

Electronic Development Services Committee Meeting

Minutes

Meeting Number: 15
April 25, 2022, 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 Morgan Jones, Commissioner, Community Services Claudia Storto, City Solicitor and Director of Human Resources Stephanie DiPerna, Director, Building Standards Frank Clarizio, Director, Engineering Biju Karumanchery, Director, Planning & Urban Design Bryan Frois, Manager of Executive Operations & Strategic Initiatives Sabrina Bordone, Manager, Development, Central District Loy Cheah, Senior Manager, Transportation Darryl Lyons, Senior Manager, Policy and Research	John Yeh, Manager, Strategy & Innovation Mark Visser, Senior Manager, Financial Strategy & Investments Laura Gold, Council/Committee Coordinator Erica Alligood, Election and Committee Coordinator Melissa Leung, Planner I Clement Messere, Acting Manager, Development - West Lawrence Yip, Senior Planner, Urban Design Samson Wat, Senior Project Engineer Nhat-Anh Nguyen, Senior Manager, Development & Environmental Chris Rickett, Director, Economic Development, Culture and Entrepreneurship Hersh Tencer, Senior Manager, Real Property

Stephen Lue, Acting Senior
Development Manager

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1. CALL TO ORDER

In accordance with the *Covid-19 Economic Recovery Act, 2020 (Bill 197)*, municipal Council Members are now permitted to meet remotely and count toward quorum.

The Development Services Committee convened at 10:45 AM with Councillor Keith Irish in the Chair.

Regional Councillor Jim Jones arrived at 10:45 AM.

The Committee recessed from 12:09 AM – 1:00 PM

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 SPECIAL DEVELOPMENT SERVICES COMMITTEE MINUTES - APRIL 5, 2022 (10.0)

Moved by Deputy Mayor Don Hamilton
Seconded by Councillor Alan Ho

1. That the minutes of the Special Development Services Committee meeting held on April 5, 2022, be confirmed.

Carried

3.2 DEVELOPMENT SERVICES COMMITTEE MINUTES - APRIL 11, 2022 (10.0)

Moved by Deputy Mayor Don Hamilton
Seconded by Councillor Alan Ho

1. That the minutes of the Development Services Committee meeting held on April 11, 2022, be confirmed.

Carried

4. PRESENTATIONS

4.1 2021 UNITED WAY DONATION PRESENTATION (12.2.6)

Andy Taylor, Chief Administrative Officer, and Arvin Prasad, Commissioner of Development Services, provided a presentation on the 2021 United Way Campaign. Mr. Taylor and Mr. Prasad expressed their sincere appreciation to Amanda Samara and Chrystal Thorne, Special Projects, 2021 United Way, Co-Chairs, City of Markham, for thinking of innovative ways to raise funds for the United Way, and for doing an excellent job leading the campaign.

Ms. Samara presented a cheque of \$82, 000 to Silva Karagoz from the United Way of Greater Toronto.

The Mayor expressed his sincere appreciation to Ms. Samara and Ms. Thorne for leading a successful United Way campaign, and spoke about the important role the United Way plays in the community.

5. DEPUTATIONS

Councillor Isa Lee requested that item 9.2 - Recommendation Report, Glen Rouge Homes (Kennedy) Inc., Application for Zoning By-law Amendment to permit 31 townhouse units accessed by a private driveway at 7647 Kennedy Road (Ward 8), File No. PLAN 20 136196", be deferred to the May 10, 2022, Development Services Committee meeting to ensure residents are notified in a timely manner.

The deputants that registered to speak to this item agreed to defer their deputations until the May 10, 2022 Development Services Committee meeting.

The Committee suggested that residents should be automatically added to the notification list once they have registered to speak on a matter.

Moved by Councillor Isa Lee
 Seconded by Mayor Frank Scarpitti

That item 9.2 – Recommendation Report, Glen Rouge Homes (Kennedy) Inc., Application for Zoning By-law Amendment to permit 31 townhouse units accessed by a private driveway at 7647 Kennedy Road (Ward 8), File No. PLAN 20 136196”be deferred to the May 10, 2022, Development Services Committee meeting.

Carried

6. COMMUNICATIONS

Moved by Deputy Mayor Don Hamilton
 Seconded by Councillor Alan Ho

That the communications by Melody Lo, Tino Paradiso, and from the Community (various residents), regarding Agenda Item No. 9.2 – Recommendation Report, Glen Rouge Homes (Kennedy) Inc. Application for Zoning By-Law Amendment to permit 31 Townhouse units accessed by a private driveway at 7647 Kennedy Road, be received.

Carried

7. PETITIONS

There were no petitions.

8. CONSENT REPORTS - DEVELOPMENT AND POLICY ISSUES

8.1 MINUTES OF THE MARCH 14, 2022 VARLEY-MCKAY ART FOUNDATION (16.0)

Moved by Deputy Mayor Don Hamilton
 Seconded by Councillor Alan Ho

1. That the minutes of the March 14, 2022 Varley-McKay Art Foundation Meeting be received for information purposes.

Carried

8.2 DEVELOPMENT SERVICES PUBLIC MEETING MINUTES - APRIL 5, 2022 (10.0)

Moved by Deputy Mayor Don Hamilton
 Seconded by Councillor Alan Ho

1. That the minutes from the Development Services Committee Public meeting held on April 5, 2022 be confirmed.

Carried

9. REGULAR REPORTS - DEVELOPMENT AND POLICY ISSUES

9.1 UPDATE ON STREAMLINE DEVELOPMENT APPROVAL FUND AND RECENT PROCESS IMPROVEMENTS (10.0)

Arvin Prasad, Commissioner of Development Services, advised that this item is to provide an update on the Streamline Development Approval Fund since executing the Transfer Payment Agreement between the City and Province in March 2022, and to provide an update on recent development process improvements. Some of the improvements that will be made include conducting an end to end review of the development process, upgrading the ePLAN development review and commenting software, and acquiring GIS software and professional services to build an interface for open data on development and building permit applications. An overview of the interactive applications dashboard, which will replace Preliminary Reports at Development Services Committee meetings on trial basis was provided.

The Committee inquired how frequently the Markham City Builder Forum meets, and noted that it is typically the smaller developers that experience difficulty navigating ePLAN.

Mr. Prasad clarified that Markham City Builders Forum has already met several times in 2022 to date, but typically meets four times per year. Mr. Prasad also clarified that improvements are being made to ePLAN to make it more user friendly.

The Mayor thanked staff for the work they are doing to improve the development process. The Mayor also spoke to the importance of being proactive with respect to continuously improving and streamline processes.

Moved by Mayor Frank Scarpitti
Seconded by Councillor Khalid Usman

1. That the report dated April 25, 2022 entitled "Update on Streamline Development Approval Fund and Recent Development Process Improvements" be received; and,
2. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

9.2 RECOMMENDATION REPORT GLEN ROUGE HOMES (KENNEDY) INC. APPLICATION FOR ZONING BY-LAW AMENDMENT TO PERMIT 31 TOWNHOUSE UNITS ACCESSED BY A PRIVATE DRIVEWAY AT 7647 KENNEDY ROAD (WARD 8) FILE NO.: PLAN 20 136196 (10.5)

The Committee consented to this item being deferred to the May 10, 2022, Development Services Committee meeting.

1. That the report titled, “RECOMMENDATION REPORT, Glen Rouge Homes (Kennedy) Inc., Application for Zoning By-law Amendment to permit 31 townhouse units accessed by a private driveway at 7647 Kennedy Road (Ward 8), File No. PLAN 20 136196”, be received; and,
2. That the Zoning By-law Amendment application submitted by Glen Rouge Homes (Kennedy) Inc. be approved and the draft Zoning By-law Amendment, attached hereto as Appendix ‘A’, be finalized and enacted without further notice; and,
3. That in accordance with the provisions of subsections 45 (1.4) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, the Owner shall through this Resolution, be permitted to apply to the Committee of Adjustment for a variance from the provisions of the accompanying Zoning By-law, before the second anniversary of the day on which the By-law was approved by Council; and,
4. That Council assign servicing allocation for a maximum of 31 residential units; and,
5. That the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner; and,
6. That York Region be advised that servicing allocation for 31 residential units has been granted; and further,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Referred

9.3 PROVINCIAL BRIDGE STATION TRANSIT ORIENTED COMMUNITY PROPOSAL - PROGRAM AGREEMENT-IN-PRINCIPLE (13.2)

Arvin Prasad, Commissioner of Development Services, advised that the purpose of this item is to provide an update on the Provincial Bridge Station Transit Oriented Community (TOC) Proposal - Program Agreement-in-Principle. Mr. Prasad explained that on April 14th, 2022, the Province issued a Minister's Zoning Order for the Bridge Station TOC, and that the Province is now looking for Markham to sign a TOC Program Agreement-in-Principle (AIP).

Darry Lyons, Senior Manager, Policy & Research, provided a presentation titled "Provincial Bridge Station Transit Oriented Community Proposal-Program Agreement-In- Principle".

The following deputations were provided on the Provincial Bridge Station TOC Proposal – Program AIP:

Graham Churchill expressed concern that municipal power is being eroded and that an autocratic rather than a democratic process is being taken by the provincial government in regards to the proposed High Tech and Bridge Station Transit TOCs. Mr. Churchill advised that Ontario is experiencing a housing affordability crisis rather than a housing supply crisis due to supercharged demand caused by low interest rates and people buying houses as investment properties rather than by municipal red tape. Mr. Churchill suggested that developers should be forced to build within a certain timeframe or they should lose their approval, as there are currently some 400,000 units that have been approved that are not being built in Ontario. Mr. Churchill expressed the following concerns: 1) that developers are able to by-pass municipal governments to get Minister's Zoning Orders to proceed with denser developments; 2) that the Province is planning the TOCs in secrecy; and 3) that the Province will receive cash-in-lieu for parkland in the TOCs rather than the municipal governments. Mr. Churchill asked Council to pass a motion asking the Ombudsman or the Auditor General to investigate the TOC approval process, and the public accounting of all subway funds that have come from developers and how this will impact York Region taxpayers.

Evelin Ellison suggested that the City could challenge the Bridge Station TOC under the *Municipal Act*, as mutual respect was not undertaken during the creation of the legislation. Ms. Ellison expressed concern that the Province was dictating the TOCs without any regard for municipal planning departments. Ms. Ellison encouraged Council to request the Auditor General to investigate provincial agreements made in secrecy regarding the TOC. Ms. Ellison also requested that Council not sign any provincial agreements regarding the TOC that by-pass the municipal planning process.

The Committee discussed the following with respect to the Provincial Bridge Station TOC Proposal – Program Agreement-In-Principle:

- Expressed concern with the provincially led process to implement the Bridge Station TOC;
- Expressed concern that the Province was not taking the City's concerns into consideration;
- Expressed concern that the Province was interfering with the municipal planning process, and that its proposal for the Bridge Station TOC does not align with the City's Langstaff Gateway Secondary Plan;
- Asked about the City's options and questioned why the agreement cannot be discussed in the open session;
- Expressed concern that the Province is not providing the City with the regular cash-in-lieu of parkland in the Bridge Station TOC, and that it appears to be using the money to help fund the subway;
- Expressed concern that there are no plans to include an Automated Vacuum Waste Collection System in the Bridge Station TOC;
- Discussed whether the City should ask the Attorney General of Canada or the appropriate body to investigate the process the Province undertook to approve the Bridge Station TOC;
- Noted the importance of the City working with the Region and affected local municipalities on this matter;

Claudia Storto, City Solicitor and Director of Human Resources, advised that the Provincial Bridge Station TOC Proposal - Program Agreement- In-Principle should be discussed in camera, explaining that any legal document that is being negotiated shall remain confidential, and that this cannot be determined on a unilateral basis

Moved by Regional Councillor Jim Jones

Seconded by Councillor Andrew Keyes

1. **That the deputations by Graham Churchill, and Evelin Ellison regarding the "Bridge Station Transit Oriented Community Proposal – Program Agreement-in-Principle" be received; and,**
2. **That the written submission by Mike Everard, Augusta National Inc., regarding "Bridge Station Transit Oriented Community Proposal – Program Agreement-in-Principle" be received; and further that,**
3. **That the report titled "Bridge Station Transit Oriented Community Proposal – Program Agreement-in-Principle" be received,**

Carried

10. MOTIONS

There were no motions.

11. NOTICES OF MOTION

11.1 PREPARING FOR THE IMPACT OF STUDENT HOUSING IN MARKHAM (10.0)

Councillor Keith Irish advised that this item is to provide notice that the motion “Preparing for Impact of Student Housing in Markham”, moved by Regional Councillor Jack Heath, and seconded by Councillor Reid McAlpine, will be placed on the May 10th Development Services Committee agenda for Council’s consideration.

Regional Councillor Jack Heath read the motion out loud.

The Committee consented to the following motion being referred to the May 10, 2022 Development Services Committee, for its consideration:

WHEREAS, in September 2023, students are anticipated to start enrolling at York University’s new Markham Campus; and,

WHEREAS, York University Markham Campus will have a student body of 4,200 within four years; and,

WHEREAS, a significant portion of York University Markham students are expected to rent in Markham near the campus; and,

WHEREAS, York University has commissioned a student housing study but has not shared this with the City; and,

WHEREAS, York University understands that student housing near Markham Campus including rooming houses and condos could become problematic, and is currently in the [early stages of working with the private sector](#) to develop a purpose-built student residence; and,

WHEREAS, Remington is exploring the possibility of building a purpose-built student residence building independently of the York University process; and,

WHEREAS, the City of Markham has no information at its disposal to indicate whether efforts noted above will meet student housing needs for the new York University Markham Campus; and,

WHEREAS, it is a common problem for municipalities across the county in which post-secondary institutions are located that they [face major issues](#) with illegal student accommodation around the school; and,

WHEREAS, [illegal rooming houses](#) have been discovered in Scarborough near the University of Toronto Scarborough and Centennial College Morningside Campuses, where students have been living in unsafe conditions with as many as 11 in separate rooms under the same roof and paying individual rent, thus violating zoning regulations; and,

WHEREAS, the City of Toronto has recently put forward [A New Regulatory Framework for Multi-tenant Houses](#) to amend zoning and licensing-bylaws that have allowed for unlicensed operations and unsafe living conditions for tenants; and,

WHEREAS, the City of Oshawa solved their problem of illegal and unsafe rooming houses and bad student behaviour near Ontario Tech University (formerly UOIT) by requiring a [licence](#) to rent most properties and by offering incentives for developers to build purpose-built student accommodation; and,

WHEREAS, on January 24th, Oshawa Council directed staff to undertake a consultation regarding a potential city-wide [expansion to its Residential Rental Housing Licensing](#) program and they are currently in the process of such consultation; and,

WHEREAS, the City of Hamilton has recently launched its two-year [Rental Housing Licensing pilot program](#) mandating property owners in certain parts of the city to apply for a rental licence for every rental property with four or fewer dwelling units as a response to illegal dwelling and secondary suite units, absentee landlords, poor property standards and inadequate yard maintenance; and,

WHEREAS, poor maintenance of rental properties is already a common problem in Markham; and,

WHEREAS, illegal and unsafe rooming houses accommodating students and others are known to already exist in Markham; and,

WHEREAS, the experiences of GTHA municipalities which are home to postsecondary institutions clearly demonstrate the importance of proactive planning in anticipation of the new York University Markham Campus; and,

WHEREAS, without foresight and proper planning, the City of Markham will likely experience the same issues as other GTHA municipalities; therefore,

1. **BE IT RESOLVED THAT Markham Council direct City staff to study the potential implications of student housing around York University Markham Campus and elsewhere in the city, and report back via the Unionville Subcommittee on viable solutions to address these anticipated issues.**

Referred

12. NEW/OTHER BUSINESS

There was no new business.

13. ANNOUNCEMENTS

There was no announcements.

14. CONFIDENTIAL ITEMS

Moved by Mayor Frank Scarpitti
Seconded by Councillor Khalid Usman

That, in accordance with Section 239 (2) of the Municipal Act, Development Services Committee resolve into a confidential session at 12:09 PM to discuss the following matters:

14.1 DEVELOPMENT AND POLICY ISSUES

14.1.1 DEVELOPMENT SERVICES COMMITTEE CONFIDENTIAL MINUTES - APRIL 11, 2022 [Section 239 (2) (e)]

14.1.2 INFORMATION EXPLICITLY SUPPLIED IN CONFIDENCE TO THE MUNICIPALITY OR LOCAL BOARD BY CANADA, A PROVINCE OR TERRITORY, OR A CROWN AGENCY OF ANY OF THEM - TRANSIT ORIENTED COMMUNITY (WARD 1) [Section 239 (2)(h)] (13.2)

Carried

Moved by Councillor Alan Ho
Seconded by Regional Councillor Jim Jones

That the Development Services Committee rise from its confidential session at 3:26 PM; and,

That the Development Services Committee report out the resolution from Item “14.1.2 – Bridge Station Transit Oriented Community Proposal – Program Agreement-in-Principle”; and further,

That the resolution from Item “14.1.2 - Bridge Station Transit Oriented Community Proposal – Program Agreement-in-Principle” be sent to Council for its consideration on April 26, 2022.

Carried

The Committee reported out and the Clerk read the following resolution that was approved in the confidential session, and that will be brought forward for Council’s consideration on April 26, 2022:

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

Whereas City staff and officials have been meeting with the Province of Ontario to resolve objections by Markham Council pertaining to the Transit Oriented Community (TOC) as proposed by Infrastructure Ontario at the YNSE Bridge Station;

Whereas an enhanced Minister's Zoning Order was issued on April 14, 2022 which the City of Markham rejects;

Whereas Bill 109 amended the Planning Act on April 14, 2022 reducing the parkland requirements in provincial TOCs;

Whereas the Province of Ontario is requesting that the City of Markham enter into a TOC Agreement in Principle (“AIP”) which is to be executed by April 29, 2022 and sets out the implementation of the TOC processes and future requirements.

NOW THEREFORE BE IT RESOLVED THAT:

1. The City of Markham advise the Province of Ontario that the City does not agree with the AIP as it is inconsistent with the City's interests, priorities, and concerns and will therefore not execute it in its current form; and,
2. Staff be directed to continue negotiating the AIP with the Province to ensure that critical elements of the City’s interests are addressed in the AIP; and further,
3. Staff be directed to report back to Council on the outcome of the negotiations.

Carried

15. ADJOURNMENT

Moved by Councillor Amanda Collucci

Seconded by Councillor Isa Lee

That the Development Services Committee adjourned at 3:37 PM.

Carried