



## 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: February 12, 2019

Re: **REVISIONS TO RECOMMENDATIONS**  
**Additional City of Markham Comments on the Province's Increasing Housing Supply in Ontario Consultation Document**

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### RECOMMENDATION:

1. That the report entitled "Additional City of Markham Comments on the Province's Increasing Housing Supply in Ontario Consultation Document", dated February 4, 2019 be received; and,
2. That the report entitled "Additional City of Markham Comments on the Province's Increasing Housing Supply in Ontario Consultation Document", dated February 4, 2019, be forwarded to the Assistant Deputy Minister of Municipal Affairs and Housing; and,
3. That the City of Markham work with the Province to streamline development application processes and consider, among other initiatives, the following:
  - a) The Province allow for alternative forms of statutory Public Meetings to obtain public input on applications where Official Plan amendments are not required;
  - b) Streamline application review processes undertaken by Provincial ministries and agencies and Upper Tier Municipalities by mandating appropriate application review timelines, having regard for the application approval timelines established under the Planning Act.
  - c) Amend the Development Charges Act, 1997, as amended, and its associated Regulations 82/98, to provide an exemption for second dwelling units constructed at the time that a new residential dwelling unit is constructed.
4. That the City of Markham request the Province to review their One Window Planning Service for input, review, and approval of planning applications that includes streamlining review processes and utilize technology for enhanced coordination between Ministries; and further,
5. That the City of Markham request the Province to amend the *Development Charges Act, 1997 as amended*, to eliminate the 10% reduction for services and reduce the list of ineligible services.

## BACKGROUND

The above-noted item was presented to General Committee at the February 4, 2019 meeting. At this meeting, the staff recommendations were not adopted (see Appendix A) and Committee directed staff to review these recommendations in order to provide additional guidance and specificity on the following matters:

- Clause 3 of the original staff recommendations (see Appendix A) should be more specific particularly with respect to streamlining Official Plan and Zoning By-law Amendments, while still providing for meaningful public consultation; and
- The need for better coordination of development application review and commenting between the Province; Provincial Agencies and Upper Tier Municipalities (which frequently play a central role in the review of development applications); and the local municipality's timelines for delivering recommendations on development applications.

These directions have been addressed by staff through the revised Clause 3 recommendation set out above. The components of the revised recommendation are briefly discussed below:

*The Province allow for alternative forms of statutory Public Meetings to obtain public input on applications where Official Plan amendments are not required*

A key focus of the Committee's discussion related the need for a more efficient public consultation process. While the Official Plan (and amendments thereto) are forward-looking and establish the municipality's planning vision, Zoning By-law Amendments (particularly site-specific amendments) are often concerned more with detailed implementation matters. In some cases, when a zoning amendment is required to permit a development application, the proposed use, massing, and urban design requirements have already been established by the Official Plan and are not subject to revision. Holding a statutory public meeting as currently mandated sometimes sets up unrealistic expectations that an application can be refused or significantly amended even though it complies with Official Plan policies.

Currently the Planning Act requires that a public meeting be held for **all** Zoning By-law Amendments. Staff propose that when a development application is already permitted by the Official Plan but a Zoning By-law Amendment is required, that Council be given additional discretion in determining what form public consultation should take, particularly when the matters under consideration have limited impacts on nearby properties or are limited to technical matters.

*Streamline application review processes undertaken by Provincial ministries and agencies and Upper Tier Municipalities by mandating appropriate application review timelines, having regard for the application approval timelines established under the Planning Act*

With the recent changes to the Planning Act and the legislation governing appeals of development applications, it is increasingly important for municipalities to meet the Provincially mandated timelines for in order for the municipality to be able to bring forward a strong case before LPAT. For example, in order to complete the development review process and formulate recommendations to Council within these deadlines, comments and input from Provincial agencies and ministries and School Boards, Upper Tier Municipalities, and Conservation Authorities must be provided in a timely manner.

Staff propose that the Province establish regulations requiring Provincial Agencies and School Boards, Upper Tier Municipalities, and Conservation Authorities to provide review comments within prescribed timelines that will allow local municipalities to review development applications and make recommendations to Council prior to an application becoming eligible for appeal to LPAT.

*Amend the Development Charges Act, 1997, as amended, and its associated Regulations 82/98, to provide an exemption for second dwelling units constructed at the time that a new residential dwelling unit is constructed*

Amendments were made to the Development Charges Act in 2016 that would prevent the Council of a Municipality from applying development charges to second dwelling units in new construction. These amendments did not come into force. Staff propose that the City request the Lieutenant Governor to review and establish an exemption of second dwelling units from development charges.

Council may chose to address, on its initiative, the issue of development charges for second dwelling units in new developments by amending the City of Markham's development charges by-law. This would establish the City's own regulations regarding exempting second dwelling units from local DC charges. However to ensure that local and upper tier municipal policies are consistent across the Province, staff recommend that the Province eliminate development charges through legislative changes applicable to all local and upper tier municipalities.

## **Appendix A**

### **Staff Recommendations Presented to February 4, 2019**

#### **General Committee**

1. That the report entitled “Additional City of Markham Comments on the Province’s Increasing Housing Supply in Ontario Consultation Document”, dated February 4, 2019 be received; and,
2. That the report entitled “Additional City of Markham Comments on the Province’s Increasing Housing Supply in Ontario Consultation Document”, dated February 4, 2019, be forwarded to the Assistant Deputy Minister of Municipal Affairs and Housing; and,
3. That the City of Markham work with the Province to streamline the development application process including matters such as public consultation requirements in the approvals process; and,
4. That the City of Markham request the Province to review their One Window Planning Service for input, review, and approval of planning applications that includes streamlining review processes and utilize technology for enhanced coordination between Ministries; and further,
5. That the City of Markham request the Province to amend the *Development Charges Act, 1997 as amended*, to eliminate the 10% reduction for services and reduce the list of ineligible services.