

# Development Services Committee Meeting Minutes

**Meeting Number: 11**

**May 7, 2024, 9:30 AM - 3:00 PM**

**Live streamed**

Roll Call	Mayor Frank Scarpitti Deputy Mayor Michael Chan Regional Councillor Jim Jones Regional Councillor Joe Li Regional Councillor Alan Ho Councillor Keith Irish	Councillor Ritch Lau Councillor Reid McAlpine Councillor Karen Rea Councillor Andrew Keyes Councillor Amanda Collucci Councillor Juanita Nathan
Regrets	Councillor Isa Lee	
Staff	Andy Taylor, Chief Administrative Officer Arvin Prasad, Commissioner, Development Services Trinela Cane, Commissioner, Corporate Services Morgan Jones, Commissioner, Community Services Joseph Silva, Treasurer Bryan Frois, Manager of Executive Operations & Strategic Initiatives Giulio Cescato, Director, Planning & Urban Design Darryl Lyons, Deputy Director, Planning & Urban Design Frank Clarizio, Director, Engineering	Mark Visser, Senior Manager, Financial Strategy & Investments Stacia Muradali, Manager, Development - East Patrick Wong, Senior Natural Heritage Planner Lawrence Yip, Senior Planner, Urban Design Duran Wedderburn, Manager, Policy Erica Alligood, Election / Committee Coordinator Rajeeth Arulanantham, Assistant to Council / Committee Evan Manning, Senior Planner, Heritage Mark Head, Manager, Natural Heritage

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## 1. CALL TO ORDER

The Development Services Committee was called to order at 9:35 AM with Regional Councillor Jim Jones in the Chair.

Councillor Amanda Collucci arrived to the meeting at 9:54 AM.

The Committee recessed from 11:33 AM to 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 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 - APRIL 9, 2024 (10.0)**

Moved by Councillor Andrew Keyes

Seconded by Councillor Juanita Nathan

1. That the minutes of the Development Services Committee meeting held on April 9, 2024, be confirmed.

**Carried**

### **4. DEPUTATIONS**

Hayden Poon delivered a deputation on Item 5.1, as detailed with the respective item.

Elena Cesaroni delivered a deputation on Item 8.1, as detailed with the respective item.

### **5. PRESENTATION**

#### **5.1 PROPOSED 16.33 HA (40.35 ACRES) CITY-WIDE COMMUNITY SPORTS PARK, ATTAINABLE AND AFFORDABLE HOUSING, AND A NEW SCHOOL SITE TO BE LOCATED AT 11120 AND 11274 HIGHWAY 48 – MARKHAM 11120 HWY 48 LTD. (PIN 03062-0095 & 03062-0096) MARKHAM, ONTARIO**

## **ZONING ORDER REQUEST UNDER SECTION 47 OF THE PLANNING ACT (10.0)**

Arvin Prasad, Commissioner, Development Services, advised that this is related to item a communication received from Treasure Hill involving a proposal of a community sports park, attainable and affordable housing and a new school site. Commissioner Prasad introduced Joran Weiner to deliver a presentation.

Joran Weiner, Vice President, Strategic Initiatives and Investment, Treasure Hill, provided a presentation.

The Committee provided the following feedback:

- Expressed support and interest for the proposed sports facilities, noting that it addresses ongoing issues with parkland shortfalls within development applications.
- Expressed support for a commercial agreement prior to the development of housing that the 40 acres of parkland and the 70 acres of greenbelt be conveyed to the City in the next year.
- Asked if a fund could be advanced to build infrastructure, following which DC Credits could be received. Mr. Weiner advised that this could be possible, confirming that conversations with Staff would continue.
- Expressed concerns with traffic and parking onsite, considering the traffic which could result from the sports facilities and encouraged improved bus shelters and transit availability, along with a bike path to provide further transportation options.
- Expressed that this scale of development could be too early considering it is outside of the urban boundary, noting that it would exceed projected growth numbers. Commissioner Prasad advised that while the property is outside the urban boundary, it is adjacent to the existing urban boundary, noting that Council could decide if they wish to exercise the mechanisms now available to inform how to use lands adjacent to the urban boundary and how they would be serviced. Commissioner Prasad added that the Province takes the position that some flexibility can be applied in situations such as this.
- Asked for the difference between affordable and attainable housing in this context. Mr. Weiner advised that attainable housing is not defined in regulations, but in his opinion, it denotes something that individuals can strive to attain, such as market-based housing wherein developers work to bring costs down, possibly through reducing unit or lot sizes. Mr. Weiner

added that affordable housing has a defined metric which informs an affordable threshold. Mr. Weiner confirmed that Treasure Hill would work with Staff in providing affordable units.

- Asked if development charges are provided on affordable or attainable housing. Darryl Lyons, Deputy Director, Planning & Urban Design, confirmed that attainable and affordable housing developments are exempt from development charges. Mr. Lyons further confirmed that Staff would look to attain affordable housing within this development, noting that they can ask the Minister to apply inclusionary zoning through a Minister's Zoning Order to ensure that affordable units are provided.
- Asked if this proposal would be classified as a complete community. Commissioner Prasad noted that it is difficult to look at one application in achieving a complete community, as the area context should be considered. Commissioner Prasad added that if the Major Mackenzie GO Station is approved, this development would be in close proximity, which is a benefit.
- Emphasized the importance of orderly phased planning.
- Asked if other landowners would request to be included in the future urban boundary if these lands are determined to be included. Commissioner Prasad noted that this would be impossible to predict, acknowledging that developers do watch what is occurring with other lands. Commissioner Prasad clarified that in this instance, there is a window in which the City can work with the developer to receive community benefits.
- Asked if the Accelerator Fund would be used to move forward with affordable housing in this development. Commissioner Prasad advised that as this is a private development, the developer would be expected to provide affordable housing, regardless of the accelerator fund.
- Requested clarification on the sewer which is to be built by the Region, asking if it is confirmed. Mr. Weiner advised that the service along 19th Avenue is proposed but not yet built, noting that the timeline would be approximately 2 to 3 years as an Environmental Assessment is not required.
- Noted that there are further outstanding questions related to servicing, asking if some of the work along McCowan Road is subject to an Environmental Assessment. Frank Clarizio, Director, Engineering, confirmed that some of the work along McCowan Road would be subject

to an Environmental Assessment. Director Clarizio added that if this proposal were to be approved, there would be other layers of planning to take place.

Hayden Poon, deputant, expressed support for clarity of the affordable housing to be provided within this proposal. Mr. Poon commented that the proposed 40-acre park would be located a distance away from existing communities outside of the proposal, noting concerns with the current availability of transit close to the development. Mr. Poon emphasized the importance of transit service expansion if this proposal is approved and built.

Moved by Mayor Frank Scarpitti

Seconded by Councillor Amanda Collucci

1. That the presentation and communication by Treasure Hill be received; and,
2. That the deputation by Hayden Poon be received; and,
3. That this be referred to Staff for report back to Development Services Committee with refinement of the wording for the Minister's Zoning Order; and further,
4. That a commercial agreement be prepared with respect to the conveyance of the 40 acres for the parkland and the 70 acres of the greenbelt into public ownership next year.

**Carried**

## **6. COMMUNICATIONS**

### **6.1 COMMUNICATION, RE: PROPOSED 16.33 HA (40.35 ACRES) CITY-WIDE COMMUNITY SPORTS PARK, ATTAINABLE AND AFFORDABLE HOUSING, AND A NEW SCHOOL SITE TO BE LOCATED AT 11120 AND 11274 HIGHWAY 48 – MARKHAM 11120 HWY 48 LTD. (PIN 03062-0095 & 03062-0096)**

**MARKHAM, ONTARIO**

**ZONING ORDER REQUEST UNDER SECTION 47 OF THE PLANNING ACT (10.0)**

Moved by Mayor Frank Scarpitti

Seconded by Councillor Amanda Collucci

1. That the communication submitted by Joran Weiner, Vice President, Strategic Initiatives and Investments, Treasure Hill, regarding the above subject matter be received.

**Carried**

## **7. PETITIONS**

There were no petitions.

## **8. CONSENT REPORTS - DEVELOPMENT AND POLICY MATTERS**

### **8.1 HERITAGE MARKHAM COMMITTEE MINUTES – APRIL 10, 2024 (16.11)**

Elena Cesaroni, deputant and owner of 4 Leahill Drive, commented on Item 6.2 of the April 10th Heritage Markham Committee minutes, related to 86 John Street. Ms. Cesaroni pointed out that the recommendation specifies that the Committee had no objection from a heritage perspective to the proposal. Ms. Cesaroni expressed concerns that the application was viewed only through a heritage lens and not with regard for land-use. Ms. Cesaroni confirmed that she would attend the upcoming Committee of Adjustment meeting to object to the minor variance.

Giulio Cescato, Director, Planning & Urban Design, advised that the Committee of Adjustment would weigh the application against the four tests within the Planning Act, regardless of the position of the Heritage Markham Committee.

The Committee expressed understanding for what the deputant put forth, acknowledging that the expression of no objection could appear to be support or endorsement from the Heritage Markham Committee, but noted that the view taken by Heritage Section Staff and the Committee is that of a heritage lens, not a planning lens.

Director Cescato confirmed that it is the role of the Heritage Markham Committee to provide advice on heritage matters.

Moved by Councillor Karen Rea

Seconded by Councillor Juanita Nathan

1. That the minutes of the Heritage Markham Committee meeting held April 10, 2024 be received for information purposes; and
2. That the deputation from Elena Cesaroni be received.

**Carried**

Moved by Councillor Keith Irish  
 Seconded by Mayor Frank Scarpitti

1. That the Development Services Committee acknowledges that the motion adopted by Heritage Markham at its April 10th meeting, related to the application at 86 John Street, is a recognition that the Heritage Markham Committee has no objection to the Minor Variance application from a heritage perspective, not from a planning perspective; and,
2. That this motion be forwarded to the Committee of Adjustment with the Staff report.

**Carried**

**8.2 RECOMMENDATION REPORT, REVISION TO A LEGAL DESCRIPTION OF A DESIGNATION BY-LAW FOR 4031 16TH AVENUE (“BRIARWOOD FARM-JAMES MCLEAN HOUSE”) (WARD 3) (16.11.3)**

Moved by Councillor Karen Rea  
 Seconded by Councillor Juanita Nathan

1. That the report, dated May 7, 2024, titled, “RECOMMENDATION REPORT, Revision to a Legal Description of a Designation By-law for 4031 16th Avenue (“Briarwood Farm-James McLean House”) (Ward 3)”, be received; and,
2. That the legal description as contained within Council-adopted By-law 2021-8 be amended to reflect the property’s current legal description, and that By-law 2021-8 be amended to ensure conformance with the Ontario Heritage Act, as amended; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

**9. REGULAR REPORTS - DEVELOPMENT AND POLICY MATTERS**

**9.1 COMMENTS ON THE CUTTING RED TAPE TO BUILD MORE HOMES ACT (BILL 185) AND PROPOSED PROVINCIAL PLANNING STATEMENT (10.0)**

Arvin Prasad, Commissioner, Development Services, introduced this item as related to a staff report providing comments on the Cutting Red Tape to Build More Homes Act (Bill 185) and the Proposed Provincial Planning Statement. Commissioner Prasad advised that there were eight items posted on the Environmental Registry of Ontario with a commenting deadline of May 10th. Commissioner Prasad noted that Staff opine that the proposed changes are generally positive but advised that not all of the City's previous comments have been addressed, in addition to a few other concerning changes. Commissioner Prasad introduced Duran Wedderburn to deliver a presentation.

Duran Wedderburn, Manager, Policy, provided a presentation.

The Committee provided the following feedback:

- Sought clarification on the approval authority for Official Plans and Official Plan Amendments. Mr. Wedderburn advised that as of July 1st the Province would be the approval authority on Official Plans, noting that Staff are asking the Minister to delegate approval authority for Official Plan Amendments to the City.
- Sought clarification on what would constitute a third-party appeal. Mr. Wedderburn clarified that anyone outside of specified persons, utility agencies, and Indigenous communities would be considered third parties.
- Encouraged strong comments surrounding community service facilities, particularly with respect to the construction of schools when 75% of required students are in the area to reduce bussing.
- Asked if the Province seems to be listening to feedback from municipalities. Mr. Wedderburn stressed the importance of providing meaningful feedback, noting that, through Bill 185, some of the changes requested by municipalities and stakeholders have been responded to.
- Expressed concerns with the removal of parking minimums, commenting that transit may not be robust enough to support this.
- Asked if the Toronto Region Conservation Authority (TRCA) would be removed as a planning authority. Mr. Wedderburn responded that he does not believe that TRCA would be classified as a third party and that he believes that they would remain as a commenting agency. Darryl Lyons, Deputy Director, Planning & Urban Design, added that Bill 185 does not propose any changes to the Conservation Authorities Act, which outlines the role of the TRCA.



- Asked if current appeals would continue considering the proposed restriction of third-party appeals. Mr. Wedderburn advised that the legislation would be retroactive, if a merit hearing has not been scheduled.
- Asked how to balance development when roads are overcapacity and transit is not appropriately expanded. Mr. Wedderburn advised that at this stage, Staff are expressing support in principle, while noting that additional policies are required to support municipalities in the interim, prior to the appropriate transit level of service being in place.
- Asked if the limiting of third-party appeals could be specific to housing or scoped down to residential uses. Commissioner Prasad advised that this could present concerns as there are applications for non-residential uses that could have an economic advantage to the City, noting that the intent of this would be to limit frivolous appeals.
- Asked about any provisions within Bill 185 surrounding expediting community service facilities. Mr. Wedderburn noted that Bill 185 mentions that these facilities would not be subject to the Planning Act, adding that Staff are requesting clarification on how these facilities could be expedited and how priority projects would be identified.
- Noted that the outcome of parking minimums would need to be considered in the City's parking strategy. Frank Clarizio, Director, Engineering, confirmed that right-sizing parking, parking standards which vary across different zones in the City, and public parking supply, will all be part of the City-wide Parking Strategy.
- Asked why the Province repealed the 5-year phase-in of Development Charges. Mark Visser, Senior Manager, Strategy Innovation & Investments, advised that Bill 23 implemented a 5-year phase-in of DCs with the provision that 80% could be charged in the first year. Mr. Visser noted that the belief is that this left too much of a financial burden on taxpayers, rather than developers.
- Asked for an updated estimate of the financial impact of Bill 23 to the City. Mr. Visser shared a slide outlining previous calculations surrounding the projected annual shortfall, noting that he estimates previous projections will be greatly reduced.
- Asked if commercial functions would be protected and if there were any provisions related to the functions continuing during construction. Mr. Wedderburn confirmed that while the built form of commercial functions may be altered, they need to be maintained in the community, adding that

he is not aware of any mechanisms pertaining to keeping them in place during construction.

- Sought clarification on the definition of a vertical school. Mr. Wedderburn advised that this could involve incorporating mixed-use into school buildings, with schools being the first few storeys, with mixed uses on top. Giulio Cescato, Director, Planning & Urban Design, added that vertical schools are in an effort to reduce the land footprint of schools in rapidly intensifying areas, noting that they could also incorporate office uses or residential.
- Commented that with changes to brick-and-mortar retail, it may not make sense to impose blanket rules surrounding maintaining retail in all areas of the City. Mr. Wedderburn responded that this piece speaks more to maintaining commercial functions which bring people to a centralized space, noting that in many cases this would involve looking at non-residential functions at grade to support the community.
- Asked if there are any examples where the first floor of the building is free or tax-free for retail uses to incentivize businesses. Director Cescato advised that there are not typically retail incentives offered in the GTA, noting that in the City of Toronto there are some examples of City-owner business incubators which collect rent at a below-market rate.
- Asked if Staff could ask for stronger language in the Provincial Policy Statement. Mr. Lyons advised that the challenge the Province has in incorporating stronger language is that the Provincial Policy Statement must be applicable across over 400 municipalities.

Moved by Councillor Karen Rea

Seconded by Councillor Amanda Collucci

1. That the report dated May 7, 2024, titled "Comments on the Cutting Red Tape to Build More Homes Act (Bill 185) and Proposed Provincial Planning Statement" be received; and,
2. That this report be forwarded to the Minister of Municipal Affairs and Housing and York Region as the City of Markham's comments; and,
3. That Council support the proclaiming date of July 1, 2024 to remove upper-tier planning responsibilities and request that the province pass an order exempting local municipalities from provincial approval for official plan amendments and secondary plans to support the goal of faster decision making; and,

4. That Council support the removal of the fee refund requirement for development applications; and,
5. That Council support limiting third party appeals on Council decisions to improve timelines for the delivery of development projects but consider scoping to matters of provincial interest (e.g. housing) or those that do not conform to an official plan and further recommend the province develop a protocol to scope third party appeals to matters of provincial interest; and,
6. That Council not support the exemption of Universities from the *Planning Act*; and,
7. That Council not support proposed changes that would allow applicants to appeal decisions made by Council to refuse official plan and zoning by-law amendments for settlement area boundary expansions; and,
8. That the province provide further consultation on Additional Residential Units with the City's operations and environmental services departments, utility companies and emergency services to ensure appropriate standards are maintained and in place to provide appropriate levels of service for infrastructure, utilities, and life safety measures; and,
9. That Council support the removal of the Community Infrastructure and Housing tool from the *Planning Act* and replacement with a more transparent process for Ministers Zoning Orders and recommend that the Minister be provided the ability to impose conditions on the approval of MZO's for community benefits and infrastructure; and,
10. That the province clarify the scope of the proposed regulation making authority to streamline approvals for community service facilities including public schools, hospitals, and long-term care facilities and how priority project would be identified and expediated; and,
11. That Council support reduced parking minimums in principle but request additional policies to phase in the reduction of parking in line with increases in the level of transit service and funding from senior levels of government to increase transit and manage the interim state until higher order transit and other supportive services are available. Specifically, additional policies and investments from senior levels of government are required to support the delivery and operation of higher frequency rail and bus service and public infrastructure such as active transportation networks, public parking, and Transportation Demand Management programs as a part of any development; and,

12. That Council support the proposed changes to the *Development Charges Act* as they apply to the following matters:
  - a. Repeal the 5-year phase-in of development charges for by-laws passed on or after January 1, 2022; and,
  - b. Re-instating studies as an eligible capital cost for Development Charges; and,
  - c. Reduce the timeframe for the DC rate freeze from 2 years to 18 months; and,
  - d. Streamline the process for municipalities to extend existing Development Charges by-laws; and,
13. That Council support the re-introduction of a definition for Affordable Housing and Low to Moderate Income and Affordable Housing policies; and,
14. That the province provide clarification on how the Ministry of Finance projections would inform population and employment forecasting for lower tier municipalities; and,
15. That the province include policies requiring municipalities to meet minimum intensification targets and minimum density targets in designated greenfield areas to support the development of compact and complete communities and the efficient use of infrastructure; and,
16. That the province include policies for the creation of new settlement areas or settlement area boundary expansions to only occur as part of a comprehensive process through a municipally initiated official plan amendment; and,
17. That the province maintain the existing definition of employment area, including the discretionary consideration of institutional and commercial uses (retail and office) to support economic growth. Should the proposed definition be proclaimed, policies should be included permitting the protection and continuation of existing employment areas; and,
18. That the province include policies to restrict employment conversions to those initiated by a municipality; and,
19. That the province include policies that allow for the incorporation of development approved through a Minister's Zoning Order as a part of the current planning horizon, and not in excess; and,

20. That the province provide additional policies that would allow for the protection of the commercial function of re-developing malls and commercial plazas while supporting more compact built forms, where appropriate; and,
21. That the province develop clear guidelines to support policy directions for the delivery of urban form and vertical schools in a compact built form, including a process to advance the construction of schools to align with the phasing of growth and community needs; and,
22. That the Province revise the policies and definitions applying to ARUs and lot creation in prime agricultural areas to ensure that ARUs are considered accessory uses so that it does not lead to unintended severances that could negatively affect the protection of agricultural resources; and,
23. That the province re-introduce policies on Strategic Growth Areas that would require planning authorities to identify and plan for Strategic Growth Areas as a focal point for growth and development based on the appropriate scale and built form; and,
24. That Council support the change to require watershed planning and recommend the province finalize watershed planning guidance for municipalities to support the implementation of water resource policies in the PPS; and,
25. That the province provide training to municipalities prior to the Proposed Provincial Planning Statement coming into effect as the changes represent a significant shift in the land use planning framework in Ontario; and,
26. That Council support in principle the proposed incentive tool that municipalities could leverage to attract specified manufacturing, industrial or commercial investments and the province consult with municipalities to clarify the regulations and criteria that would govern the exemption process; and,
27. That Council support enhanced policies that will allow the municipality to ensure infrastructure is directed to developments to support housing; and,
28. That the province consult with municipalities on the necessary resourcing and timelines to implement the new reporting requirements and provide clear instructions to guide municipalities for summary table data requirements to avoid misinterpretation and duplication of data; and,

29. That the province recognize residential units in Official Plan and Zoning By-law Amendments may change at Site Plan and Plan of Subdivision and may need to be reconciled to avoid double counting units; and,
30. That Council support the proposal to allow for notices to be issued through a municipality's website and further, that the province remove the requirements where this new measure is only limited to municipalities that do not have a local paper; and further,
31. That Staff be authorized and directed to do all things necessary to give effect to this resolution

**Carried**

## **10. MOTIONS**

There were no motions.

## **11. NOTICES OF MOTION**

There were no notices of motion.

## **12. NEW/OTHER BUSINESS**

### **12.1 2024 SISTER CITIES INTERNATIONAL ALL AMERICANS SUMMIT - MAY 29 TO MAY 31, 2024**

Mayor Scarpitti advised the Committee that he has been invited to speak at the 2024 Sister Cities International All Americans Summit, taking place in San Antonio, Texas, from May 29 to May 31, 2024, and outlined the funding required which would be paid from the Mayor's Office Operating Budget.

Moved by Councillor Amanda Collucci

Seconded by Councillor Karen Rea

1. That Council approve the attendance and funding for Mayor Frank Scarpitti to attend the 2024 Sister Cities International All Americans Summit in San Antonio, Texas, from Wednesday, May 29, 2024, to Friday, May 31, 2024; and,
2. That the estimated cost of \$1,800.00 be funded from the Mayor's Office operating budget; and further,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

**13. ANNOUNCEMENTS**

There were no announcements.

**14. ADJOURNMENT**

Moved by Councillor Amanda Collucci

Seconded by Councillor Juanita Nathan

That the Development Services Committee adjourn at 3:11 PM.

**Carried**