

Development Services Committee Meeting Minutes

Meeting Number: 1
November 29, 2022, 9:30 AM - 3:30 PM
Live streamed

Roll Call	Mayor Frank Scarpitti	Councillor Reid McAlpine
	Deputy Mayor Michael Chan	Councillor Karen Rea
	Regional Councillor Joe Li	Councillor Andrew Keyes
	Regional Councillor Alan Ho	Councillor Amanda Collucci
	Regional Councillor Jim Jones	Councillor Isa Lee
	Councillor Keith Irish	Councillor Juanita Nathan
	Councillor Ritch Lau	
Staff	Andy Taylor, Chief Administrative Officer	Laura Gold, Council/Committee Coordinator
	Trinela Cane, Commissioner, Corporate Services	Erica Alligood, Election and Committee Coordinator
	Arvin Prasad, Commissioner, Development Services	Chris Rickett, Director, Economic Development, Culture and Entrepreneurship
	Claudia Storto, City Solicitor and Director of Human Resources	Rajeeth Arulanantham, Assistant to Council/Committee
	Adam Grant, Fire Chief	Maggie Cheung-Madar, Assistant City Solicitor
	Stephanie DiPerna, Director, Building Standards	Hersh Tencer, Senior Manager, Real Property
	Frank Clarizio, Director, Engineering	Duran Wedderburn, Manager, Policy
	Bryan Frois, Manager of Executive Operations & Strategic Initiatives	Audrey Farias, Project Manager
	Graham Seaman, Director, Sustainability & Asset Management	Victoria Chai, Assistant City Solicitor
	Sabrina Bordone, Manager, Development - Central District	Tony Iacobelli, Manager, Natural Heritage
	Alain Cachola, Senior Manager, Infrastructure and Capital Projects	Sumon Acharjee, Chief Information Officer
	Geoff Day, Senior Planner, Zoning & Special Projects	Ned Sirry, Manager, Client Delivery
	Darryl Lyons, Acting Director of Planning & Urban Design	Rob Cole, Manager, Applications
		Jay Pak, Senior Manager, Financial Planning & Reporting
		Jemima Lee, Senior Financial Analyst

Stephen Lue, Senior Manager,
Development
John Yeh, Manager, Strategy &
Innovation
Brad Roberts, Manager, Zoning and
Special Projects

Alternate formats for this document are available upon request

1. CALL TO ORDER

The Development Services Committee convened at 9:34 AM with Mayor Frank Scarpitti in the Chair.

Regional Councillor Jim Jones assumed the Chair at 9:42 AM.

The Development Services Committee recessed at 12:30 PM to 1:15 PM for lunch.

Moved by Councillor Andrew Keyes

Seconded by Councillor Collucci

That Regional Councillor Jim Jones be appointed as Acting Chair for the November 29, 2022, Development Services Committee meeting.

Carried

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 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 was no disclosures of pecuniary interest.

3. APPROVAL OF PREVIOUS MINUTES

3.1 SPECIAL DEVELOPMENT SERVICES COMMITTEE MINUTES - SEPTEMBER 6, 2022 (10.0)

Moved by Councillor Amanda Collucci

Seconded by Councillor Isa Lee

1. That the minutes of the Special Development Services Committee Meeting held on September 6, 2022, be confirmed.

Carried

3.2 DEVELOPMENT SERVICES COMMITTEE MINUTES - SEPTEMBER 12, 2022 (10.0)

Moved by Councillor Amanda Collucci

Seconded by Councillor Isa Lee

1. That the minutes of the Development Services Committee Meeting held on September 12, 2022, be confirmed.

Carried

4. PRESENTATIONS

There were no presentations.

5. DEPUTATIONS

There were no deputations.

6. COMMUNICATIONS

6.1 BRIEFING NOTE: PROVINCIAL DECISION - 2022 YORK REGION OFFICIAL PLAN

D. Lyons ext. 2459

Darryl Lyons, Acting Director of Planning & Urban Design provided an overview of the Briefing Note: Provincial Decision 2022 York Region Official Plan. The briefing note provides a summary of the key modifications to the York Region Official Plan the affect the City of Markham.

The Committee discussed the following modifications to the York Region Official Plan:

The Removal of Direction for Local Municipalities to Identify Maximum Density and Height Targets

The Committee inquired what the implications are of removing maximum density and height targets.

Mr. Lyons advised that staff will be looking at both the implication of removing the maximum density and heights, and the Minister being the new approval body of the Official Plan (rather than York Region) through the review of Markham's Official Plan.

The New Policy with Provisions to Increase Density and Building Heights for 10506 and 10508 Warden Avenue

Staff agreed to confirm the ownership of the land located at 10506 and 10508 Warden Avenue.

Modifications to the Future Urban Area

The Committee asked for clarification on the changes to Markham's Future Urban Area.

Mr. Lyons advised that the Minister removed the lands that Markham Council had requested be maintained as agricultural lands, and added 58.9 hectares of agricultural land located east of Highway 48 and North of Major Mackenzie Drive to the Markham's Future Urban Area.

Catherine Lyons Deputation from November 22, 2022 Special Council Meeting

Mr. Lyons clarified that Catherine Lyons will provide a more formal deputation at a future Development Services Committee meeting regarding the deputation she made at the November 22, 2022, Special Council meeting pertaining to her client's greenbelt lands.

Moved by Councillor Reid McAlpine

Seconded by Councillor Amanda Collucci

That the November 8, 2022, briefing note titled, "Provincial Decision - 2022 York Region Official Plan", be received.

Carried

7. PETITIONS

8. CONSENT REPORTS - DEVELOPMENT AND POLICY ISSUES

**8.1 CYCLING AND PEDESTRIAN ADVISORY COMMITTEE (CPAC)
MINUTES - JUNE 16 AND SEPTEMBER 15, 2022 (16.0)**

Moved by Councillor Andrew Keyes

Seconded by Councillor Reid McAlpine

1. That the minutes of the June 16 and September 15, 2022, Cycling and Pedestrian Advisory Committee (CPAC) meeting be received for information purposes.

Carried

**8.2 HERITAGE MARKHAM COMMITTEE MINUTES – AUGUST 23,
SEPTEMBER 14, AND OCTOBER 22, 2022 (16.11)**

Moved by Councillor Andrew Keyes

Seconded by Councillor Reid McAlpine

1. That the minutes of the Heritage Markham Committee meeting held August 23, September 14, and October 12, 2022 be received for information purposes.

Carried

**8.3 FLATO MARKHAM THEATRE ADVISORY BOARD MINUTES - JUNE
27 AND SEPTEMBER 26, 2022 (16.0)**

Moved by Councillor Andrew Keyes

Seconded by Councillor Reid McAlpine

1. That the minutes of the Flato Markham Theatre Advisory Board meeting held June 27 and September 26, 2022, be received for information purposes.

Carried

8.4 MINUTES OF THE MAY 11, JUNE 8, SEPTEMBER 14, AND OCTOBER 12, 2022 FRIENDS OF THE MARKHAM MUSEUM BOARD (16.0)

Moved by Councillor Andrew Keyes

Seconded by Councillor Reid McAlpine

1. That the minutes of the May 11, June 8, September 14, and October 12, 2022 Friends of the Markham Museum Board meetings be received for information purposes.

Carried

8.5 MINUTES OF THE JUNE 13 AND SEPTEMBER 26, 2022 VARLEY-MCKAY ART FOUNDATION (16.0)

Moved by Councillor Andrew Keyes

Seconded by Councillor Reid McAlpine

1. That the minutes of the June 13 and September 26, 2022 Varley-McKay Art Foundation meeting be received for information purposes.

Carried

8.6 AWARD OF RFP 200-R-22 CONSULTING ENGINEERING SERVICES FOR THE DETAILED DESIGN OF THE MARKHAM CENTRE TRAILS (PHASE 3) AND ROUGE VALLEY TRAIL (PHASE 4B) (7.12)

Arvin Prasad, Commissioner of Development Services, advised that this item is to obtain Council approval to award a contract for the detailed design of Markham Centre Trails (Phase 3), and the Rouge Valley Trail (Phase 4B).

Frank Clarizio, Director of Engineering, displayed a map of the Markham Centre Trails and Rouge Valley Trails, explaining the design work that is to be undertaken.

The Committee inquired if the trails will be designed so that the cycling and pedestrian facilities are separated, and how the Rouge Valley Trail will connect with Donald Cousens Parkway and the Rouge National Urban Park.

Mr. Clarizio advised that they will be looking at ways to mitigate pedestrian and cycling conflicts, such as by widening the trail in some locations, or by erecting signs. The Committee suggested painting lines to separate the trail as a possible way of mitigating cycling and pedestrian conflicts.

Alain Cachola, Senior Manager of Infrastructure & Capital Works, advised that York Region is planning to build a multi-use pathway along Donald Cousens Parkway, which would connect the Rouge Valley Trail to the Rouge National Urban Park if built. Mr. Cachola clarified that at this time Parks Canada is focusing on completing its trail along 16th Avenue, noting that they have a long term plan to bring the trail further south.

The Committee suggested that the City should continue to encourage Parks Canada to connect the Rouge Valley Trail to the Rouge National Urban Park at the earliest date possible.

Moved by Mayor Frank Scarpitti

Seconded by Deputy Mayor Michael Chan

1. That the report entitled “Award of RFP 200-R-22 - Consulting Engineering Services for the Detailed Design of the Markham Centre Trails (Phase 3) and Rouge Valley Trail (Phase 4B)” be received; and,
2. That the contract for consulting engineering services for the detailed design of the Markham Centre Trails (Phase 3) and Rouge Valley Trail (Phase 4B) be awarded to the highest ranked, 2nd lowest priced bidder, Aquafor Beech Limited in the amount of \$523,201.08, inclusive of HST; and,
3. That a 10% contingency in the amount of \$52,320.11 inclusive of HST, be established to cover any additional consulting services to deliver the study and that authorization to approve expenditures of the contingency amount up to the specified limit be in accordance with the Expenditure Control Policy; and,
4. That the Engineering Department Capital Administration fee in the amount of \$69,796.91, be transferred to revenue account 640-998-8871 (Capital Administration Fee); and,
5. That the cost in the amount of \$645,318.10 (\$523,201.08 + \$52,320.11 + \$69,796.91) be funded from accounts 083-5350-22033-005 and 083-5350-22034-005 with budget available of \$1,068,200.00; and,
6. That the remaining budget in the amount of \$150,000.00 be used for permits, indigenous consultation and fees related to the acquisition of land for Rouge Valley Trails (Phase 4B); and,
7. That the remaining budget in the amount of \$272,881.91 be returned to the original funding source in the amount of \$177,373.24 to DC and \$95,508.67 to Non-DC fund; and further,

8. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

9. PRESENTATIONS - DEVELOPMENT AND POLICY ISSUES

9.1 UPDATE ON PROVINCIAL STREAMLINE DEVELOPMENT APPROVAL FUND AND AUDIT AND ACCOUNTABILITY FUND (10.19)

Arvin Prasad, Commissioner of Development Services, advised that this item is to provide an update on the Provincial Streamline Development Approval Fund and Audit Accountability Fund. Mr. Prasad noted that significant measures are being undertaken to streamline Markham's development processes.

John Yeh, Manager, Strategy & Innovation, provided a presentation titled "Update on Provincial Streamline Development Approval Fund, and Audit and Accountability Fund.

The presentation included an update on the following Streamline Development Approval projects: 1) Development Application Review Project; 2) ePLAN Project Dox 9.2 Upgrade; 3) ePLAN Web Portal Update; 4) 3D Model Development; and 5) GIS interface.

The presentation also included an update on the following Audit and Accountability Fund Projects: 1) Streamlining Planning Approval through a Community Planning Permit System; 2) Infill Housing Strategy; and 3) By-Law & Regulatory Services Review.

The Committee had the following questions regarding the staff presentation:

- If there was a simplified development application for infrequent users;
- How the City will pay for the 3D modelling?
- Who the 3D models are being made for?
- Where the 3D models will be stored:
- Can the 3D models be modified?
- Can the 3D models be printed?
- If there will be an online tutorial explaining how to submit a development application;
- If improvements were being made to the tree permit application;

- If Applicants will be able to easily reach staff;
- How the updates will ensure that project timelines are adhered to?
- What studies will be uploaded into the system?
- How much time is estimated to be saved as a result of these projects?
- If the five projects are anticipated to be completed on time.

Staff provided the following responses to inquiries from the Committee:

Customer Service Improvements

Stephanie DiPerna, Director of Building Standards, advised that the City will provide enhanced customer service for infrequent users, which may include a one on one session with the Applicant.

Mr. Yeh noted that the ePLAN Web Portal update will make the development application process more user friendly, and that it will provide real time information to the Applicant, including the contact information of the Planning Staff assigned to their file. Mr. Yeh clarified that instructions on how to submit a development application will be available online.

3D Model Responses

Mr. Yeh clarified that the 3D models will be electronic.

Sumon Acharjee, Chief Information Officer, advised that staff are currently working on the procedures for maintaining and storing the 3D models with other related Site Plans and drawings, and confirmed that the software does have capabilities to export to various formats that may permit for the printing of the 3D model and will require some further exploration.

Tree Permits

Ms. DiPerna advised that tree permit application will be looked at as part of the Web Portal Update, noting that the new software should allow for improvements to this process.

Studies

Mr. Yeh advised that staff are still confirming which studies they will be request to be uploaded into ePLAN.

Efficiencies

Mr. Yeh advised that five projects are anticipated to create incremental improvements to the development process, but that staff will be able to better estimate these efficiencies when the final report on these projects is presented to the Development Services Committee in early 2023. The Lean review project will recommend updated processes from application submission to decision to achieve efficiencies.

Project Timelines

Mr. Yeh advised that all five projects are anticipated to be completed on time.

Moved by Councillor Amanda Collucci

Seconded by Councillor Isa Lee

1. That the presentation entitled “Update on Provincial Streamline Development Approval Fund and Audit and Accountability Fund” be received; and,
2. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

10. REGULAR REPORTS - DEVELOPMENT AND POLICY ISSUES

10.1 CITY OF MARKHAM'S RESPONSE TO BILL 109 - MORE HOMES FOR EVERYONE ACT, 2022 (10.0)

Arvin Prasad, Commissioner of Development Services, advised that this item provides an overview of the City’s current development approval process and recommends changes and improvements to reflect the Province of Ontario’s *Bill 109, More Homes for Everyone Act, 2022, Planning Act* amendments that received Royal Assent on April 14, 2022. Mr. Prasad explained that under the new legislation the City is required to reimburse the development application fee if a decision is not made within the timelines permitted under the *Planning Act*.

Darryl Lyons, Acting Director of Planning & Urban Design, advised that a more streamlined and transparent process has been created for Official Plan and Zoning By-Law Applications, and for Site Plan Applications to ensure these applications are approved within the permitted timelines.

Brad Robert, Manager, Development Facilitation Office, provided a presentation titled “City’s Response to Bill 109”.

The Committee discussed the following relative to the staff report and presentation:

Development Application Approval Timelines

The Committee questioned the percentage of applications that are currently being approved within the permitted timelines, and the timing of when the staff approval period starts for development application.

Staff advised that currently only a small number of heritage applications are being approved within the permitted timelines. Staff clarified that the timeframe starts from the day the application is submitted. Staff suggested that Councillor feedback on development applications should be provided early on in the development process to avoid delays, noting they will endeavor to notify Council of development applications of their interest early on in the development process.

Management of Development Applications with Issues

The Committee questioned how staff will address issues with development applications, which may lead to a delay in making a decision on an application;

Staff advised that Applicants will be asked to withdraw and resubmit their application without any financial penalties if there is an issue that cannot be resolved within the permitted timelines.

Denial of Applications

The Committee questioned if a refund has to be provided if an application is denied.

Staff clarified that the City will not be required to provide a refund for Official Plan and Zoning By-Law Amendment Applications if denied within the permitted timeframe.

Causes of Delays and Solutions to Resolving Delays

Committee questioned what is causing the delay in making a decision on development applications, and how the delays can be eliminated.

Staff advised the City is trying to eliminate delays by creating a memorandum of understanding between the Applicant and the City, and by setting upfront expectations in regards to timelines with partner agencies. Additionally, Site Plan Applications will no longer be permitted to be submitted until a decision has been made on any Official Plan or Zoning By-Law Amendments to avoid delays. Staff

noted that some delays are outside of the City's control, and that all stakeholders need to improve to reach deadlines.

A Committee Member Suggested that a list that flags development applications that are not meeting the deadlines be created. Staff noted that issues with development applications can be monitored in ePLAN.

Development Pre-Consultations

The Committee questioned if the City was allowed to charge a pre-application consultation fee and if the fee would have to be refunded if a decision is not made within the permitted timeframe. The Committee also inquired if there was any tools the City could use to ensure that the development gets built.

Staff advised that the City is permitted to charge a pre-application consultation fee, and that the fee would need to be refunded if a decision on the application is not made within the permitted timeframe. Moreover, the City will have no ability to dispute the requirement to provide a refund if a decision is not made within the timeline due to external factors. Staff noted that they are investigating the possibility of having an expiry date on development pre-consultations as a way of encouraging development applications to proceed.

Other Municipalities Response to Bill 109

The Committee questioned how other municipalities are addressing changes proposed by Bill 109.

Staff advised that other municipalities are addressing the matter in a similar fashion.

Approval of the New Process

The Committee questioned if the Province needs to approve the City's new procedures for processing development applications.

Staff advised there is no requirement to have the Province review the City's development application processes.

Risk Associated with the New Process

The Committee questioned the risk of decisions on development application not being made within the permitted timeframes.

Staff advised that various options were evaluated and that the proposed process was determined to be the best option to mitigate risk, but that there is no option that will eliminate risk entirely.

Housing Stats

Regional Councillor Alan Ho requested that Staff provide him with number of homes built per year in Markham from 2012 – 2021 via email.

Moved by Mayor Frank Scarpitti

Seconded by Deputy Mayor Michael Chan

1. That the November 29, 2022, report titled, “City of Markham’s Response to Bill 109 - More Homes for Everyone Act, 2022, File: PR 22 260697”, be received; and,
2. That Staff advise the Development Services Committee of the scheduling of a statutory Public Meeting as required under the Planning Act, to be held on December 6, 2022, to receive public input; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

10.2 2023 DEVELOPMENT FEE AND BUILDING BY-LAWS

Arvin Prasad, Commissioner of Development Services, advised that this item is provide the appropriate background for recommended increases to the 2023 development and building fees, and to seek authorization to refer the amendments to the Development Services Public Meeting.

John Yeh, Manager, Strategy & Innovation, provided a presentation titled “2023 Development Fee and Building By-Laws”.

Staff responded and provided clarification on building permit fee changes.

Moved by Councillor Reid McAlpine

Seconded by Councillor Juanita Nathan

1. That the Report titled “2023 Development Fee, Building, and City-Wide Fee By-laws” dated November 29, 2022 be received; and,
2. That the proposed amendments to the Development Fee and Building By-laws be referred to the Development Services Committee Public Meeting to be held on December 6, 2022; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

11. MOTIONS

There were no motions.

12. NOTICES OF MOTION

There were no notices of motion.

13. NEW/OTHER BUSINESS

Councillor Karen Rea suggest placing a full page advertisement in the *Markham Economist & Sun* and *Thornhill Liberal* on the implications of Bill 23.

Mayor Frank Scarpitti advised that he is looking into various ways of communicating the implications of Bill 23 to the public, including the possibility of placing a notice in the newspaper, and creating a short video message. Mayor Scarpitti recommended that staff prepare a consistent message that Councillors can place in their newsletters regarding the implications of Bill 23.

14. ANNOUNCEMENTS

There were no announcement.

15. CONFIDENTIAL ITEMS

Moved by Councillor Amanda Collucci
Seconded by Councillor Reid McAlpine

That, in accordance with Section 239 (2) (e) (c) of the Municipal Act, Development Services Committee resolve into a confidential session at 1:32 PM to discuss the following matters:

15.1.1 DEVELOPMENT SERVICES COMMITTEE CONFIDENTIAL MINUTES -
JUNE 27 AND JULY 5, 2022 (10.0) [Section 239 (2) (e)]

15.1.2 A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND
BY THE CITY OR LOCAL BOARD (WARD 1) (7.0) [SECTION 239 (2) (c)]

Carried

Moved by Councillor Reid McAlpine
Seconded by Councillor Andrew Keyes

That the Development Services Committee rise from its Confidential Session at 1:48 PM.

Carried

Mayor Frank Scarpitti reported out from confidential session that there will be a Special Council Meeting on Thursday, December 1, 2022, at 9:00 AM to discuss the Shouldice property located at 7750 Bayview Avenue, noting that the majority of the meeting will be held in a confidential session.

16. ADJOURNMENT

Moved by Councillor Amanda Collucci

Seconded by Deputy Mayor Michael Chan

That the Development Services Committee adjourn at 1:50 PM.

Carried