



Development Services Committee Minutes

September 25, 2017, 9:00 AM to 3:00 PM

Council Chamber

Meeting No. 12

All Members of Council

Attendance

Mayor Frank Scarpitti (*left 1:47*)
Deputy Mayor Jack Heath
Regional Councillor Jim Jones
Regional Councillor Joe Li (*9:15*)
Regional Councillor Nirmala Armstrong
Councillor Valerie Burke
Councillor Alan Ho (*9:35*)
Councillor Don Hamilton
Councillor Karen Rea (*left 4:00*)
Councillor Colin Campbell
Councillor Amanda Collucci (*9:15*)
Councillor Logan Kanapathi (*9:15*)
Councillor Alex Chiu

Andy Taylor, Chief Administrative Officer
Jim Baird, Commissioner of Development Services
Trinela Cane, Commissioner of Corporate Services
Brenda Librecz, Commissioner of Community & Fire Services
Chris Alexander, Acting Manager, By-law Enforcement and Regulatory Services
Ron Blake, Senior Development Manager
Rick Cefaratti, Planner II
Stephen Chait, Director of Economic Growth, Culture & Entrepreneurship
Catherine Conrad, City Solicitor and Acting Director of Human Resources
Geoff Day, Senior Planner, Zoning & Special Projects
Lilli Duoba, Manager, Natural Heritage
Catherine Jay, Manager, Growth Management and Secondary Plans
Biju Karumanchery, Director of Planning and Urban Design
Stephen Kitagawa, Senior Planner, Growth Management and Secondary Plans
Eric Lariviere, Manager, Theatre
Brian Lee, Director of Engineering
Dave Miller, Manager, West District
Lisa Riegel, Assistant City Solicitor
Bradley Roberts, Supervisor, Zoning
Sandra Tam, Senior Business Development Officer
Patrick Wong, Planner II, Natural Heritage
Marg Wouters, Senior Manager, Policy & Research
Kitty Bavington, Council/Committee Coordinator

The Development Services Committee convened at the hour of 9:05 a.m. in the Council Chamber with Regional Councillor Jim Jones in the Chair. Councillor Don Hamilton assumed the Chair at 3:22 p.m. Councillor Alex Chiu assumed the Chair for Economic Growth, Culture & Entrepreneurship items, Nos. 10, 11, and 12.

The Committee recessed from 10:30 am to 10:38 am, and from 1:47 pm to 2:23 pm.

DISCLOSURE OF PECUNIARY INTEREST

- None Declared

The Committee recognized Jim Baird, Commissioner of Development Services, on the occasion of his retirement after 37 years with the City of Markham. Mayor Frank Scarpitti, Regional Councillor Jim Jones, Chair of Development Services, and Deputy Mayor Jack Heath, expressed appreciation for his dedicated service and leadership. Commissioner Baird conveyed his sincere gratitude for the recognition from Council and staff.

1. DEVELOPMENT SERVICES COMMITTEE MINUTES

- September 11, 2017 (10.0)

[Minutes](#)

Moved by: Mayor Frank Scarpitti

Seconded by: Councillor Alex Chiu

That the minutes of the Development Services Committee meeting held September 11, 2017, be confirmed.

CARRIED

2. HERITAGE MARKHAM COMMITTEE MINUTES

- September 13, 2017 (16.11)

[Minutes](#)

The Committee noted an error in the name of the school identified for the visiting students. This will be corrected at the Committee level.

Moved by: Deputy Mayor Jack Heath

Seconded by: Councillor Logan Kanapathi

That the minutes of the Heritage Markham Committee meeting held September 13, 2017, be received for information purposes.

CARRIED

3. PUBLIC ART ADVISORY COMMITTEE MINUTES

- June 7, 2017 (16.0)

[Minutes](#)

Moved by: Deputy Mayor Jack Heath

Seconded by: Councillor Logan Kanapathi

That the minutes of the Public Art Advisory Committee meeting held June 7, 2017, be received for information purposes.

CARRIED

**4. VARLEY-MCKAY ART FOUNDATION
OF MARKHAM MINUTES
- June 12, 2017 (16.0)
[Minutes](#)**

Moved by: Deputy Mayor Jack Heath
Seconded by: Councillor Logan Kanapathi

That the minutes of the Varley-McKay Art Foundation of Markham meeting held June 12, 2017, be received for information purposes.

CARRIED

**5. CYCLING AND PEDESTRIAN ADVISORY
COMMITTEE (CPAC) MINUTES
-June 15, 2017 (16.34)
[Minutes](#)**

Moved by: Deputy Mayor Jack Heath
Seconded by: Councillor Logan Kanapathi

That the minutes of the Cycling and Pedestrian Advisory Committee (CPAC) meeting held June 15, 2017, be received for information purposes.

CARRIED

**6. INFORMATION REPORT
UPDATE ON PHASE 3A OF
MARKHAM'S NEW COMPREHENSIVE
ZONING BY-LAW PROJECT – ROOMING HOUSES
AND SHORT-TERM ACCOMMODATIONS
FILE NO. PR 13 128340 (10.5)
[Presentation](#) [Report](#)**

Jim Baird, Commissioner of Development Services, introduced this item and advised that this matter will be subject to a Statutory Public Meeting on October 3, 2017.

John Gladki of Gladki Planning Associates gave a presentation to provide an overview of the project and a preview of the presentation to the public on this matter, outlining the process to date for Secondary Suites, Rooming Houses, and Short Term Accommodations (Phase 3A of the Comprehensive Zoning By-law project), the findings, and recommendations.

Geoff Pyne, representing the Unionville Residents Association, stated the Association's position of general support, and outlined recommendations for restrictions and regulations for rooming houses and short-term accommodations.

The Committee had lengthy discussions regarding licensing, monitoring, inspection, and enforcement implications; clarifying the definitions for rooming houses, dwelling units, and bed and breakfasts; and, ensuring rooming houses are adequately served by public transit.

Moved by: Councillor Alex Chiu

Seconded by: Councillor Amanda Collucci

- 1) **That the deputation by Geoff Pyne of the Unionville Residents Association, regarding Phase 3A of Markham's New Comprehensive Zoning By-law Project be received; and,**
- 2) That the report dated September 25, 2017 entitled, "INFORMATION REPORT: Update on Phase 3A of Markham's New Comprehensive Zoning Bylaw Project – Rooming Houses and Short-Term Accommodations – File No. PR 13 128340" and associated presentation be received as background information to the Public Meeting scheduled for October 3, 2017.

CARRIED

**7. CONCEPTUAL MASTER PLAN FOR THE
FUTURE URBAN AREA – COMMUNITY STRUCTURE PLAN
AND KEY POLICY DIRECTION (10.0)**
[Report](#) [Appendix A](#) [Sept. 11 DSC Presentation](#)

On September 11, 2017, Development Services Committee deferred the above subject matter to the meeting this date. The Committee required more time to review the report, and requested information regarding how the Community Structure Plan relates to the Angus Glen Golf Course, and the conceptual alignment of Donald Cousens Parkway extension.

Catherine Jay, Manager, Growth Management and Secondary Plans, gave a brief presentation to provide update information and clarification requested from the September 11 meeting. The Transportation Consultant was in attendance to address questions regarding the road and transit network and Donald Cousens Parkway extension. The Committee expressed concern for the road ecology and the effectiveness of the transit solutions.

The Committee referred to a land owner request for mapping corrections, and staff are pursuing these matters.

Moved by: Regional Councillor Jim Jones

Seconded by: Councillor Amanda Collucci

- 1) **That correspondence from Catherine Lyons of Goodmans, regarding the Conceptual Master Plan for the Future Urban Area, be received and,**

- 2) That the report dated September 11, 2017 entitled “Conceptual Master Plan for the Future Urban Area – Community Structure Plan and Key Policy Direction” and staff presentation be received; and,
- 3) That the Conceptual Master Plan for the Future Urban Area, attached as Appendix ‘A’ to the report dated September 11, 2017 entitled “Conceptual Master Plan for the Future Urban Area – Community Structure Plan and Key Policy Direction”, be endorsed as the basis for the review and approval of statutory secondary plans for the Future Urban Area lands; **with the exception of the core linkage section (proposed ecological corridor), until such time as a workshop is held and a resolution is achieved on this issue;** and further,
- 4) That staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

**8. RECOMMENDATION REPORT
14TH AVENUE INVESTMENTS INC.
C/O BARRON PLANNING CONSULTING
ZONING BY-LAW AMENDMENT TO PERMIT
A 1 STOREY INDUSTRIAL BUILDING
AT 2875 14TH AVENUE, SOUTH SIDE OF 14TH AVENUE
BETWEEN WOODBINE AVENUE AND HIGHWAY 404 (WARD 8) (10.5)
[Report](#)**

Jim Baird, Commissioner of Development Services, introduced this matter and provided background information. Reference was made to correspondence received from Paul W. McGuigan regarding sanitary servicing of property at 7604-7620 Woodbine Avenue, and it was confirmed that the City does not have the authority to impose conditions on this application to accommodate private servicing matters.

Paul W. McGuigan of BRL Realty Limited, representing the property owner at 7604-7620 Woodbine Avenue, discussed servicing issues related to development of the subject property that may impact his client’s property, and requested that avenues of resolution to this matter remain open. Mr. McGuigan will contact City Engineering staff in this regard.

Adrian Frank of Devine Park LLP, representing the applicant, noted that City staff and other property owners support the proposal, and requested that this matter move forward.

The Committee noted stormwater management issues, and received confirmation that public notice has been provided.

Moved by: Councillor Alex Chiu

Seconded by: Councillor Logan Kanapathi

- 1) **That correspondence from Paul W. McGuigan of BRL Realty Limited, regarding the application by 14th Avenue Investments Inc., be received; and,**
- 2) **That the deputations by Paul W. McGuigan of BRL Realty Limited, representing the property owner at 7604-7620 Woodbine Avenue, and Adrian Frank of Devine Park LLP, representing the applicant regarding the application by 14th Avenue Investments Inc., be received; and,**
- 3) That the report titled “RECOMMENDATION REPORT, 14th Avenue Investments Inc., C/O Barron Planning Consulting, Zoning By-law Amendment to permit a 1 storey industrial building at 2875 14th Avenue, south side of 14th Avenue between Woodbine Avenue and Highway 404 (Ward 8), File No. ZA 17 149540”, be received; and,
- 4) That the application by 14th Avenue Investments Inc., to amend Zoning By-laws 28-82 and 2284-68, as amended, attached as Appendix ‘A’, be forwarded to Council for approval and enacted without further notice; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

**9. COMMENTS ON PROPOSED
REGIONAL NATURAL HERITAGE SYSTEM
FOR THE GREATER GOLDEN HORSESHOE
AND IMPLEMENTATION PROCEDURES FOR THE
AGRICULTURAL SYSTEM IN ONTARIO’S
GREATER GOLDEN HORSESHOE (10.0)**

[Report](#)

Lilli Duoba, Manager, Natural Heritage, gave a brief presentation, explaining that the City has been requested to comment on mapping changes related to the Regional Natural Heritage System, and outlining staff’s recommended comments in response. The Committee noted consistent mapping conflicts and directed staff to work with the Region in this regard.

Moved by: Councillor Alex Chiu

Seconded by: Deputy Mayor Jack Heath

- 1) That the staff report entitled “Comments on Proposed Regional Natural Heritage System for the Greater Golden Horseshoe and Implementation Procedures for the Agricultural System in Ontario’s Greater Golden Horseshoe” dated September 25, 2017, be received; and,

- 2) That this staff report and Council resolution be forwarded to the Ministry of Natural Resources and Forestry (MNR), Ontario Ministry of Agricultural, Food and Rural Affairs (OMAFRA) and Region of York as Council's comments on EBR registry postings 013-1014 and 013-0968; and further,
- 3) That staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

**10. DONATION OF SCULPTURE OF 'CHARITY'
BY ROMANDALE FARMS LIMITED – STATUS UPDATE
(PUBLIC ART TITLED "CHARITY"
ON CRESCENT PARK) (6.0)**

[Memo](#) [Attachment](#)

This matter was referred from the August 10, 2017 Special Council meeting to allow Members of Council to meet with the donor of the art "Charity" and report back to the Development Services Committee meeting this date. The Committee received a Memorandum dated September 19, 2017 from the Director, Economic Growth, Culture & Entrepreneurship, providing an update on the "Artwork Donation Agreement", status of the installation of the sculpture, and a brief chronology of the process to date.

Stephen Chait, Director, Economic Growth, Culture & Entrepreneurship, gave a brief presentation to provide background and update information. Photos of the incomplete sculpture were displayed, indicating that the base and landscaping are still to be finished. Mr. Chait reviewed the lengthy chronology of events relating to the acceptance of the sculpture, and confirmed that the donor has not received any credit towards public art dedication as this was a voluntary donation.

The discussions by the Public Art Advisory Committee were noted; however, the City's Public Art Policy only requires an evaluation by the Varley Art Acquisition Committee. Although public consultation was suggested during the evaluation process, it is not a requirement or a City practice, as art appreciation is subjective and best practices rely on experts to make a recommendation to Council. The rationale for the height of the stilts – the finished height is 25 feet – is for safety, vandalism, and sightline reasons, and for the artist's vision.

Raymond Chan, resident on Charity Crescent, questioned the process but appreciated Council's response to residents' concerns. Mr. Chan stated that the statue is in the wrong location and is very disruptive to his family with respect to increased traffic and enjoyment of the park.

Vic Lam, resident on Crescent Park Lane, displayed photos of the statue installed in close proximity to his house and prominently visible through the widows, creating a disturbing situation at night time for his children. Mr. Lam also displayed similar chrome art in Chicago, which also attracts tourists, vendors and traffic, in a more prominent downtown setting. Mr. Lam suggested that the sharp edges on the wreath may be struck by balls and other objects being thrown in the park, and may eventually fall off, creating a hazard.

The Committee noted that staff have been directed to review safety issues.

Joanna So, resident on Charity Crescent, had a concern with the lack of public consultation, and advised of a petition that has been circulated to have the sculpture removed. Ms. So displayed photos of the statue and discussed the increased tourist traffic. Ms. So referred to the owner's statement regarding the importance of Charity, and asked about the importance of the impacts to the residents.

Danny Da Silva, resident on Charity Crescent, displayed photos of the sculpture through residents' windows, obstructing their view and hindering their ability to enjoy their homes and parkland. Mr. Da Silva proposed that since the donor has indicated that relocation is not an option, that the City finalize acceptance, and form a committee of residents and Council to determine an appropriate site for relocation, with community fundraising to help offset costs.

Robert Mok spoke of City processes and referred to the discussions at the Public Art Advisory Committee, as well as safety and liability issues, potential expense to taxpayers for removal, and credits gained by the owner.

Staff advised that the donor will not receive any tax receipt or credit, and explained the distinct roles and mandates of the Public Art Advisory Committee (to advise about commissioning art) and the Varley Art Acquisition Committee (to advise about art donations).

Teresa Zhang, resident of Charity Crescent, stated that although she considers it is a lovely sculpture, it is not in the right location, and the residents should have been consulted. Ms. Zhang expressed concern that this may set a precedent for other inappropriate donations in the future. It was also noted that the material is highly reflective.

Stephen Ng, resident of Crescent Park Lane, stated his frustration at having the sculpture 10 metres from his door, 15 feet to his property line. He displayed photos of the view of the sculpture from his window.

Staff advised that that art is measured at 61 feet to nearest building face.

The Committee agreed to move this item forward in the agenda, following the deputations.

Lengthy discussions ensued with the following highlights:

- the donor who is also the developer has demonstrated a commitment to the community in the past
- art is subjective
- public consultation practices
- the Public Art Policy should be reviewed
- safety and traffic issues, proximity to houses, enjoyment of the park by the residents
- reducing the height is not feasible for safety and copyright reasons
- an option for the donor to voluntarily agree to move it to an agreeable site
- an alternate location within Cathedraltown would be preferable
- instead of the donor spending more to complete the installation, negotiate the relocation now
- costs of relocating the sculpture should not be borne by all Markham taxpayers

The Committee received clarification on legal options and ownership status. It was suggested that the sculpture be removed now, as relocation may take several months; however, the Committee had a concern for potential damage to the art, and the residents indicated that they were willing to wait if a solution was forthcoming.

Moved by: Councillor Alan Ho

Seconded by: Councillor Karen Rea

- 1) **That the deputations from Raymond Chan, Vic Lam, Joanna So, Danny Da Silva, Robert Mok, Teresa Zhang, and Stephen Ng, regarding public art titled “Charity” on Crescent Park Lane be received; and,**
- 2) **That the “Charity” sculpture be removed from its current location, upon Final Acceptance and receipt of ownership of the sculpture by the City, or as otherwise agreed with the Donor; and,**
- 3) **That the sculpture remain on site until a suitable location is found; and,**
- 4) **That staff report back on an alternate location for the sculpture by the end of 2017; and further,**
- 5) **That staff contact the donor to confirm their intentions by the October 17, 2017 Council meeting.**

CARRIED

**11. FLATO MARKHAM THEATRE
STRATEGIC PLAN 2017-2021 (6.2)**

[Presentation](#) [Report](#) [Appendix A](#) [Appendix B](#) [Appendix C](#)

Eric Lariviere, Manager, Theatre, introduced the Flato Markham Theatre Strategic Plan 2017-2021.

Martin Van Zon and Brian McCurdy from Interkom, and Stephen Timms and Aleem Israel from Flato Markham Theatre Advisory Board, gave a presentation outlining the Theatre Report Card; the competitive landscape and vision; and brand identity.

Key Strategic Plan goals and objectives were identified as: exploring the feasibility of developing a new theatre complex; creating an industry leading program and organization that champions the diversity and innovation of Markham; and, building a sustainable infrastructure.

Funding, future infrastructure, potential partnerships, competition, and branding issues were discussed at length, as well as the feasibility of developing a new theatre, and the potential to attract more audiences/shows/rentals to facilities within Markham. Staff advised that a future report on this issue will address the questions raised. A memo will be provided at Council on October 17, 2017, to clarify matters discussed.

Moved by: Deputy Jack Heath

Seconded by: Councillor Valerie Burke

- 1) That the report and presentation titled Flato Markham Theatre Strategic Plan 2017-2021 be received and approved **in principle**; and,
- 2) That the new brand identity/logo design be **received and that staff report back with information and options**; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to these resolutions.

CARRIED

**12. MARKHAM ECONOMIC ALLIANCE
AND TWINNING POLICY (10.16)**
[Report](#)

That this matter and the following resolution be deferred to the next Development Services Committee meeting:

- 1) *That the report dated September 25, 2017 entitled “Markham Economic Alliance and Twinning Policy” be received and endorsed; and,*
- 2) *That Staff be authorized and directed to do all things necessary to give effect to this resolution.*

CARRIED

**13. NEW BUSINESS
CORRESPONDENCE - REGIONAL CHAIR (13.4)**

Regional Councillor Jim Jones introduced correspondence from Regional Chair Emmerson, regarding a Notice of Motion for election of the Regional Chair. This matter was referred to Council on September 26, 2017 for discussion prior to the Regional Council meeting on October 19, 2017.

Moved by: Regional Councillor Jim Jones
Seconded by: Regional Councillor Nirmala Armstrong

****That correspondence from Regional Chair Emmerson, regarding a Notice of Motion for election of the Regional Chair be referred to Council on September 26, 2017.**

CARRIED

**** On September 26, 2017, Council referred this matter to the General Committee meeting of October 2, 2017.**

**14. NEW BUSINESS
RAVINE POLICY (6.0)**

Deputy Mayor Jack Heath advised that the City of Toronto has tabled a draft document on ravine policy, and he has provided staff with a copy, for future consideration.

15. CONFIDENTIAL ITEMS

Moved by: Councillor Alex Chiu

Seconded by: Regional Councillor Nirmala Armstrong

That, in accordance with Section 239 (2) of the Municipal Act, Development Services Committee resolve into a confidential session at 9:24 a.m. to discuss the following matters:

- (1) DEVELOPMENT SERVICES COMMITTEE CONFIDENTIAL MINUTES
- September 11, 2017 (date) (10.0)
[Section 239 (2) (f) (f)]
- (2) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD – NATURAL HERITAGE NETWORK CORE LINKAGE ENHANCEMENT LANDS (10.0)
[Section 239 (2) (c)]
- (3) ADVICE THAT IS SUBJECT TO SOLICITOR-CLIENT PRIVILEGE, INCLUDING COMMUNICATIONS NECESSARY FOR THAT PURPOSE – PUBLIC ART DONATION (WARD 6) (6.0)
[Section 239 (2) (f)]
- (4) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD – MINOR VARIANCE APPEAL - 1895881 ONTARIO CORP., 20 BUR OAK AVENUE (WARD 6) (8.0)
[Section 239 (2) (e)]

CARRIED

Moved by: Deputy Mayor Jack Heath

Seconded by: Councillor Alex Chiu

That Development Services Committee rise from Confidential session and report at 10:30 a.m.

CARRIED

- (1) DEVELOPMENT SERVICES COMMITTEE CONFIDENTIAL MINUTES
- September 11, 2017 (date) (10.0)
[Section 239 (2) (f) (f)]

The minutes were confirmed.

- (2) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD – NATURAL HERITAGE NETWORK CORE LINKAGE ENHANCEMENT LANDS (10.0)
[Section 239 (2) (c)]

This matter was referred to the next Development Services Committee meeting.

- (3) ADVICE THAT IS SUBJECT TO SOLICITOR-CLIENT PRIVILEGE, INCLUDING COMMUNICATIONS NECESSARY FOR THAT PURPOSE – PUBLIC ART DONATION (WARD 6) (6.0)
[Section 239 (2) (f)]

Information was received.

- (4) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD – MINOR VARIANCE APPEAL - 1895881 ONTARIO CORP., 20 BUR OAK AVENUE (WARD 6) (8.0)
[Section 239 (2) (e)]

This matter was referred to the next Development Services Committee meeting.

ADJOURNMENT

The Development Services Committee meeting adjourned at 5:32 PM.

Alternate formats for this document are available upon request.
--