474 and 5662 19th Avenue; and,

5. That the City of Markham not support the Minister's Zoning Order (MZO) request by Flato Developments Inc., for the lands at 5474 and 5662 19th Avenue and that the expansion of Markham's urban boundary needed to accommodate the development be considered instead through York Region's current Municipal Comprehensive Review; and,
6. Should the Minister determine it appropriate to issue an MZO, it is recommended that the Minister consider the zoning standards in Appendix 'D' attached to this staff report; and further,
7. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Lost

8. PRESENTATIONS - DEVELOPMENT AND POLICY ISSUES

8.1 MARKHAM CENTRE SECONDARY PLAN UPDATE (10.4)

That the Development Services Committee consented to postpone the item to a future Development Services Committee meeting.

Moved by Regional Councillor Jack Heath
Seconded by Councillor Karen Rea

1. That the presentation entitled, "Markham Centre Secondary Plan Update DSC Presentation: February 8, 2021", be received; and,
2. That the Preliminary Concept for the Markham Centre Secondary Plan Study Area be released for public and stakeholder comment as input towards the preparation of the Draft Development Concept plan; and further,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Postponed

9. MOTIONS

There were no motions.

10. NOTICES OF MOTION

There were no notices of motion.

11. NEW/OTHER BUSINESS

There were no new/other business.

12. ANNOUNCEMENTS

There were no announcements.

13. CONFIDENTIAL ITEMS

The Development Services Committee did not proceed into confidential session.

Moved by Regional Councillor Jack Heath

Seconded by Councillor Amanda Collucci

That the confidential items listed below be referred directly to the February 9, 2021 Council meeting for consideration:

Carried

13.1 DEVELOPMENT AND POLICY ISSUES

**13.1.1 LITIGATION OR POTENTIAL LITIGATION, INCLUDING
MATTERS BEFORE ADMINISTRATIVE TRIBUNALS,
AFFECTING THE MUNICIPALITY OR LOCAL BOARD; LPAT
APPEAL – 69 ROBINSON STREET (8.0) [SECTION 239 (2) (e)]**

14. ADJOURNMENT

Moved by Councillor Khalid Usman

Seconded by Councillor Andrew Keyes

That the Development Services Committee meeting adjourn at 4:25 PM.

Carried