

Electronic Development Services Committee Meeting

Minutes

Meeting Number 3

February 2, 2022, 9:00 AM - 12:00 PM

Live streamed

Roll Call	Mayor Frank Scarpitti	Councillor Reid McAlpine
	Deputy Mayor Don Hamilton	Councillor Karen Rea
	Regional Councillor Jack Heath	Councillor Andrew Keyes
	Regional Councillor Joe Li	Councillor Amanda Collucci
	Regional Councillor Jim Jones	Councillor Khalid Usman
	Councillor Keith Irish	Councillor Isa Lee
	Councillor Alan Ho	
Staff	Andy Taylor, Chief Administrative Officer	Hristina Giantsopoulos, Election & Committee Coordinator
	Trinela Cane, Commissioner, Corporate Services	Laura Gold, Council/Committee Coordinator
	Arvin Prasad, Commissioner, Development Services	Mary-Jane Courchesne
	Morgan Jones, Commissioner, Community Services	Emily Irvine, Special Project Coordinator
	Claudia Storto, City Solicitor and Director of Human Resources	Evan Manning, Heritage Planner
	Adam Grant, Fire Chief	Parvathi Nampoothiri, Senior Manager, Urban Design
	Frank Clarizio, Director, Engineering	Richard Fournier, Senior Manager, Parks & Open Space Development
	Biju Karumanchery, Director, Planning & Urban Design	Lawrence Yip, Senior Planner, Urban Design
	Francesco Santaguida, Assistant City Solicitor	Marty Chan, Senior Planner, Urban Design
	Regan Hutcheson, Manager, Heritage	Nhat-Anh Nguyen, Senior Manager, Development & Environmental
	Stephen Lue, Manager, Central District	Hersh Tencer, Senior Manager, Real
	Mark Visser, Senior Manager, Financial Property Strategy & Investments	

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 convened at 9:03 AM with Regional Councillor Jim Jones in the Chair.

INDIGENOUS LAND ACKNOWLEDGEMENT

We begin today by acknowledging the traditional territories of Indigenous peoples and their commitment to stewardship of the land. We acknowledge the communities in circle. The North, West, South and Eastern directions, and Haudenosaunee, Huron-Wendat, Anishnabeg, Seneca, Chippewa, and the current treaty holders Mississaugas of the Credit peoples. We share the responsibility with the caretakers of this land to ensure the dish is never empty and to restore relationships that are based on peace, friendship, and trust. We are committed to reconciliation, partnership and enhanced understanding.

2. DISCLOSURE OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

3. APPROVAL OF PREVIOUS MINUTES

3.1 DEVELOPMENT SERVICES COMMITTEE MINUTES - DECEMBER 6, 2021 (10.0)

Moved by Mayor Frank Scarpitti

Seconded by Councillor Alan Ho

1. That the minutes from the Development Services Committee meeting held on December 6, 2021, be confirmed.

Carried

3.2 SPECIAL DEVELOPMENT SERVICES COMMITTEE MINUTES - NOVEMBER 30, 2021, DECEMBER 13, 2021, DECEMBER 21, 2021, AND JANUARY 18, 2022 (10.0)

Moved by Councillor Keith Irish

Seconded by Councillor Alan Ho

1. That the minutes of the Special Development Services Committee meetings held on November 30, 2021, December 13, 2021, December 21, 2021, and January 18, 2022 be confirmed.

Carried

4. PRESENTATIONS

4.1 PRESENTATION OF SERVICE AWARDS (12.2.6)

The Development Services Committee recognizes the following members of staff:

Community Services Commission

Tao Su, Waterworks Operator II, 15 Years

Okendra Budhathoki, Systems Coordinator, 10 Years

Gregory Speed, Supervisor, Community Facility, 5 Years

Corporate Services Commission

Stafford Hughes, Technology Support Specialist II, 25 Years

Christine Aguila-Wong, Administrative Assistant, Clerks Department, 15 Years

Antonio Casale, Senior Construction Buyer, 15 Years

Marco Francisco, Business Licensing Coordinator, 10 Years

Rosemarie Patano, Senior Construction Buyer, 10 Years

Jason Vasilaki, Project Manager, 10 Years

Mary-Jane Courchesne, Notifications Officer, 5 Years

Development Services Commission

David Porretta, Manager, Traffic Engineering, 20 Years

Deborah John, Building Inspector II, 15 Years

Valentino Acocella, Engineering Technologist / Inspector, 10 Years

Nhat-Anh Nguyen, Senior Manager, Development & Environmental Engineering, 5 Years

5. DEPUTATIONS

There were deputations for the following item:

8.1 Parkland Acquisition Study Overview and Status Update (10.8)

Note: Please refer to item 8.1 for more information on the deputations.

6. COMMUNICATIONS

There were no written submissions.

7. PETITIONS

There were no petitions.

8. PRESENTATIONS - DEVELOPMENT AND POLICY ISSUES

8.1 PARKLAND ACQUISITION STUDY OVERVIEW AND STATUS UPDATE (10.8)

Arvin Prasad, Commissioner of Development Services, advised that this item is related to the Parkland Acquisition Study, which commenced in August 2021. The study will be used to create a new Parkland Dedication By-Law, as required by Bill 197. The new by-law will be used as part of the development application process to determine parkland dedication requirements, including cash in lieu for parkland in Markham. The study being presented today, builds on past studies that were conducted, but were put on hold due to an Ontario Municipal Board hearing related to parkland dedication involving the City of Richmond Hill in 2013, and in due to the potential implications of Bill 108 on parkland dedication in 2018.

Parvathi Nampoothiri, Senior Manager, Urban Design, advised that Hemson Consulting was retained as the lead consultant to undertake the Parkland Acquisition Study, which builds upon the past work that was conducted. Ms. Nampoothiri provided a brief overview to the timelines and next steps. Ms. Nampoothiri thanked staff for their participation and input into the study, and introduced the consultant.

Adam Mattinson, Consultant, Hemson Consulting, provided a presentation entitled “Parkland Acquisition Study Overview and Status Update”.

The following deputations were made on the Parkland Acquisition Study Overview and Status Update:

Barry Nelson advised that the presentation effectively addressed the City’s technical needs pertaining to park acquisition and cash and lieu, but it does not address residents’ needs regarding the use of our natural and built park settings. Mr. Nelson questioned the social impact of building communities without parks nearby, especially if the City is promoting walkable communities where resident

can work close to where they live. Mr. Nelson thanked the Chair for allowing him to speak after the staff presentation.

Evelin Ellison suggested that the City should compare Markham's parkland with other municipalities' parkland. Ms. Ellison spoke to the importance of building communities that include affordable housing and parkland close to where residents live, suggesting that children that grow-up in communities with access to parks are less likely to commit crimes. Ms. Ellison noted that stormwater management ponds play an important role in preventing flooding.

The Committee discussed the following relative to the presentation "Parkland Acquisition Study Overview and Status Update":

- The timelines for approving the new Parkland Dedication By-Law;
- The date the new Parkland Dedication By-Law will become effective;
- Potential credits for parks located on top of stormwater management tanks;
- The anticipated impact the new Parkland Dedication By-Law may have on developers.

Staff clarified that the target is to have the new Parkland Dedication By-Law approved by Council in June 2022. The date the by-law is made effective is at staff and Council's discretion. It is recommended that the by-law be approved prior to the Province's September deadline. A rush of applications was not anticipated as a result of the new by-law, as developers do not pay for cash in lieu for parkland until the day before building permit is issued.

Mr. Mattinson explained the type of parkland credit developers may receive, and that the impact the by-law may have on developers will be addressed as part of Phase 2 of the study.

Moved by Councillor Amanda Collucci

Seconded by Councillor Andrew Keyes

1. That the Presentation dated February 2, 2022, entitled "Parkland Acquisition Study Overview and Status Update", by Hemson Consulting, be received.

Carried

9. CONSENT REPORTS - DEVELOPMENT AND POLICY ISSUES

9.1 DEVELOPMENT SERVICES PUBLIC MEETING MINUTES - NOVEMBER 30, 2021 (10.0)

Moved by Councillor Khalid Usman
 Seconded by Regional Councillor Jack Heath

1. That the minutes of the Development Services Public meeting held on November 30, 2021, be confirmed.

Carried

9.2 MINUTES OF THE MARCH 22, MAY 17, JUNE 21, OCTOBER 18, AND NOVEMBER 29, 2021 FLATO MARKHAM THEATRE ADVISORY BOARD (16.0)

Moved by Councillor Khalid Usman
 Seconded by Regional Councillor Jack Heath

1. That the minutes of the March 22, 2021, May 17, 2021, October 18, 2021, and November 29, 2021 Flato Markham Advisory Board meetings be received for information purposes.

Carried

9.3 MINUTES OF THE SEPTEMBER 8, OCTOBER 13, NOVEMBER 10, AND DECEMBER 8, 2021 FRIENDS OF THE MARKHAM MUSEUM (16.0)

Moved by Councillor Khalid Usman
 Seconded by Regional Councillor Jack Heath

1. That the minutes of the September 8, 2021, October 13, 2021, November 10, 2021, and December 8, 2021 Friends of the Markham Museum meetings be received for information purposes.

Carried

9.4 MINUTES OF THE OCTOBER 13, 2021 AND NOVEMBER 10, 2021 HERITAGE MARKHAM COMMITTEE (16.0)

Moved by Councillor Khalid Usman
 Seconded by Regional Councillor Jack Heath

1. That the minutes of the October 13, 2021 and November 10, 2021 Heritage Markham Committee meetings be received for information purposes.

Carried

9.5 MINUTES OF THE OCTOBER 18, 2021 VARLEY-MCKAY ART FOUNDATION OF MARKHAM (16.0)

Moved by Councillor Khalid Usman

Seconded by Regional Councillor Jack Heath

1. That the minutes of the October 18, 2021 Varley-McKay Art Foundation of Markham meeting be received for information purposes.

Carried

9.6 MINUTES OF THE OCTOBER 21, 2021 AND NOVEMBER 18, 2021 CYCLING AND PEDESTRIAN ADVISORY COMMITTEE (16.0)

Moved by Councillor Khalid Usman

Seconded by Regional Councillor Jack Heath

1. That the minutes of October 21, 2021 and November 18, 2021 Cycling and Pedestrian Advisory Committee meetings be received for information purposes.

Carried

9.7 INTENTION TO DESIGNATE 5560 14TH AVENUE UNDER PART IV, SECTION 29 OF THE ONTARIO HERITAGE ACT (10.0)

Moved by Councillor Khalid Usman

Seconded by Regional Councillor Jack Heath

1. That the report dated February 2, 2022 titled “Intention to Designate a Property under Part IV, Section 29 of the Ontario Heritage Act, McCauley-Cooperthwaite House, 5560 14th Avenue, Ward 7”, be received; and,
2. That as recommended by the Heritage Markham Committee, and required as a condition of development approval, the McCauley- Cooperthwaite House be approved for designation under Part IV, Section 29 of the Ontario Heritage Act as a property of cultural heritage value or interest; and,
3. That the Clerk’s Department be authorized to publish and serve Council’s Notice of Intention to at as per the requirements of the Ontario Heritage Act; and,
4. That if there are no objections to the designation in accordance with the provisions of the Ontario Heritage Act, the Clerk be authorized to place a designation by-law before Council for adoption; and,

5. That if there are any objections in accordance with the provisions of the Ontario Heritage Act, the matter return to Council for further consideration; and,
6. That if the intention to designate proceeds and there are any appeals of the designation by-law, the Clerk be directed to refer the proposed designation to the Ontario Land Tribunal (OLT); and,
7. That if the designation is referred to the OLT, Council authorize the City Solicitor and appropriate staff to attend any hearing held by the OLT in support of Council's decision to designate the property; and further,
8. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

10. MOTIONS

There were no motions.

11. NOTICES OF MOTION

The Chair advised that the following motion moved by Councillor Karen Rea and seconded by Councillor Keith Irish will be discussed at the February 7, 2022, Development Services Committee Meeting:

Whereas Municipalities across this province collectively spend millions of dollars of taxpayer money and municipal resources developing Official Plans that meet current Provincial Planning Policy; and

Whereas an Official Plan is developed through months of public consultation to ensure, "that future planning and development will meet the specific needs of our community"; and

Whereas our Official Plan includes zoning provisions that encourage development of the "missing middle" or "gentle density" to meet the need for attainable housing in our community; and

Whereas our Official Plan is ultimately approved by the province; and

Whereas it is within the legislative purview of Municipal Council to approve Official Plan amendments or Zoning By-law changes that better the community or fit within the vision of the City of Markham Official Plan; and

Whereas it is also within the legislative purview of Municipal Council to deny Official Plan amendments or Zoning By-law changes that do not better the community or do not fit within the vision of the City of Markham Official Plan; and

Whereas municipal planning decisions may be appealed to the Ontario Land Tribunal (OLT; formerly the Ontario Municipal Board or “OMB”), an unelected, appointed body that is not accountable to the residents of the City of Markham; and

Whereas the OLT has the authority to make a final decision on planning matters based on a “best planning outcome” and not whether the proposed development is in compliance with municipal Official Plans and Provincial Planning Policy; and

Whereas Ontario is the only province in Canada that empowers a separate adjudicative tribunal to review and overrule local decisions applying provincially approved plans; and

Whereas towns and cities across this Province are repeatedly forced to spend millions of dollars defending Official Plans that have already been approved by the province in expensive, time consuming and ultimately futile OLT hearings; and

Whereas lengthy, costly OLT hearings act as a barrier to the development of all housing and commercial properties.

1. Now Therefore Be It Resolved That the City of Markham requests the Government of Ontario to instruct the OLT to immediately cease accepting new cases and then dissolve the OLT once its current caseload has been addressed, thereby eliminating one of the most significant sources of red tape delaying the development of housing in Ontario; and
2. Be It Further Resolved That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, the Minister of Municipal Affairs and Housing, the Leader of the Opposition, the Leaders of the Liberal and Green Party, all MPPs in the Province of Ontario; the Large Urban Mayors’ Caucus of Ontario, the Small Urban GTHA Mayors and Regional Chairs of Ontario; and
3. Be It Further Resolved That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

Councillor Rea advised that the motion is similar to the motion being brought forward to Aurora Council on calling the Province of Ontario to dissolve the Land Tribunal, with slight amendments. Councillor Rea read the motion.

12. NEW/OTHER BUSINESS

There was no other or new business.

13. ANNOUNCEMENTS

There were no announcements.

14. ADJOURNMENT

Moved by Councillor Karen Rea

Seconded by Councillor Amanda Collucci

That the Development Services Committee adjourned at 11:04 AM.

Carried