



## **DEVELOPMENT SERVICES COMMITTEE MINUTES**

MARCH 27, 2012, 9:00 a.m. to 12:30 p.m.

Council Chamber

Meeting No. 7

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### **All Members of Council**

#### **Development Services**

Chair: Regional Councillor Jim Jones  
Vice-Chair: Councillor Don Hamilton

#### **Economic Development**

Chair: Councillor Carolina Moretti  
Vice-Chair: Councillor Alex Chiu

#### **Transportation Issues**

Chair: Regional Councillor Gord Landon  
Vice-Chair: Councillor Alan Ho

## **PART B**

### **Report Agenda**

**9:00 a.m. – Council Chamber**

#### **Attendance**

Mayor Frank Scarpitti  
Deputy Mayor Jack Heath  
Regional Councillor Jim Jones  
Regional Councillor Gord Landon  
Regional Councillor Joe Li  
Councillor Valerie Burke  
Councillor Howard Shore  
Councillor Carolina Moretti  
Councillor Colin Campbell  
Councillor Alan Ho  
Councillor Logan Kanapathi  
Councillor Alex Chiu

Andy Taylor, Chief Administrative Officer  
Jim Baird, Commissioner of Development Services  
Brenda Librecz, Commissioner of Community & Fire Services  
Alan Brown, Director of Engineering  
Catherine Conrad, Town Solicitor  
Lilli Duoba, Senior Project Coordinator  
George Duncan, Senior Heritage Planner  
Regan Hutcheson, Manager, Heritage Planning  
Rino Mostacci, Director of Planning and Urban Design  
Peter Wokral, Heritage Planner  
Marg Wouters, Manager, Policy and Research  
Kitty Bavington, Council/Committee Coordinator

#### **Regrets**

Councillor Don Hamilton

The Development Services Committee convened at the hour of 9:07 a.m. in the Council Chamber with Regional Councillor Jim Jones in the Chair. Councillor Alan Ho assumed the Chair for Transportation item No 11.

**DISCLOSURE OF PECUNIARY INTEREST – None Declared**

**1. PRESENTATION OF SERVICE AWARDS (12.2.6)**

Randal Steward, General Maintenance, Roads Dept., Operations, 30 years  
Russell Simpson, Waterworks Supervisor, Environmental Services, 25 years  
Cathy Wyatt, Legal Assistant, Legal Services, 25 years  
Stafford Hughes, Technology Support Specialist, Information Technology Services, 15 years  
Scott Whynot, GIS Analyst I, Planning & Urban Design, 10 years  
David Porretta, Supervisor, Traffic Operations, Operations, 10 years  
Tao Su, Waterworks Operator, Environmental Services, 5 years  
Tony Casale, Senior Construction Buyer, Financial Services, 5 years  
Chung Li, Building Engineer, Building Standards, 5 years  
Deborah John, Building Inspector II, Building Standards, 5 years  
Anjela Melnic, Senior Payroll Administrator, Financial Services, 3 years  
Jeffrey Kan, Provincial Offences Officer I, Legislative Services, 3 years  
Kay Man Poon, Senior Development Engineer, Engineering, 3 years  
Hilton Lee, Financial Analyst, Financial Services, 3 years  
David Huynh, Infrastructure Project Engineer, Environmental Services, 3 years  
Nancy Myles, Senior Health & Safety Specialist, Human Resources, 3 years  
Lisa-Marie Riegel, Assistant Town Solicitor, Legal Services, 3 years  
Raymond Law, Financial Analyst, Financial Services, 3 years  
Janet Reid, Collections Coordinator, Culture, 3 years

**2. DEVELOPMENT SERVICES COMMITTEE MINUTES  
- March 6, 2012, Part B (10.0)**

[Minutes](#)

Moved by: Councillor Alex Chiu  
Seconded by: Councillor Alan Ho

That the minutes of the Development Services Committee meeting, Part B, held March 6, 2012, be confirmed.

CARRIED

**3. HERITAGE MARKHAM COMMITTEE MINUTES  
- March 14, 2012 (16.11)**

[Minutes](#)

Moved by: Councillor Alex Chiu  
Seconded by: Councillor Alan Ho

That the minutes of the Heritage Markham Committee meeting held March 14, 2012, be received for information purposes.

CARRIED

**4. MAIN STREET MARKHAM COMMITTEE MINUTES  
- January 18, 2012 (16.39)  
[Minutes](#)**

Moved by: Councillor Alex Chiu  
Seconded by: Councillor Alan Ho

That the minutes of the Main Street Markham Committee meeting held January 18, 2012, be received for information purposes.

CARRIED

**5. AGRICULTURAL ADVISORY  
COMMITTEE MINUTES  
- February 2, 2012 (16.34)  
[Minutes](#) [Appendix A](#)**

The Committee was provided with revised Terms of Reference.

Moved by: Councillor Alex Chiu  
Seconded by: Councillor Alan Ho

- 1) That the minutes of the Agricultural Advisory Committee meeting held February 2, 2012, be received for information purposes; and,
- 2) That the following recommendation from the Agricultural Advisory Committee meeting held on February 2, 2012 be endorsed:

"That the revised Agricultural Advisory Committee Terms of Reference be approved to acknowledge the agency members as voting members as presented in Appendix A."

CARRIED

**6. INTENTION TO DESIGNATE A PROPERTY UNDER  
PART IV OF THE ONTARIO HERITAGE ACT  
NAME: JARVIS-FAIRTY HOUSE  
ADDRESS: 6350 STEELES AVENUE (16.11.3)  
[Report](#) [Attachment](#)**

Moved by: Councillor Alex Chiu  
Seconded by: Councillor Alan Ho

- 1) That as recommended by Heritage Markham, the Jarvis-Fairty House – 6350 Steeles Avenue, be approved for designation under Part IV of the Ontario Heritage Act as a property of cultural heritage value or interest; and,

- 2) That the Clerk's Department be authorized to publish and serve Council's Notice of Intention to Designate as per the requirements of the Ontario Heritage Act; and,
- 3) That if there are no objections to the designation in accordance with the provisions of the Ontario Heritage Act, the Clerk be authorized to place a designation by-law before Council for adoption; and,
- 4) That if there are any objections in accordance with the provisions of the Ontario Heritage Act, the Clerk be directed to refer the proposed designation to the Ontario Conservation Review Board; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

**7. REVISED LOCATION FOR  
CASELY HERITAGE HOUSE  
198 ANGUS GLEN BOULEVARD  
ANGUS GLEN WEST VILLAGE  
BUILDING PERMIT TO BREAK FOUNDATION  
(12 111426 DP) (16.11.3)  
[Memo](#)**

Jim Baird, Commissioner of Development Services, explained the proposed relocation of the heritage house to an alternate site than was originally approved. Staff are in discussions with the subdivider to provide a larger lot area.

Moved by: Councillor Alex Chiu  
Seconded by: Councillor Alan Ho

- 1) That the staff memorandum entitled "Revised Location for the Casely Heritage House, 198 Angus Glen Boulevard, Angus Glen West Village, Building Permit to Break Foundation 12 111426 DP," dated March 27, 2012, be received; and,
- 2) That Council approve the new location for the Casely House on "Lot 26" of the proposed future plan of subdivision subject to:
  - a) the proposed lot in the future plan of subdivision being increased in size to adequately accommodate the size of the heritage dwelling;
  - b) the applicant providing a Letter of Undertaking with (i) a commitment to complete the site plan agreement for the Casely House within three (3) months, and (ii) a timeline for the Casely House to be placed on a new foundation acceptable to the Commissioner of Development Services;

- c) the applicant providing the required financial security of \$100,000 along with the Undertaking prior to the issuance of the Building Permit to Break Foundation.
  - d) the building being properly secured/boarded and made weather-tight once it is removed from its foundation, including any openings in the floor and any window openings; and
  - e) the temporary relocation area being fenced off to provide security for the heritage building; and,
- 3) That Council has no objection to the building permit submitted to allow the Casely House to be broken from its foundation and relocated to the property (Lot 26) where it will be stored pending the completion of the site plan agreement and approval of the future plan of subdivision for the specific area, but that the permit only be released once the Undertaking is signed by the applicant and the required financial security has been provided to the Town, to the satisfaction of the Commissioner of Development Services; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

**8. REVISIONS TO APPROVED PLANS  
DUE TO UNAUTHORIZED DEMOLITION OF  
HERITAGE DWELLING BUILDING PERMIT  
APPLICATION HP 11 122569 000 01  
41 ALBERT STREET, MARKHAM VILLAGE (16.11)**  
[Report](#)

The Committee was provided with two samples of several letters received by the Ward Councillor from neighbouring property owners, supporting the alterations made by the owners.

Jim Baird, Commissioner of Development Services, provided a brief explanation of the unauthorized alterations and outlined the options available.

Alexis and Brett Whalen, owners of the subject property, gave a presentation describing the alterations made to the property by themselves and the previous owners, and stated that it had not been their intention to demolish the building. The presentation outlined consultations with Heritage staff, the Heritage Markham Committee, and expert contractors. Plans were drawn up in accordance with heritage guidelines; however, major structural problems were identified and a structural engineer stated the building was unsafe. The owners advised that they did their reasonable best to retain as much of the structure as possible and to observe the basic requirements of Heritage guidelines while ensuring the building was safe.

Ms. Whalen provided research information she had undertaken, and questioned if there was significant heritage value in the building. Several photographs of the building were displayed.

The Committee discussed past building permits and alterations made to the building. Staff advised that no charges had been laid under the Ontario Heritage Act to the previous owner for past infractions. The Committee discussed the purpose of heritage easements, Council's authority and options regarding the heritage easement agreement, and the criteria for heritage grants and the heritage tax reduction program. It was noted that this property was only in the tax program for 2003/04 but was not eligible after this due to outstanding issues with the Building Department. The subject property had been reassessed from a Class B to a Class A structure in 2005 by Council as part of an overall review of all classifications in the Markham Village Heritage Conservation District.

Staff confirmed that the current owners entered into a Site Plan Agreement with the Town to retain and restore the structure and a Building Permit was issued; however, in the process of construction the entire original structure was replaced with new construction. Variations had occurred from the approved site plan involving an increase of eight inches to the height to the walls, and changes to the slope of the roof and the gable on the front verandah. The changes were noted by the Building Inspector and brought to the attention of Heritage staff.

Mr. Whalen stated that the Building Inspector agreed to the structural changes and the issue is the heritage approvals. Staff discussed Building Code regulations with respect to structural integrity and heritage aspects that are not in the Building Code. It was noted that it is not unusual to change building plans during the process, but staff must be consulted and approve the changes. The applicant discussed response times and delays caused by the Heritage Markham review process.

Russ Gregory, contractor for the applicant, described the condition of the building and the necessity of replacing the rafters and adding the ridge board, as well as adding headers to the windows and doors.

Moved by: Deputy Mayor Jack Heath

Seconded by: Councillor Carolina Moretti

That, in accordance with Section 239 (2) (e) of the *Municipal Act*, Development Services Committee resolve into an in-camera session to discuss the following confidential matter:

- 1) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

CARRIED

Moved by: Councillor Colin Campbell

Seconded by: Councillor Carolina Moretti

That the Development Services Committee rise from in-camera session (11:26 AM).

CARRIED

The Committee considered the applicant should have refrained from making the changes until approval was received, and suggested it would be unreasonable to tear it all down; however, it may be feasible to replace the gable roof.

Suggestions were made arising from the discussions, regarding the removal of any family members of Heritage Markham from the approved contractors list; buildings receiving relief under the heritage tax reduction program as an incentive to maintain the building; should be monitored; and, buildings on the Open Doors list must be structurally sound.

Clarification was requested on the following issues:

- contraventions of heritage standards by the previous owner, and a comparison of the current contraventions
- what actions can reasonably be taken to rectify the unauthorized alterations
- what costs are involved in restoring all the unauthorized alterations
- at what point did the Town become aware of contraventions and what actions were taken

The Committee spoke in support of staff's efforts and Heritage Markham, and agreed that this may be an opportunity to review the inspection, permit, and heritage processes.

The Committee considered convening a meeting of the Markham Subcommittee to examine the submission by the applicants and discuss this matter further, but noted that the deadline for approval is April 13, after which the application is deemed to be approved. Brett Whalen agreed to waive the deadline for a few days to allow the Markham Subcommittee to meet and report back to Development Services Committee and Council on April 17, 2012.

Moved by: Deputy Mayor Jack Heath

Seconded by: Mayor Frank Scarpitti

- 1) That the report entitled "Revisions to Approved Plans due to Unauthorized Demolition of Heritage Dwelling, Building Permit Application HP 11 122569 000 01, 41 Albert Street, Markham Village", dated March 27, 2012, be received; and,
- 2) **That written submissions by Robert Smith and Helen and Dave Lennon, supporting the alterations made by the owners of 41 Albert Street, be received;**
- 3) **That the deputation and written submission by Alexis and Brett Whalen, owners of 41 Albert Street, be received; and,**
- 4) **That this matter be referred to the Markham Subcommittee for further discussions prior to April 17, 2012; and**
- 5) **That the following recommendations be deferred to Development Services Committee on April 17, 2012, and directly to Council on April 17, 2012:**
  - a) *That Council does not support the Building Permit application seeking approval for the unauthorized alteration of the single detached dwelling at 41 Albert St. Markham Village; and,*

- b) *That Council would support a revised building permit application from the applicant, that replicates the original dimensions and form of the former heritage dwelling at 41 Albert St. which includes the retention of any of the historic materials that have not yet been disposed of; and further,*
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution

CARRIED

**9. FEDERAL PARKS CANADA REVIEW  
FOR A ROUGE NATIONAL URBAN PARK (10.0)**  
[Report](#) [Attachment](#)

Jim Baird, Commissioner of Development Services introduced this matter, seeking Council's endorsement of the Statement of Intent by the Landowners Committee. A work session will be held to discuss the National Park proposal in greater detail.

Staff emphasized that conditions must be satisfied before Markham will convey the subject lands. Discussions included the continuing efforts to work with Parks Canada and Transport Canada to preserve the heritage houses.

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

- 1) That the staff report entitled Federal Parks Canada Review for a Rouge National Urban Park dated March 27, 2012 be received; and,
- 2) That Council endorse the Parks Canada partnership 'Statement of Intent – Towards Cooperation and Collaboration in the establishment of a national urban park in the Rouge Valley' and continue to advance the Federal Rouge Park planning process as identified in this report; and,
- 3) That staff continue to monitor and participate in landowners discussions and stakeholder discussions regarding a new Rouge National Urban Park and any alternative interim and long term Rouge Park arrangements;
- 4) That staff schedule a discussion item for the Rouge National Urban Park at a Part A Development Services Committee meeting in April to identify Markham's interests and requirements relative to the proposed National Park including, but not limited to:
  - consideration of Milne Dam Conservation Area and other inclusions and exclusions for the Rouge National Urban Park
  - consideration of a potential large group picnic area, potential activity and/or cultural centre and other public uses
  - discussion of long term management options of residential and agricultural leases
  - discussion of heritage building strategy and Transport Canada's building demolition requests



- provision for maintenance and operations facilities
  - provision for existing and planned infrastructure
  - review relevant recommendations of Markham's Rouge Park Implementation Task Force
  - other relevant matters as determined by staff; and,
- 5) That Parks Canada staff be invited to meet with the Town (Markham and Region Rouge Park Alliance representatives, other interested Members of Council and Town staff) following the Park A session and release of the Federal Budget, to discuss Markham's interests in the Rouge National Urban Park; and,
- 6) That Council reaffirm its December 13, 2011 resolution (Appendix 'C') requesting Parks Canada and Transport Canada to work together with respect to heritage buildings on the Pickering Airport lands, which are under consideration as part of the Rouge National Urban Park; and,
- 7) That this staff report be forwarded to Parks Canada, Transport Canada, Province of Ontario (represented by Ministry of Infrastructure), Rouge Park Alliance, City of Toronto, Region of York, Toronto and Region Conservation Authority, City of Pickering and Region of Durham for information; and further,
- 8) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

**10. PROPOSED AMENDMENT TO THE  
CENTRAL PICKERING DEVELOPMENT PLAN (10.0)**  
[Report](#)

Jim Baird, Commissioner of Development Services introduced this matter, advising that Markham is represented by York Region in this process. The commenting deadline is April 2, 2012. The Committee discussed transportation issues, and staff advised that these issues will be addressed in a separate process.

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

- 1) That the report entitled "Proposed Amendment to the Central Pickering Development Plan," dated March 27, 2012 be received; and,
- 2) That the Region of York be requested to continue to address the need to protect the Community of Box Grove and the Bob Hunter Memorial Park/Rouge Park in negotiations with the Province and the Region of Durham pertaining to transportation planning and related infrastructure decisions; and,

- 3) **That this report be forwarded to the Ministry of Municipal Affairs and Housing by April 2, 2012; and further,**
- 4) That staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

**11. MAIN STREET RECONSTRUCTION UPDATE  
HIGHWAY 7 TO BULLOCK DRIVE  
– UNDERGROUND SERVICES (5.10)**

[Report](#) [Attachment A1-A3](#) [Attachment B1-B3](#) [Attach C](#) [Attach D](#) [Attach E](#) [Attach F](#)

Alan Brown, Director of Engineering, advised that a liaison committee with the community has been created, and he outlined the comments and issues as described in the staff report. Discussions included the construction staging, commencing July 2, 2012 to November 9, 2012 to accommodate events on Main Street. Road closures, the traffic management plan, parking, marketing, and the reconstruction of the Robinson Street Bridge were reviewed. The next steps include finalizing the communications plan, and proceeding with the tender and construction processes.

The Committee noted problems with internet service on Main Street, and staff agreed to pursue upgrades with the service providers. Staff were also directed to request the Region of York improve signage to identify Donald Cousens Parkway as a by-pass route.

Diane Kobalowsky, representing Markham Village BIA made a deputation, stating that the community is optimistic about the project and they are grateful to be included in the consultation process. The BIA is urging Council to support the advertising and marketing proposal submitted by staff.

The Committee discussed alternate parking and traffic routes, and the possible use of Highway 407. Alternate solutions to the temporary closure of the Robinson Creek Bridge will be reviewed by staff.

The Committee acknowledged that this will be a challenging time for the businesses and residents, and thanked everyone involved in this project.

Moved by: Councillor Carolina Moretti  
Seconded by: Councillor Colin Campbell

- 1) **That the deputation by Diane Kobalowsky, representing Markham Village BIA, be received; and,**
- 2) That the staff report entitled “Main Street Reconstruction Update, Highway 7 to Bullock Drive – Underground Services”, be received; and,

- 3) That Main St. Markham from Bullock Drive to Highway 7 be restricted to one lane southbound, and no northbound traffic, from July 2, 2012 to November 19, 2012 to facilitate the replacement of underground services on Main Street; and,
- 4) That, Schedule “C” of Traffic By-law 2005-188, restricting parking be amended by including both the west and east sides of Main Street Markham North, between Highway 7 and Bullock Drive; and,
- 5) That, upon completion of the project, Schedule “C” of Traffic By-law 2005-188, be amended by rescinding the parking restriction on both sides of Main Street Markham North, between Highway 7 and Bullock Drive; and,
- 6) That the Parking Control Department be directed to enforce the parking prohibition upon installation of the signs; and,
- 7) That the Director of Engineering be authorized to finalize and implement the traffic management plan in consultation with the Region of York, Operations Department, the Fire and Emergency Services Department, and the Project Liaison Committee; and,
- 8) That staff and the Markham Village BIA be authorized to finalize the draft Marketing Plan and implement such; and,
- 9) That a maximum \$30,825.00 + HST from capital account (083-5350-12048-005) be authorized to implement the draft Marketing Plan for 2012 subject to conditions specified in this report; and,
- 10) That Staff be authorized to proceed with the tender for the underground servicing upgrades from Highway 7 to Bullock Drive based on the construction staging and road closures outlined in this report; and,
- 11) That the Robinson Street bridge rehabilitation works be carried out between July and September 2012; and further,
- 12) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

CARRIED

## **ADJOURNMENT**

The Development Services Committee meeting adjourned at 1:06 PM.

<b>Alternate formats for this document are available upon request.</b>
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