

Development Services Committee Meeting Minutes

Meeting Number: 2
December 12, 2022, 9:30 AM - 3:00 PM
Live streamed

Roll Call	Mayor Frank Scarpitti	Councillor Reid McAlpine
	Deputy Mayor Michael Chan	Councillor Karen Rea
	Regional Councillor Jim Jones	Councillor Andrew Keyes
	Regional Councillor Joe Li	Councillor Amanda Collucci
	Regional Councillor Alan Ho	Councillor Juanita Nathan
	Councillor Keith Irish	Councillor Isa Lee
	Councillor Ritch Lau	
Staff	Andy Taylor, Chief Administrative Officer	John Yeh, Manager, Strategy & Innovation
	Trinela Cane, Commissioner, Corporate Services	Dimitri Pagratis, Senior Planner, Central District
	Arvin Prasad, Commissioner, Development Services	Aleks Todorovski, Planner 1
	Claudia Storto, City Solicitor and Director of Human Resources	Mark Visser, Senior Manager, Financial Strategy & Investments
	Stephanie DiPerna, Director, Building Standards	Laura Gold, Council/Committee Coordinator
	Frank Clarizio, Director, Engineering	Erica Alligood
	Bryan Frois, Manager of Executive Operations & Strategic Initiatives	Melissa Leung, Planner I
	Sabrina Bordone, Manager, Development - Central District	Nhat-Anh Nguyen, Senior Manager, Development & Environmental
	Regan Hutcheson, Manager, Heritage	Rajeeth Arulanantham
	Darryl Lyons, Senior Manager, Policy & Research	Clement Messere, Senior Planner
	Stephen Lue, Senior Manager, Development	

Alternate formats for this document are available upon request

1. CALL TO ORDER

The Development Services Committee convened at 9:35 AM with Regional Councillor Jim Jones in the Chair.

The Development Services Committee recessed from 11:01 - 11:15 AM.

The Development Services Committee recessed from 1:17 -2:18 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 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 - NOVEMBER 29, 2022 (10.0)

Moved by Regional Councillor Alan Ho

Seconded by Councillor Isa Lee

1. That the minutes of the Development Services Committee meeting held on November 29, 2022 be confirmed.

Carried

4. DEPUTATIONS

Deputation made on other items were recorded with the respective item.

13.1.3 DEPUTATIONS LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL

BOARD (WARD 4) [SECTION 239 (2) (e)] - OLT APPEAL - 134, 136, 140, 144, AND 152 MAIN ST. N. AND 12 WILSON ST. BY MARKHAM MAIN STREET RR INC. C/O SMARTCENTRES INC

The following residents provided a deputation on the development proposed by Markham Main Street RR Inc. C/O Smartcentres Inc, located at 136, 140, 144 Main Street Markham North, and on 12 Wilson Street: Dean Kemper; Gloria Luk; Elizabeth Brown; Karl Van Kessel; Janet Whiteley; Valerie Burke; Philip Ling; and, Evelin Ellison.

The deputants provided the following feedback on the proposed development:

- Advocated for existing Zoning By-Laws and related policies for this area be followed;
- Expressed concern regarding the impact it will have on traffic, ground water, and light intrusion;
- Expressed concern that the density, mass, and height is not reflective of the surrounding community, noting other buildings in the area are a maximum of three stories;
- Expressed concern regarding the impact it will have on the existing community and on the character of Markham Village;
- Expressed concern that existing businesses on Main Street Markham will not flourish if the street is not properly planned;
- Expressed concern that it does not enhance the retail on Main Street Markham;
- Advocated for the protection of Main Street Markham for future generations;
- Suggested that it will impact connectivity between multiple modes of transportation, including pedestrian connectivity;
- Stressed the importance of ensuring that heritage buildings on Main Street Markham are revitalized or remain vibrant over time;
- Expressed concern that it does not include enough green space for its future residents;
- Expressed concern that it will set an undesirable precedent for future developments on Main Street Markham;
- Suggested that the development site offers a large parcel of land that could serve as an anchor that invites complementary activities, and connects other activities on Main Street Markham;

- Expressed concern that the design of the proposed development does not incorporate characteristics of heritage architecture;
- Suggested that the residents of the seniors facility will likely not support the businesses on Main Street Markham;
- Expressed concern that it will increase traffic on Main Street Markham and on Water Street;
- Noted the importance of Markham Council upholding the commitment it made when it became a City in 2012, to protect its heritage districts;
- Suggested that the City must protect the Markham Village Heritage District and the interest of its residents;
- Suggested that studies show that this type of retirement facility will not work in this location;
- Suggested that it would not be fair to permit this development when residents of Markham Village must seek approval for the simplest modification to their homes to ensure they reflect the heritage character of the community.

Moved by Councillor Reid McAlpine

Seconded by Councillor Karen Rea

That the deputations by Dean Kemper, Gloria Luk, Elizabeth Brown, Karl Van Kessel, Janet Whiteley, Valerie Burke, Philip Ling, and Evelin Ellison, be received.

Carried

5. COMMUNICATIONS

5.1 STAFF COMMENTS ON DEPUTATION BY GOODMAN'S LLP AT NOVEMBER 22, 2022 SPECIAL COUNCIL MEETING (10.0)

Moved by Councillor Reid McAlpine

Seconded by Councillor Karen Rea

1. That the briefing note dated December 8, 2022 on "Staff Comments Regarding the Deputation by Goodman's LLP at the November 22, 2022, Special Council Meeting Relating to Lands Being Part of 10379 Kennedy Road and the Greenbelt Plan", be received.

Carried

5.2 MEMORANDUM - PROPOSED 2023 BUILDING CODE CHANGES (10.13)

Stephanie DiPerna, Director of Building Standards, clarified that the proposed changes to the 2023 Building Code mainly focused on harmonizing Ontario Building Code and National Building Code. Staff supported all changes to the Building Code.

Moved by Councillor Amanda Collucci
Seconded by Mayor Frank Scarpitti

1. That the memo dated December 2, 2022 from Stephanie Di Perna, Chief Building Official and Director Building Standards on "Proposed 2023 Building Code Changes", be received.

Carried

5.3 WRITTEN SUBMISSION - NOTICE OF INTENTION TO DEMOLISH - SINGLE DETACHED DWELLING, 83 JOHN STREET, THORNHILL HERITAGE CONSERVATION DISTRICT, WARD 1 (16.11 & 10.3)

Note: Refer to Item 8.1

Moved by Councillor Reid McAlpine
Seconded by Councillor Karen Rea

1. That the written submissions from Diane Berwick and Tony Farr for Item No. 8.1 on, "Notice of Intention to Demolish - Single Detached Dwelling, 83 John Street, Thornhill Heritage Conservation District, Ward 1", be received.

Carried

5.4 WRITTEN SUBMISSION - LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD (WARD 4) [SECTION 239 (2) (e)] - OLT APPEAL - 134, 136, 140, 144, AND 152 MAIN ST. N. AND 12 WILSON ST.

BY MARKHAM MAIN STREET RR INC. C/O SMARTCENTRES INC. (10.3 & 10.5)

Note: Refer to Item 13.1.3

Moved by Councillor Reid McAlpine
 Seconded by Councillor Karen Rea

1. That the written submissions from Donna Knight, Simon Chan, Andrew and Cristina Mitakis, John and Ann Styles for Item No. 13.1.3 on "Litigation or Potential Litigation Including Matters Before Administrative Tribunals, Affecting the Municipality or Local Board (Ward 4) [Section 239 (2) (e)] - OLT APPEAL - 134, 136, 140, 144, and 152 Main Street N. and 12 Wilson Street", be received.

Carried

6. PETITIONS

A petition was submitted signed by approximately 130 people in opposition to the proposed development by Markham Main Street RR Inc. C/O Smartcentres Inc., located at 134, 136, 140, 144 and 152 Main Street Markham North, and 12 Wilson Street.

7. CONSENT REPORTS - DEVELOPMENT AND POLICY ISSUES

7.1 HERITAGE MARKHAM COMMITTEE MINUTES - NOVEMBER 9, 2022 (16.11)

Barry Nelson made a deputation advising that some of the components of his deputation were missing from the November 9, 2022, Heritage Markham Committee Minutes, such as his reference to the unaffordability of the housing supply, less livable communities, and ways the City can move forward to make Bill 23 workable. Mr. Nelson advised that he would be addressing this at the December 14th Heritage Markham Committee meeting.

Doug Denby made a deputation commenting on the structure of the Heritage Markham Committee Minutes.

Moved by Councillor Karen Rea
 Seconded by Councillor Amanda Collucci

1. That the minutes of the Heritage Markham Committee meeting held November 9, 2022 be received for information purposes.

Carried

7.2 PROPOSED DEMOLITION 7861 HIGHWAY 7, LOCUST HILL, ROUGE NATIONAL URBAN PARK, WARD 5 (16.11 & 10.13)

There was no discussion on this item.

Moved by Councillor Karen Rea

Seconded by Councillor Isa Lee

1. That the December 12, 2022, staff report titled, “Proposed Demolition, 7861 Highway 7, Locust Hill, Rouge National Urban Park, Ward 5”, be received; and,
2. That Markham Council provides the following feedback on the proposed demolition of 7861 Highway 7, the Nighswander Tenant House:
 - Due to the advance state of decay and deterioration that has occurred over many years as a result of a lack of maintenance, poor stewardship, vacancy and abandonment, regrettably, the demolition of the building appears to be the most reasonable course of action; and,
 - The potential salvage and re-purposing of heritage elements from the property is supported; and,
 - The introduction of heritage interpretive features to celebrate and inform visitors of the former Nighswander buildings is also supported, and could include a Markham Remembered interpretive panel; and,
3. That Markham Council requests that with regard to other cultural heritage resources within the National Urban Park, Parks Canada at minimum maintain the heritage features/attributes of the cultural heritage assets it has committed to invest in to support re-occupancy or during regular maintenance of the assets; and,
4. That Markham Council encourages Parks Canada to protect and maintain those cultural heritage assets located in the Markham area of the Rouge National Urban Park of which the City has previously provided financial investments in support of their maintenance and conservation; and further,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8. REGULAR REPORTS - DEVELOPMENT AND POLICY ISSUES

8.1 NOTICE OF INTENTION TO DEMOLISH - SINGLE DETACHED DWELLING, 83 JOHN STREET, THORNHILL HERITAGE CONSERVATION DISTRICT, WARD 1 (16.11 & 10.13)

Arvin Prasad, Commissioner of Development Services, advised that this item is to recommend that Council support the demolition of 83 John Street within the Thornhill Heritage Conservation District.

The following deputations were made on the request to demolish 83 John Street:

Valerie Burke spoke in opposition to permitting the demolition of 83 John Street. The 76 year old house has a special connection to the *Veteran's Land Act* (1942). It should be preserved because it is a tangible reminder of sacrifices made by veterans and it is part of the story of Thornhill Village.

Evelin Ellison spoke in opposition of the demolition of 83 John Street, and in favour of a compatible addition to the house, which would enhance character of the property and Thornhill Village.

Barry Nelson supported the comments of the previous deputants.

Doug Denby spoke of the importance of "leading while remembering".

Committee discussed the following relative to the staff report:

- Questioned at what point history becomes history, and at what point a property becomes worthy of being protected;
- Noted that properties are often protected because we fear what comes after it;
- Questioned the difference between a compatible addition, and demolishing the property and building a new home.

Moved by Councillor Keith Irish

Seconded by Councillor Andrew Keyes

1. That the Deputations by Valerie Burke, Evelin Ellison, Barry Nelson, and Doug Denby regarding the staff report "Notice of Intention to Demolish – Single Detached Dwelling, 83 John Street, Thornhill Heritage Conservation District, Ward 1," be received; and further,

2. That the demolition of 83 John Street be approved on the condition that the Applicant work with Heritage Planning Staff on a revised plan that incorporates elements of the existing heritage home into the new home.

Carried

8.2 RECOMMENDATION REPORT THE REGIONAL MUNICIPALITY OF YORK, APPLICATION FOR ZONING BY-LAW AMENDMENT TO PERMIT TEMPORARY OUTDOOR STORAGE FOR NEW VEHICLES AT 350 YORKTECH DRIVE (WARD 8), FILE NO. PLAN 21 147736 (10.5)

Arvin Prasad, Commissioner of Development Services, advised that this item recommends approval of a Zoning By-Law Amendment Application submitted by the Regional Municipality of York to permit a temporary outdoor storage for new vehicles for three years.

Staff clarified that the subject lands are being contemplated as parkland in the Markham Centre Secondary Plan Development Concept Plan, noting that this is why only temporary zoning for the use of an outdoor stage for new vehicles is being requested.

Moved by Councillor Amanda Collucci

Seconded by Councillor Isa Lee

1. That the report titled, “RECOMMENDATION REPORT, The Regional Municipality of York, Application for Zoning By-law Amendment to permit temporary outdoor storage for new vehicles at 350 Yorktech Drive (Ward 8), File No. PLAN 21 147736”, be received; and,
2. That the Zoning By-law Amendment application submitted by The Regional Municipality of York be approved and the draft Zoning By-law Amendment, attached hereto as Appendix ‘A’, be finalized and enacted without further notice; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.3 GROUND SIGN VARIANCE - DON VALLEY NORTH (GENESIS) 7537 WOODBINE AVENUE APPLICATION NO. 22.114379.000.00.SP (10.13 & 2.16)

Arvin Prasad, Commissioner of Development Services, advised that staff are recommending that the Don Valley North Genesis Dealership’s request for a Ground Sign Variance for its dealership located at 7537 Woodbine Avenue be

approved, as historically there were two buildings on this lot and two signs would have been permitted.

Staff clarified the location of the dealership relative to the railroad.

Moved by Councillor Isa Lee

Seconded by Councillor Amanda Collucci

1. That the ground sign variance application by Don Valley North (Genesis) at 7537 Woodbine Avenue, Application No. 22.114379.000.00.SP, be approved; and,
2. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.4 HERITAGE PERMIT APPLICATION FOR REPLACEMENT WINDOWS, 307 MAIN STREET NORTH, MARKHAM VILLAGE, FILE: HE 22 260674 (WARD 4) (16.13)

Arvin Prasad, Commissioner of Development Services, advised that this item recommends denial of a Heritage Permit application requesting the approval of replacement attic windows installed without authorization at 307 Main Street North.

Peter Wokral, Senior Heritage Planner, clarified that the windows were replaced without authorization and that they do not comply with the Markham Village Heritage District Plan. Mr. Wokral noted that the Owner was requested to restore the windows to their original design and material at the September 14, 2022 Heritage Markham Committee meeting. Mr. Wokral explained that the Owner does not support the recommendation of Heritage Markham Committee and is requesting that Council support the new windows. Mr. Wokral indicated that certain other heritage windows on the dwelling had been replaced by a previous owner a number of years ago.

The Committee questioned if the original materials of the windows were still available for purchase, and if it was only the attic windows that were replaced.

Mr. Wokral confirmed that it was only the attic window that were replaced and that the original materials are still available for purchase.

Moved by Councillor Karen Rea

Seconded by Councillor Reid McAlpine

1. That the December 12, 2022, Report titled, “Heritage Permit Application for Replacement Windows, 307 Main Street North, Markham Village, File: HE 22 260674 (Ward 4)”, be received; and,
2. That the Heritage Permit application HE 22 260674 seeking approval for the installation of replacement attic windows be denied; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.5 AUTHORITY TO PROVIDE DEVELOPMENT CHARGE (DC) CREDITS AND/OR REIMBURSEMENTS FOR THE CONSTRUCTION OF A TRUNK SANITARY SEWER BY THE LANDOWNERS IN THE BERCZY GLEN SECONDARY PLAN AREA AND THE TRUSTEE OF BERCZY GLEN LANDOWNERS GROUP INC. (WARD 2 AND 6)

(7.11 & 5.5)

Arvin Prasad, Commissioner of Development Services, advised that this item seeking authority from Council to reimburse Development Charges to the Berzy Glen Landowners for construction of a trunk sanitary sewer to service the Berczy Glen Secondary Plan area and other areas.

Nhat-Anh Nguyen, Senior Manager, Development & Environmental Engineering, clarified that the trunk sanitary sewer being constructed by the Berzy Glen Landowners Group will connect to an existing sanitary sewer located in Angus Glen.

Moved by Councillor Amanda Collucci
Seconded by Regional Councillor Joe Li

1. That the report entitled “Authority to provide Development Charge (DC) Credits and/or Reimbursements for the Construction of a Trunk Sanitary Sewer by the Landowners in the Berczy Glen Secondary Plan Area and the Trustee of Berczy Glen Landowners Group Inc. (Wards 2 and 6)” be received; and,
2. That Council authorize Development Charge Credits and/or Reimbursements not exceeding \$21,985,407.00 to the Trustee of Berczy Glen Landowners Group Inc. (“Trustee”) for the design, contract administration, and construction costs associated with the construction of a trunk sanitary sewer (Trunk Sanitary Sewer) that will service the Berczy

Glen Secondary Plan, Angus Glen Secondary Plan, and Employment block in the City's Future Urban Area (FUA) and lands external to the FUA with such credits being:

- a. Area Specific Development Charges to a maximum of \$21,357,548 and,
 - b. City Wide Hard Development Charges to a maximum of \$627,859; and,
3. That Council authorize an Area-Specific Development Charge Credit and/or Reimbursement not exceeding \$3,518,308.00 to Berczy Warden Holdings Inc. ("DG Group") for the design, contract administration, and construction costs associated with the construction of a trunk sanitary sewer (Trunk Sanitary Sewer) that will service the Berczy Glen Secondary Plan and Employment block in the FUA; and,
 4. That Council authorize an Area-Specific Development Charge Credit and/or Reimbursement not exceeding \$598,000.00 to Monarch Berczy Glen Developments Limited ("Monarch Berczy") for the design, contract administration, and construction costs associated with the construction of a trunk sanitary sewer (Trunk Sanitary Sewer) that will service the Berczy Glen Secondary Plan and Employment block in the FUA; and,
 5. That Council authorize an Area-Specific Development Charge Credit and/or Reimbursement not exceeding \$742,500.00 to Mattamy Walmark Development Limited, Mattamy (Monarch) Limited, E.M.K. Construction Limited and, Treelawn Construction Limited (collectively "Mattamy Walmark") for the design, contract administration, and construction costs associated with the construction of a trunk sanitary sewer (Trunk Sanitary Sewer) that will service the Berczy Glen Secondary Plan and the Employment block in the FUA; and,
 6. That the Mayor and Clerk be authorized to execute Development Charge Credit and/or Reimbursement Agreements, if required, in accordance with the City's Development Charge Credit and Reimbursement Policy, with the Trustee of Berczy Glen Landowners Group Inc. and with DG Group, or their successors in title to the satisfaction of the Treasurer and the City Solicitor, or their respective delegates; and,
 7. That the Mayor and Clerk be authorized to execute Development Charge Credit and/or Reimbursement Agreements, if required, in accordance with the City's Development Charge Credit and Reimbursement Policy, with Monarch Berczy and with Mattamy Walmark, or their successors in title

to the satisfaction of the Treasurer and the City Solicitor, or their respective delegates; and,

8. That all of the above credits and/or reimbursements shall be the absolute value of the credits and/or reimbursements, and that HST and interest shall not be credited and/or reimbursed; and further,
9. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

**8.6 RECOMMENDATION REPORT THORNHEIGHTS HOMES INC.,
APPLICATION FOR ZONING BY-LAW AMENDMENT TO PERMIT
FIVE SINGLE DETACHED DWELLINGS AT 16 KIRK DRIVE, FILE NO.
PLAN 21 115669 (WARD 1) (10.5)**

Arvin Prasad, Commissioner, Development Services, advised that this item is related to rezoning of lands at 16 Kirk Drive to permit five single detached dwellings with frontage on Kirk Drive. By way of background, Mr. Prasad advised that the application was deemed complete on May 4, 2021 and that the preliminary report was brought to Development Services Committee on September 27, 2021. Further, Mr. Prasad advised that the statutory public meeting was held on November 16, 2021, and that the 90 day period, before which an appeal for non-decision could be filed with the Ontario Land Tribunal, ended on August 2, 2021.

Hailey Miller, Planner II, was in attendance to answer any questions.

Jim Kotsopoulos, JKO Planning Services Inc., provided a verbal update related to the application, advising that through public consultation, several changes have been incorporated into the plan, in response to public feedback and concerns. Mr. Kotsopoulos advised that specifically concerns related to density and massing were addressed.

The following deputation were made on the proposed development:

Jane Winstanley requested that this item be deferred to a future meeting as she, as well as others in her neighbourhood, would appreciate additional time to prepare deputations or written submissions regarding the report.

Valerie Burke reported the following concerns regarding the application: lack of bird-friendly window and that the lighting is not night sky compliant, noting that mitigating light pollution is a crucial part of maintaining biodiversity.

Evelin Ellison reported concerns with loss of green area as part of this application and with the water table in the area, suggesting further studies should be undertaken.

Cos Provenzano also requested that the item be deferred. Mr. Provenzano presented concerns regarding sewer service and parking as part of this application. He also requested further studies, including flood mitigation, light pollution, and noise studies be undertaken.

The Committee discussed the following relative to the proposed development:

- Re-stated concerns presented by residents related to bird-friendly window design;
- Confirmed that bird-friendly guidelines do not currently apply to low-rise residential;
- Emphasized concerns regarding flooding and the water table in the subject lands;
- Inquired if there would be an opportunity to hold a public meeting to solicit further public feedback;
- Mr. Kotsopoulos confirmed that the statutory meeting has been held, but that they would look into the feedback and concerns brought forth by deputants.
- Questioned if approving this development would create a “domino effect” in regards to density;
- Advised that this type of development would be unlikely to infiltrate an established area, but that it is appropriate for this area considering the proximity to Yonge Street;
- Questioned if less-modern design could be considered, as it may be more suitable for the area;
- Mr. Kotsopoulos confirmed that his Client would be amenable to considering a different design.

The Committee consented to amend the motion as presented, to include the requirement of the Applicant to add additional landscaping on the eastern portion of the site, that a condition be added to the purchase of sale agreements prohibiting the paving of the front yard, and that the Applicant would work with the Local Councillor and Staff on the design and elevation of the proposal.

Moved by Mayor Frank Scarpitti

Seconded by Councillor Reid McAlpine

1. **That the deputations by Jane Winstanley, Valerie Burke, Evelin Ellison, and Cos Provenzano “RECOMMENDATION REPORT, Thornheights Homes Inc., Application for Zoning By-law Amendment to permit five single detached dwellings at 16 Kirk Drive, File No. PLAN 21 115669 (Ward 1)”, be received; and,**

2. That the report dated December 12, 2022, titled, “RECOMMENDATION REPORT, Thornheights Homes Inc., Application for Zoning By-law Amendment to permit five single detached dwellings at 16 Kirk Drive, File No. PLAN 21 115669 (Ward 1)”, be received; and,
3. That the amendment to Zoning By-law 2150, as amended, be approved and the draft site-specific implementing Zoning By-law, attached as Appendix ‘A’, be finalized and enacted without further notice; and,
4. That Council assign servicing allocation for a maximum of five single detached dwellings; and,
5. That York Region be advised that servicing allocation for five single detached dwellings has been granted; and,
6. That in accordance with the provisions of subsection 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 Zoning By-law attached as Appendix ‘A’ to this report, before the second anniversary of the day on which the By-law was approved by Council; and,
7. **That the Applicant be required to add additional landscaping on the eastern portion of the site near the last unit; and,**
8. **That a condition be added to the purchase of sale agreements prohibiting the paving of the front yard; and,**
9. **That the Local Councillor and staff continue to work with the Applicant on the elevation and design of the proposal; and further,**
10. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.7 RECOMMENDATION REPORT LIFETIME 8200 WARDEN AVENUE GP INC. (LIFETIME DEVELOPMENTS) APPLICATIONS FOR OFFICIAL PLAN AMENDMENT, ZONING BY-LAW AMENDMENT, AND DRAFT PLAN OF SUBDIVISION TO PERMIT A HIGH RISE RESIDENTIAL MIXED-USE DEVELOPMENT AT THE SOUTHWEST CORNER OF CEDARLAND DRIVE AND WARDEN AVENUE, MARKHAM CENTRE (WARD 8) FILE NO. PLAN 20 123292 (PREVIOUS FILE NO. ZA 18 108856) (10.3, 10.5, & 10.7)

Arvin Prasad, Commissioner, Development Services, advised that this item is related to applications for Official Plan Amendment, Zoning By-law Amendment, and draft plan of subdivision to permit a high-rise, residential mixed-use development, featuring 1,962 residential units. Mr. Prasad advised that the subject lands are located on the southwest corner of Cedarland Drive and Warden Avenue, in Markham Centre.

Kate Cooper, Bousfields Inc., provided a presentation related to the application and thanked Markham Staff for working with the Applicant on this application since 2017.

Brian Brown, Lifetime Development, was in attendance and available to answer questions.

Markham Centre Secondary Plan:

The Committee asked for clarification on this application's alignment with the Markham Centre Secondary Plan Development Concept. Mr. Prasad clarified that it is not aligned with the current development concept in terms of building heights and density FSI (floor space index). However, Staff have identified several approved development applications, which are similar to what this application proposes.

The Committee expressed that they are supportive of the renderings and location of this application, considering its location relative to the Viva Transit Line. However, the Committee presented concerns on the precedent this development may set in the area, noting that the proposed density of this application is 70% higher than what is proposed in the development concept.

Staff clarified that the Markham Centre Secondary Plan Development Concept is under review, as it was created without any awareness of Bill 23 and Bill 109. Staff reported that they expect to have a better idea of the impacts of provincial legislation on the development concept in the coming weeks.

The Committee requested that an update on the status of the Markham Centre Secondary Plan be provided at an upcoming Development Services Committee meeting.

Parkland Provisions:

Committee inquired about parkland provisions on the site and the current parkland requirements for this type of development. Ms. Cooper confirmed that park dedication on this site will be cash-in-lieu, off-site parkland, or a combination of both. The Committee suggested surveying developments in the surrounding area, including a proposed development on Rodick Road, to establish the future parkland needs for the area.

The Committee inquired about the differences between parkland and cash-in-lieu requirements prior to and after new provincial legislation (Bill 23) has taken effect. Staff agreed to report back on the implications of the new legislation on parkland requirements.

Claudia Storto, City Solicitor, confirmed that as this application was in the City's system prior to November 28, 2022, and that it is her understanding that this application would fall under the old regime, prior to Bill 23 coming into effect.

IBM Daycare Lands

Committee questioned the status of using the former IBM daycare lands on the south side of the private road for parkland. Ms. Cooper confirmed that Lifetime has not yet been successful in acquiring these lands, but that discussions on the possible acquisition continue.

Ms. Cooper noted that the proposed development will include a daycare available for resident use.

Purpose-Built Rentals

The Committee inquired on the provision of purpose-built rental units as part of the Lifetime development. Ms. Cooper confirmed that there have been ongoing conversations with Staff regarding the provision of purpose-built rental units, but that no official commitments have been made.

Retail Units

The Committee inquired about the provision of retail space as residents have reported concerns about the reduction of retail due to the development. Ms. Cooper confirmed that there are no current tenants, but that the retail would have a local focus, targeting residents of the development and nearby residents. Ms. Cooper also confirmed that the community's concerns have been noted and that additional retail will be explored.

The Committee briefly discussed the following:

- Inquired about the road networks within Markham Centre, particularly inquiring about the connection of Enterprise Boulevard to South Town Centre Boulevard;
- Clarified that the connection plans are predicated on development, to obtain necessary road conveyances;
- Questioned the changes between the initial application and the current application;
- Ms. Cooper shared images to depict the changes in the application to-date;

- Questioned if an AVAC system could be incorporated into the design of this development.
- Mr. Brown confirmed that they would explore this feature in the design process.
- Questioned when construction would begin following approval.
- Mr. Brown confirmed that the intention is to begin construction as soon as possible and that Lifetime would like to begin sales for Phase 1 as quickly as possible as well.

Staff responded and provided clarification to all inquiries made by the Committee.

Moved by Councillor Isa Lee

Seconded by Councillor Amanda Collucci

1. That the December 12, 2022, report titled, “Lifetime 8200 Warden Avenue GP Inc. (Lifetime Developments), Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision to permit a high rise residential mixed-use development at the southwest corner of Cedarland Drive and Warden Avenue, Markham Centre (Ward 8), File No. PLAN 20 123292 (Previous File No. ZA 18 108856)”, be received; and,
2. That the Official Plan Amendment application submitted by Lifetime 8200 Warden Avenue GP Inc. (Lifetime Developments), be approved and that the draft Official Plan Amendment, attached hereto as Appendix ‘A’, be finalized and brought forward to a future Council meeting to be adopted without further notice; and,
3. That the Zoning By-law Amendment application submitted by Lifetime 8200 Warden Avenue GP Inc. (Lifetime Developments), be approved and that the draft Zoning By-law Amendment, attached hereto as Appendix ‘B’, be finalized and brought forward to a future Council meeting to be enacted without further notice; and,
4. That Draft Plan of Subdivision 19TM-20004 be approved, subject to the conditions set out in Appendix ‘C’ of this report; and,
5. That the Director of Planning and Urban Design or designate, be delegated authority to issue Draft Plan Approval, subject to the conditions set out in Appendix ‘C’, as may be amended by the Director of Planning and Urban Design or designate; and,

6. That Draft Plan Approval for Plan of Subdivision 19TM-20004 will lapse after a period of three (3) years from the date of issuance in the event that a Subdivision Agreement is not executed within that period; and,
7. That servicing allocation for 1,962 units be assigned to Draft Plan of Subdivision 19TM-20004; and,
8. 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,
9. That any future application(s) for Site Plan Approval submitted by Lifetime 8200 Warden Avenue GP Inc. (Lifetime Developments) be delegated to the Director of Planning and Urban Design, or their designate, and that Site Plan Approval not be issued prior to the execution of a Site Plan Agreement; and further,
10. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.8 COMMENTS ON THE MORE HOMES BUILT FASTER ACT, 2022 (BILL 23) AND ASSOCIATED REGISTRY POSTINGS - PART 2 (10.0)

Arvin Prasad, Commissioner of Development Services, advised that this item provides comments on the *More Homes Built Faster Act, 2022 (Bill 23)*, and on the Environmental Registry of Ontario (ERO) and Ontario Regulatory Registry (ORR) postings associated with the *More Homes Built Faster Act, 2022*, with a consultation deadline of December 30, 2022.

Darryl Lyons, Acting Director of Planning & Urban Design, advised the *More Homes Built Faster Act, 2022 (Bill 23)*, is significant legislation that was introduced by the Province to support its goal of building 1.5 million homes over the next 10 year. The legislation will dramatically change the planning landscape across the province. Certain sections of the legislation have yet to come into effect, despite royal ascent being given on Nov 28, 2022.

Mr. Lyons advised that there are four additional items that are open for consultation, including: 1) review of “A Place to Grow and Provincial Policy Statement”; 2) proposed revocation of the “Parkway Belt West Plan”; 3) proposed

update to the regulation of development for the protection of development for the protection of people and property from natural hazards in Ontario; and 4) Conserving Ontario Natural Heritage (Discussion Paper)

Duran Wedderburn, Manager, Policy, provided a presentation on the Comments on the *More Homes Built Faster Act, 2022 (Bill 23)* and Associated Registry Postings.

Barry Nelson provided a deputation noting the importance of the City showing compliance with the legislation. Mr. Nelson questioned how the City can try to speed up the development process. Mr. Nelson advised that the Province will only be able to audit a small number of municipalities' collection and use of development charges, noting that Markham has been reported to have the 15th largest reserve funds of Ontario municipalities. Mr. Nelson suggested that the City should explain to the Province how Markham compartmentalizes its Development Charges and how it plans to make adjustments to demonstrate credibility, as demonstrating credibility will permit for greater funds for community benefits. Mr. Nelson suggested that building community housing on a portion of the Shouldice Property recently purchased by the City may help demonstrate compliance. Mr. Nelson suggested that the more the City incorporates heritage into developments, the more the past will be remembered and current residents will feel important.

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

- Suggested that the 1.5 million homes targeted by the Province can be built without opening up the Greenbelt;
- Suggested that affordability should be defined based on income rather than on market value;
- Noted that the uses of the Parkway West Belt Lands should be planned for prior to opening up the lands for development;
- Questioned the implications of opening up the Parkway West Belt Lands to the Milne Conservation Area and spoke of the importance of preserving these lands as part of the greenway;
- Noted that land for critical infrastructure should be protect if the Parkway West Belt Lands are opened up for development
- Recognized that the tight timelines Bill 109 imposes on the approval of development applications creates many challenges;
- Expressed concern that municipal parkland will be reduced under Bill 23, and recommended that staff pushback on this as much as possible;

- Thanked staff for their hard work and dedication studying and responding to recent provincial legislation impacting municipalities;
- Questioned if the City had received any feedback on the City's comments on Bill 23.

Staff responded and provided clarification to inquiries from the Committee.

Amendment to Main Motion:

Moved by Councillor Reid McAlpine

Seconded by Regional Councillor Joe Li

That the City request that the Province refrain from selling any land in the Parkway West Belt Lands until it is planned and zoned; and,

That the right of way for higher order transit be protected along the entire Parkway West Belt Lands; and,

That the Milne Conservation Area lands continue to be zoned as greenway lands if the Parkway West Belt is revoked.

Carried

Main Motion as Amended:

Moved by Councillor Reid McAlpine

Seconded by Regional Councillor Joe Li

1. **That the Deputation by Barry Nelson regarding “Comments on the *More Homes Built Faster Act, 2022* (Bill 23) and Associated Registry Postings - Part 2” be received; and,**
2. That the report dated December 12, 2022 titled “Comments on the *More Homes Built Faster Act, 2022* (Bill 23) and Associated Registry Postings - Part 2” be received; and,
3. That this report be forwarded to the Minister of Municipal Affairs and Housing and Natural Resources and Forestry, and York Region as the City of Markham's comments on the *More Homes Built Faster Act, 2022* (Bill 23) and Associated Registry Postings; and,
4. That the Province undertake an extensive review and public engagement program, should a new integrated province-wide policy planning document be released; and,
5. That the Province meet with municipalities to develop a transition plan should the Parkway Belt West Plan be revoked; and,

6. That any development of an ecological off-setting program by the Province be based on the TRCA model and ensure the long term protection of provincially significant features; and,
7. That Council not endorse the changes to the definition of ‘watercourse’ and ‘other areas’ in the proposed regulation under the *Conservation Authorities Act*; and,
8. **That the City request the Province refrain from selling any land in the Parkway Belt West Plan until it is planned and zoned; and,**
9. **That higher order transit infrastructure be protected along the entire Parkway West Belt Lands; and,**
10. **That the Milne Conservation Area lands continue to be designated and protected as a part of the City of Markham Greenway System if the Parkway Belt West Plan is revoked.**
11. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.9 REVISED PROCEDURES FOR PROCESSING HERITAGE PERMIT APPLICATIONS UNDER THE ONTARIO HERITAGE ACT (10.0 & 16.11)

Arvin Prasad, Commissioner of Development Services, advised that this item recommends that Council adopt revised procedures for processing Heritage Permit Applications. Mr. Prasad explained that as of November 28, 2022, the More Homes Build Faster Act, 2022 (Bill 23) eliminates the opportunity to use Site Plan Control approval and the associated fees for properties containing 10 or less residential units anywhere in a municipality. Mr. Prasad noted that Heritage permit applications provide the opportunity to develop a replacement review and approval process for residential heritage designated properties. Mr. Prasad clarified that the new by-law will further clarify and establish procedures for processing and administering Heritage Permit applications under the Act.

The Committee suggested that there should be a penalty fee for work done on a heritage property, and for signs erected or updated on heritage property without a heritage permit. The Committee questioned how the City will address houses not designated as heritage properties, but that are located in one of Markham’s heritage districts under the new procedures.

Regan Hutcheson, Manager, Heritage Planning, clarified that all properties located within a heritage district are designated and subject to a heritage permit process, and that staff are working with legal to determine how matters formerly dealt with through Site Plan Control will be addressed.

Moved by Councillor Karen Rea

Seconded by Councillor Reid McAlpine

1. That the report dated December 12, 2022, titled, “Revised Procedures for Processing Heritage Permit Applications under the *Ontario Heritage Act*”, be received; and,
2. That the proposed by-law titled, “A By-Law to Establish Procedures For Processing Permit Applications under the *Ontario Heritage Act*” attached to this report as Appendix “A”, be adopted; and,
3. That By-law 2002-276, as amended, being a by-law to impose fees or charges for services or activities provided or done by the City, be further amended to reflect the Heritage Permit application fees as noted in Appendix “B” attached to this report; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.10 2022 MONITORING GROWTH IN THE CITY OF MARKHAM - PERFORMANCE INDICATORS (10.0)

Arvin Prasad, Commissioner of Development Services, advised that this item is to present the “2022 Monitoring Growth in City of Markham – Performance Indicators”.

John Yeh, Manager, Strategy & Innovation, provided a presentation titled "Monitoring Growth in the City of Markham Performance Indicators":

The Committee discussed the following relative to the “2022 Monitoring Growth in City of Markham – Performance Indicators”:

- Questioned how the provincial legislation may help establish affordable housing;
- Questioned what the City of Markham can do to make housing more affordable;

- Suggested that having local employment is key to resolving traffic issues in Markham;
- Supported the idea of having a taskforce to ensure action is being taken to make housing more affordable;
- Suggested the City needs more purpose-built-rentals, and a vacant home tax;
- Suggested that the government may need to play a greater role in providing housing to make housing truly affordable;
- Questioned the amount of approved housing that has not been built;
- Suggested that approved development applications should be required to be built within a specified timeframe or the approval expires;
- Noted that a large amount of recent development has occurred in Markham's urban corridors.

Moved by Councilor Juanita Nathan

Seconded by Regional Councillor Joe Li

1. That the staff report entitled, "2022 Monitoring Growth in the City of Markham - Performance Indicators" dated December 12, 2022, be received; and
2. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

9. MOTIONS

There were no motions.

10. NOTICES OF MOTION

There were no notices of motion.

11. NEW/OTHER BUSINESS

There were no new/other business.

12. ANNOUNCEMENTS

There were no announcements.

13. CONFIDENTIAL ITEMS

Moved by Regional Councillor Joe Li
 Seconded by Deputy Mayor Michael Chan

That, in accordance with Section 239 (2) (e) (c) of the Municipal Act, Development Services Committee resolve into a confidential session at 4:15 PM to discuss the following matters:

13.1 DEVELOPMENT AND POLICY ISSUES

13.1.1 DEVELOPMENT SERVICES COMMITTEE CONFIDENTIAL MINUTES - NOVEMBER 29, 2022 (10.0)

13.1.2 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD (WARD 3) [Section 239 (2) (e)] - DIGRAM DEVELOPMENTS HELEN INC. ONTARIO LAND TRIBUNAL APPEALS FOR OFFICAL PLAN AMENDMENT,

ZONING BY-LAW AMENDMENT, AND DRAFT PLAN OF SUBDIVISION AT 55, 63, AND 83 HELEN AVENUE, FILE NO. PLAN 19 137397 AND SU/ZA 17 135415 (10.3, 10.5 & 10.7)

13.1.3 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD (WARD 4) [SECTION 239 (2) (e)] - OLT APPEAL - 134, 136, 140, 144, AND 152 MAIN ST. N. AND 12 WILSON ST. BY MARKHAM MAIN STREET RR INC. C/O SMARTCENTRES INC. (10.3 & 10.5)

13.1.4 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD (WARD 4) [SECTION 239 (2) (e)] - OLT APPEAL - 26 HONEYBOURNE CRES. (10.12)

13.1.5 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD (WARD 8) [Section 239 (2) (e)] - OLT APPEAL - 7647 KENNEDY RD. BY GLEN ROUGE HOMES (10.5)

13.1.6 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD (WARD 8) [Section 239 (2) (e)] - OLT APPEAL - WEST SIDE OF SOUTH PARK ROAD, SOUTH OF HIGHWAY 7, WITHIN BLOCKS 46 AND PART OF

BLOCK 49, PLAN 65M-3226 BY 1107656 ONTARIO INC. (TIMES GROUP) (10.3 & 10.5)

13.1.7 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD (WARD 8) [Section 239 (2) (e)] - OLT APPEAL - 3505 AND 3555 HIGHWAY 7 E. BY 3555 HIGHWAY 7 DEVELOPMENT LTD. C/O BRIVIA GROUP

(10.3 & 10.5)

Carried

Moved by Councillor Karen Rea
Seconded by Councillor Reid McAlpine

That the Development Services Committee rise from its Confidential Session at 7:06 PM.

Carried

14. ADJOURNMENT

Moved by Councillor Karen Rea
Seconded by Councillor Reid McAlpine

That the Development Services Committee adjourn at 7:08 PM.

Carried