



Comments on More Homes Built Faster Act, 2022 (Bill 23) and Associated Registry Postings

Special Council Meeting
November 22, 2022



Background

- More Homes, Built Faster: Ontario's Housing Supply Action Plan 2022-2023, with goal of building 1.5 million homes over next 10 years
- More Homes Built Faster Act, 2022 (Bill 23)
- Bill 23 proposes to:
 - Amend the Planning Act, Development Charges Act, Municipal Act, Ontario Heritage Act, Ontario Land Tribunal Act, Conservation Authorities Act
 - Add new legislation, Supporting Growth and Housing in York and Durham Regions Act



Reducing Construction Costs and Fees

- **Reducing Development Charges (DC) and Community Benefit Charges (CBC)**
 - ✓ DC By-law Review every 10 years
 - ✓ 60% of DC reserve to be allocated or spent (water, wastewater, roads) each year
 - ✗ Requirement to phase-in rates over 5 years
 - ✗ Limitations on eligible items for DC recovery
 - ✗ Maximum CBC based on value of land for new development not entire parcel
- **Reducing parkland requirements and fees**
 - ✗ 50% reduction in maximum parkland dedication rates for land and CIL
 - ✗ Parkland dedication cap of 10% for sites less than 5ha , and 15% for larger sites
- **Fee exemptions and reductions**
 - ✓ CBC, DC, and Parkland exemption for Inclusionary Zoning, Affordable Housing and Non-Profit
 - ✓ Rental construction DC discounts, with deeper discounts for family sized units
 - ✗ Limiting inclusionary zoning to a max of 5% and 25 year term





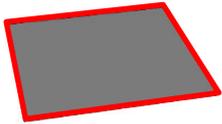
High Level Financial Impacts of Bill 23

Item	Annual Average
Studies Removed from Development Charges Act (DCA) (e.g. Official Plan, Secondary Plan Studies, Age friendly guidelines)	\$ 4,600,000
Cash-in-lieu/Parkland	\$ 76,000,000
Impact of DC Rate Phase-In	\$ 8,000,000
Affordable Housing (assumes 5% affordable/rental)	\$ 4,000,000
Land Removed from DCA - Soft Services (Fire, Recreation, Library, etc.)	\$ 17,800,000
Land Removed from DCA - Hard Properties (Roads & Structures)	\$ 25,700,000
Total Annual Shortfall	\$ 136,100,000

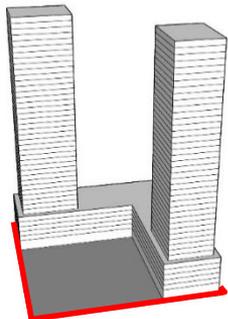


Parkland Dedication Rate Comparison

Typical High Density Development



- 1 hectare of land



- 2 x 43 storey towers
- 6 storey podium
- 1,000 units
- 2,000 residents

Parkland Standard	Parkland Dedication Rate	Parkland Generate
Existing Planning Act Maximum CIL Alternative Rate	1 ha / 500 units	<p>2.0 ha</p> <p>OR \$70M in CIL</p>
Markham Parkland Acquisition Strategy & Parkland By-Law Rate (2022)	0.55 ha / 500 units	<p>0.8 ha in IA boundary + \$10.5M in CIL to acquire</p> <p>1.6 ha in other areas of Markham and Urban Periphery</p>
Bill 23 Site Cap	10% of site area	<p>0.1 ha</p> <p>OR \$3.5M in CIL</p>

Bill 23 = 90% loss of parkland compared to new By-law

-1 ha of parkland; or -\$35M in CIL



Reduced Parkland for Markham Centre Secondary Plan

Parkland Standard	Parkland Dedication Rate	Anticipated Parkland
Markham Parkland Dedication By-Law Rate (2022)	0.55 ha / 500 units	~32 ha of new parkland + ~\$479M CIL
Bill 23 Site Cap	10% of developable sites	~5.8 ha of new parkland ~20.2 ha of total parkland
Bill 23 = 82% loss of future IA parkland & loss of \$479M CIL for off-site parks		-26.2 ha of land
Funds needed from taxation to maintain level of service		\$1.4B



MC Preferred Demonstration Plan

Markham Parkland By-Law at Buildout
~48.4 ha of total parkland for 106,000 people
= 0.46 ha per 1000 people*

Bill 23 Impact at Buildout
~20.2 ha of total parkland for 106,000 people
= 0.19 ha per 1000 people*

*Provision rate at buildout includes existing and secured parks



Reduced Parkland for Greenfield Communities

Parkland Standard	Parkland Dedication Rate	Anticipated Parkland
Markham Parkland Dedication By-Law Rate (2022)	1 ha / 300 units (low rise units)	11.67 ha
Bill 23	1 ha / 600 units (low rise units)	5.83 ha
Bill 23 = 50% loss of parkland		-5.83 ha
Funds needed from taxation to maintain level of service		\$46.6M

-6 ha Equals the size of one community park



Angus Glen Demonstration Plan



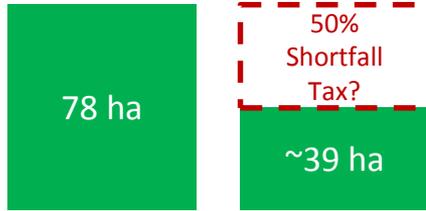
Key Impacts of Bill 23

1. Sufficient land to meet the goals of the Parks Plan, Acquisitions Strategy and ILMP cannot be secured by development applications alone.

2. The ability to implement a comprehensive park system in key growth areas is lost

3. The ability to secure and assemble individual park blocks that are large enough to be programmed is lost

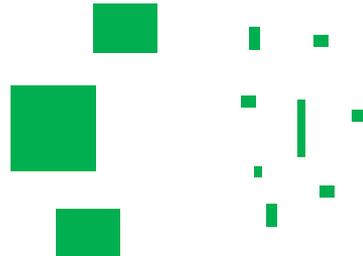
4. Limited discretion oversight on when encumbered parks may be accepted, reducing programmability and adding cost.



Parks Plan

Bill 23

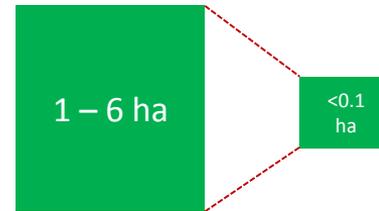
Bill 23 proposes to lower parkland dedication rates



Parks Plan

Bill 23

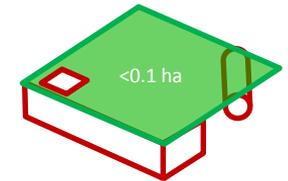
Bill 23 proposes to permit applicants to identify any part of their site as parkland, no regard for overall park system / secondary plans



Parks Plan

Bill 23

Bill 23 proposes to allow applicants to identify any size of park and does not need to meet OP policies



Bill 23

Bill 23 proposes to require municipalities to accept encumbrances within park blocks and provide credit for private open spaces



Streamlining Development Approvals

- **Speeding up municipal processes**

- No upper-tier Planning Act Approval Responsibilities for York Region
- No Site Plan Control for developments with less than 10 units
- Limiting ability to comment on matters of Exterior Design through Site Plan Control
- Reduced Responsibility for Conservation Authorities (CAs)

- **Reducing Ontario Land Tribunal (OLT) Hearings**

- No Third Party Appeals for all Planning Act Decisions

- **Changing Requirements for Heritage Planning**

- 2 year period for properties listed on Heritage Registries to be Designated
- Increased threshold requirements for new designations and Heritage Conservation Districts (HCD)
- Accessible Register/Criteria for non-designated properties/Amend of Repeal HCD





No Planning Act Approval Authority for York Region

- York Region no longer approval authority for Markham official plan, local amendments or secondary plans
- York Region Official Plan deemed to be a part of Markham's Official Plan
- York Region maintains responsibility for transportation and servicing



No Site Plan Control for under 10 units

Review design and layout of buildings and development including:

- Building location
- Tree protection
- Public realm and landscaping
- Parking
- Pedestrian and vehicular access
- Servicing and drainage/grading
- Financial security and agreements to ensure compliance



8 unit townhouse project that would not be subject to Site Plan Control



Reduced Role of the Conservation Authority (CA)

- Remove ability of CA to comment on Planning Act and EA Act matters other than core mandate (flooding and erosion hazards)
- Remove “pollution” and “conservation of lands” from permitting tests of the CA regulation
- Remove permitting role where certain conditions met
- Requires CAs to review all land holdings for potential housing development
- Reduce timeframe for applicants to appeal lack of permit from CA



Weakening Ability to Influence Design Excellence

Removing authority to regulate exterior design through site plan control

- Limits the ability to create a safe, attractive and pedestrian-oriented built environment, of particular importance as the City develops with more dense urban development
- Eliminate commenting on exterior design matters which has been effectively used by the City to better consider context, the City skyline and public realm as well as the sensitive incorporation of heritage resources
- Limits the ability to implement the recently endorsed Sustainability Metrics as a green development standard



Design Excellence through site plan control and Design Review Panel
(Example from Markham)



No site plan control
No Design Review Panel
(Example not from Markham)



Negatively Impacts City's Ability to Plan for and Conserve Cultural Heritage Resources

- Over 320 listed properties at risk, if properties automatically removed if not designated within 2 years
- Raising the bar, requiring more criteria to be met to designate properties





Proposed New Legislation Has Potential Impact on Servicing to Accommodate Growth in Markham

- Proposed legislation will require York Region to assess and improve York Durham Sewage System (YDSS) to accommodate additional flows from the upper parts of region
- City will need to engage Region and continue to advocate for appropriate capacity allocation to ensure that it can accommodate future growth in Markham





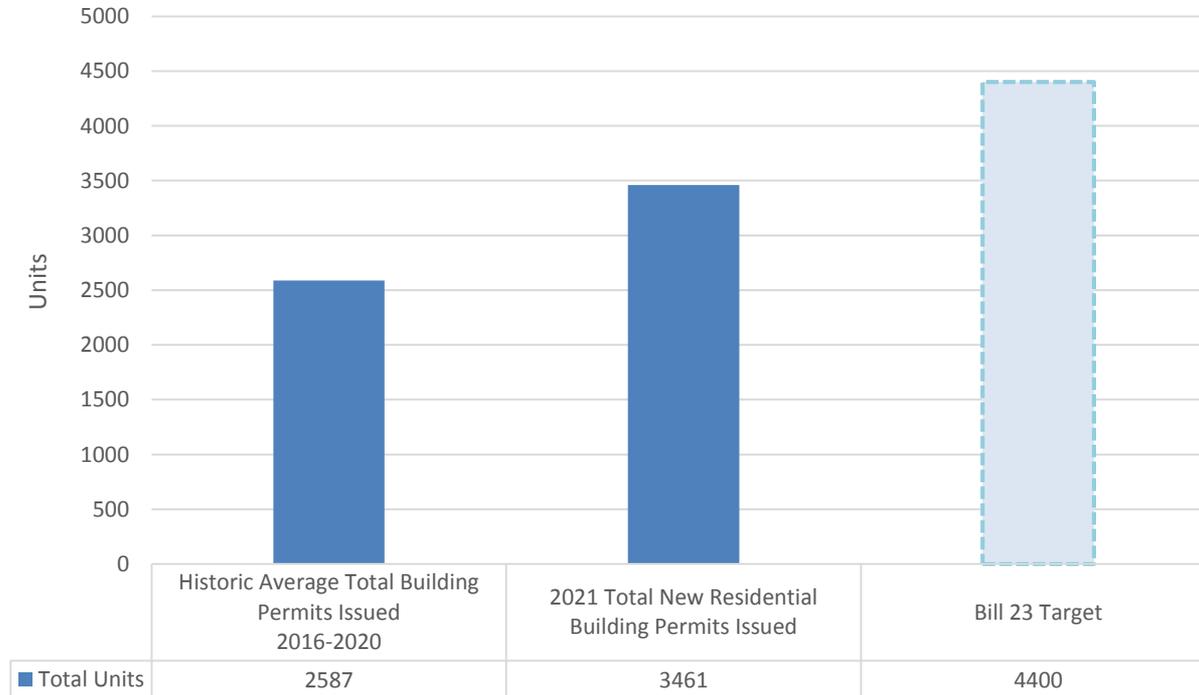
Building More Homes

- **Municipal Housing Target**
 - ✘ 44,000 units over the next 10 years for Markham
- **Increased Density**
 - ✘ As-of-right zoning to permit 3 residential units per lot
- **Density Near Transit**
 - ✘ As-of-right zoning to provide minimum heights and densities for MTSAs





Municipal Housing Target is an aggressive target that is inconsistent with historical averages





Zoning for Minimum Heights and Density in 1 Year in MTSAs

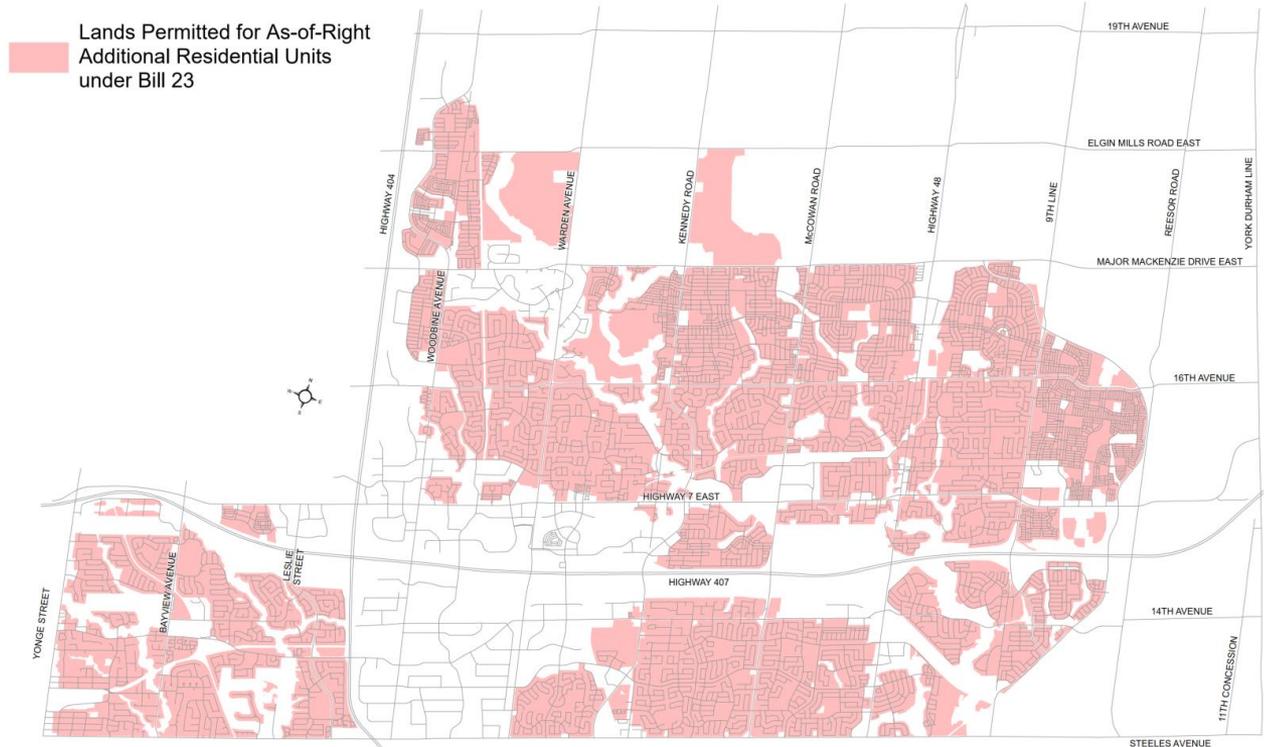
- York Region Official Plan approved by Province on November 4, 2022
- Proposed legislation requires City to update zoning for all 22 MTSAs and establish minimum heights and densities in 12 months





As-of-Right Additional Residential Units (ARU)

- Proposed legislation would allow existing and new residential units with municipal servicing to have as-of-right permission of up to 3 residential units.
- Significant Infrastructure and servicing impacts given the scale





Other Associated Registry Postings

Bill 23 proposes changes to the following legislation, regulation and policy that are associated with Bill 23, but not formally included in the Act:

- ✘ Greenbelt Act and Greenbelt Boundary
- ✘ Ontario Wetland Evaluation System
- ✘ Inclusionary Zoning regulations



Cumulative Impact of Proposed Bill 23 Legislative Changes

- Significant inequities across existing and new communities
- Historic reduction in park space for new communities and inability to meet city-wide standards
- Absence of design excellence and quality with the public realm
- Increased burden on the property tax base
- Unparalleled loss of cultural heritage assets
- A serious loss of natural heritage features and Greenway System lands



Better Municipal Governance Act, 2022 (Bill 39)

- Appoint Provincial facilitators to assess regional governments in Durham, Halton, Niagara, Peel, Waterloo and York to deliver Provincial housing targets
- Appoint Regional chairs of Niagara, Peel and York regions for current term of Council
- Enable mayors of Toronto and Ottawa to propose and amend municipal by-laws related to provincial priorities with one-third of Council members vote in favour
- Establish regulations that allow the Minister to establish priorities
- Repeals the Duffin Rouge Agricultural Preserve Act in Pickering



Next Steps

- Staff report be forwarded to Ministry of Municipal Affairs and Housing and to York Region as City of Markham's comments on Bill 23 for postings with November 24/25 and December 4/9 commenting deadlines
- Second Staff report to be brought to DSC in December addressing proposed changes with commenting period deadline of December 30th, 2022
 - One Province-wide planning document (integrate Growth Plan and PPS)
 - Revoke Parkway Belt West Plan