



Council Minutes

March 21, 2017, 7:00 PM

Council Chamber, Anthony Roman Markham Civic Centre

Meeting No. 4

Alternate formats for this document are available upon request

Roll Call

Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Jim Jones, Regional Councillor Joe Li (arrived at 7:28 pm), Regional Councillor Nirmala Armstrong, Councillor Valerie Burke, Councillor Alan Ho, Councillor Don Hamilton, Councillor Karen Rea, Councillor Colin Campbell, Councillor Amanda Collucci, Councillor Logan Kanapathi, Councillor Alex Chiu (left at 7:45 pm).

Staff

Andy Taylor, Chief Administrative Officer
Catherine Conrad, City Solicitor and Acting Director of Human Resources
Biju Karumanchery, Director of Planning and Urban Design
Trinela Cane, Commissioner of Corporate Services
Brenda Librecz, Commissioner of Community and Fire Services
Joel Lustig, Treasurer
Raj Raman, Mayor's Chief of Staff
Kimberley Kitteringham, City Clerk
Martha Pettit, Deputy City Clerk
John Wong, Technology Support Specialist
Sally Campbell, Manager, East District
Kevin Ross, Manager, Development Finance

The meeting of Council convened at 7:08 PM on March 21, 2017 in the Council Chamber.
Mayor Frank Scarpitti presided.

1. DISCLOSURE OF PECUNIARY INTEREST

- (1) None declared.

2. APPROVAL OF PREVIOUS MINUTES**(1) COUNCIL MINUTES - MARCH 1, 2017****Minutes**

Moved by Councillor Alex Chiu

Seconded by Councillor Valerie Burke

- 1) That the Minutes of the Council Meeting held on March 1, 2017, be adopted.

Carried

3. PRESENTATIONS**(1) 2016 MARKHAM SANTA CLAUS PARADE
- RECOGNITION OF PARADE WINNERS AND CONTRIBUTORS (12.2.6)**

The 44th Markham Santa Claus Parade was held on November 26, 2016.

Mr. Jim Sandiford, Chair, Santa Claus Parade, provided a brief background of the parade and thanked the participants and City staff for their efforts in ensuring a successful event.

Council recognized the following parade winners:

Categories	1st Place Winners	2nd Place Winners
Commercial Float	The War Amps	The Miller Group
Non-Commercial Float	Church on the Rock	The Centre for Dreams
Marching Group	351 Silver Star Royal Canadian Air Cadets Squadron	ASF Gymnastics
Band	Philippine Heritage Band	Collingwood Collegiate Institute
School	St. Marcellinus Drumline	Unionville Montessori School
Theme	Markham Village Music Festival	North Toronto Collegiate Institute

Council recognized the following individuals for their contributions to the parade:

- Anastasia Averkov
- Craig Breen
- Councillor Colin Campbell
- Joe Chen
- Constable Niko Dimitrakopoulos
- George George
- Morgan Jones
- Albert Lenz
- Yvonne Lord Buckley

- Joel Lustig
- Terry Meades
- Cathy Molloy
- Alex Moore
- Susan Peterson
- Fred Rich
- Aziz Saleh
- Jim Sandiford
- Peter Still
- Cynthia Szeto
- Andy Taylor

(2) PRESENTATION OF MEDALS TO THE CITY OF MARKHAM FROM
THE MINISTRY OF TOURISM, CULTURE & SPORT
FOR THE TORONTO 2015 PAN AM/PARAPAN AM GAMES (12.2.6)

Mayor Frank Scarpitti spoke about the presentation of medals from the Ministry of Tourism, Culture & Sport in recognition of the City of Markham's participation in some of the events of the Toronto 2015 Pan Am/Parapan Am Games.

The medals were presented on behalf of the Ministry of Tourism, Culture & Sport, by Honourable Michael Chan, MPP (Markham-Unionville), Minister of International Trade, and Honourable Helena Jaczek, MPP (Oak Ridges-Markham), Minister of Community and Social Services, to thank the City for hosting some of the events of the Toronto 2015 Pan Am/Parapan Am Games.

Moved by Councillor Karen Rea
Seconded by Councillor Valerie Burke

That Council recess at 7:45 PM and reconvene at 7:59 PM.

Carried

4. DEPUTATIONS

There were no deputations.

5. COMMUNICATIONS

There were no communications.

6. PROCLAMATIONS

(1) PROCLAMATION AND FLAG RAISING REQUESTS (3.4)

Moved by Councillor Logan Kanapathi

Seconded by Councillor Alan Ho

- 1) That the following proclamations, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received for information purposes:
 - Greek Independence Day (March 25, 2017).
 - World Autism Awareness Day (April 2, 2017).
 - National Wildlife Week (April 9 to 15, 2017).
 - Israel Independence Day (May 2, 2017).
 - Be Kind to Animals Week (May 6 to 12, 2017); and,
- 2) That the following new requests for proclamation be approved and added to the Five-Year Proclamations List approved by Council:
 - International Day for the Elimination of Racial Discrimination (March 21, 2017).
 - Human Values Day (April 24, 2017)
 - Animal Health Week (October 1 to 7, 2017).
 - Feral Cat Day (October 16, 2017); and further,
- 3) That the following requests for flag to be raised at the Anthony Roman Markham Civic Centre flagpole, approved by the City Clerk in accordance with the City of Markham Community Flag Raisings & Flag Protocol Policy, be received for information purposes:
 - Flag of Greece (March 25 to 27 2017 for Greek Independence Day).
(Organized by Greek Orthodox Community of Markham (York Region))
 - Flag of Autism Ontario (April 4, 2017 for World Autism Awareness Day).
(Organized by Autism Ontario York Region Chapter)
 - Flag of Israel (May 2, 2017 for Israel Independence Day).
(Organized by Consulate General of Israel)

Carried

**7(A) REPORT NO. 9 - DEVELOPMENT SERVICES COMMITTEE
(February 27, 2017)**

Moved by Regional Councillor Jim Jones
Seconded by Councillor Don Hamilton

That Report No. 9 - Development Services Committee comprised of 5 items be received and adopted, except Item Nos. 2 and 3. (See following Item Nos. 2 and 3)

- (1) INTENTION TO DESIGNATE A PROPERTY UNDER
PART IV OF THE ONTARIO HERITAGE ACT
NAME: LAPP-PILKEY HOUSE
ADDRESS: 7186 ELEVENTH CONCESSION ROAD (16.11.3)
[Report](#)

- 1) That Council receive the staff report titled “Intention to Designate a Property under Part IV of the Ontario Heritage Act, Name: Lapp-Pilkey House, Address: 7186 Eleventh Concession Road”; and,
- 2) That as recommended by Heritage Markham and as a condition of approval for Consent Application B/15/16, the Lapp-Pilkey House at 7186 Eleventh Concession Road be approved for designation under Part IV of the Ontario Heritage Act as a property of cultural heritage value or interest; and,
- 3) 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,
- 4) 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,
- 5) 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,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(2) ELIGIBILITY OF WILLIAM LOTT HOUSE
7926 HIGHWAY 7 EAST
FOR RELOCATION TO MARKHAM HERITAGE ESTATES (16.11)
[Report](#)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Don Hamilton

- 1) That the report dated February 27, 2017 titled “Eligibility of William Lott House, 7926 Highway 7 East, for relocation to Markham Heritage Estates, be received; and,
- 2) That as recommended by Heritage Markham, the William Lott House at 7926 Highway 7 East be declared eligible for relocation to Markham Heritage Estates, due to its cultural heritage value or interest and its threatened state; and,
- 3) That the eligibility of the William Lott House be subject to specific restoration requirements to be provided by Heritage Section staff to prospective purchasers including, but not limited to, retention of original siding, retention of remaining wood windows, reconstruction of the side kitchen wing, and retention of interior wood trim (casings and baseboards); and further,
- 4) That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(3) CONTROLLING GROUND FLOOR OFFICE USES
IN MARKHAM VILLAGE – COMMERCIAL CORE AREA (10.5, 16.11)
[Report](#)

Moved by Councillor Karen Rea

Seconded by Councillor Colin Campbell

That the following recommendation from the February 27, 2017 Development Service Committee meeting be postponed to the April 11, 2017 Council meeting to allow for the Markham Village Business Improvement Area Board of Management to present the matter to their April 5, 2017 Annual General Meeting:

- "1) That the staff report entitled "Controlling Ground Floor Office Uses in Markham Village – Commercial Core Area", dated February 27, 2017, be received; and,
- 2) That Council endorse the following Option (3):

That staff and consultants be directed to examine the issue of ground floor office space in the traditional commercial core area of Markham Village as part of the new Markham Village Heritage Centre Secondary Plan and any zoning changes be considered as part of the Comprehensive Zoning By-law Project; and further,
- 3) That Staff be authorized to implement the direction to be provided by Council regarding the options outlined in this report."

Carried

(4) DONATION OF A MONUMENT OF
DR. JOSE P. RIZAL FOR INSTALLATION AT THE
BOX GROVE COMMUNITY PARK (6.3)
[Report](#)

- 1) That the report dated February 27, 2017 entitled "Donation of a Monument of Dr. Jose P. Rizal for Installation at the Box Grove Community Park" be received; and,
- 2) That Council accept the donation of a monument of Dr. Jose P. Rizal from the Filipino Canadian Community of Markham to be placed in the Box Grove Community Park as described in the report and attachments; and,
- 3) That site preparation to a maximum of \$150,000 be funded from project #16038, "Box Grove Community Park East Phase 1 – Construction, with no net increase in the approved budget for park construction; and,

- 4) That the Mayor and Clerk be authorized to execute an agreement (acceptable to the City Solicitor and the Commissioner, Development Services) with the donor for the donation, installation, and maintenance of the monument to be installed in Box Grove Community Park; and further,
- 5) That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(5) CLASS ENVIRONMENTAL ASSESSMENT STUDY
- MARKHAM ROAD SANITARY SEWER &
FAIRTREE SEWAGE PUMPING STATION
AND FORCEMAIN IMPROVEMENTS (5.7, 5.5)

[Report](#)

- 1) That the report entitled “Class Environmental Assessment Study - Markham Road Sanitary Sewer & Fairtree Sewage Pumping Station and Forcemain Improvements” be received; and,
- 2) That the preferred option identified through the Schedule ‘B’ Class Environmental Assessment Study for Markham Road Sanitary Sewer and Fairtree Sewage Pumping Station and Forcemain Improvements (the “Class EA Study”) , and outlined in this report be endorsed; and,
- 3) That staff be authorized to file the Project File Report for the Class EA Study in accordance with the Environmental Assessment Act; and,
- 4) That the upgrades to the existing Fairtree Sewage Pumping Station (SPS) and related infrastructure as well as construction of new sanitary sewer infrastructure be 100% funded from the benefiting developers; and,
- 5) That subject to the satisfactory screening of the Project File Report, the recommended option be implemented by the benefitting developers in phases as described in this report; and further,
- 6) That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

7(B) REPORT NO. 10 - GENERAL COMMITTEE (March 6, 2017)

Moved by Deputy Mayor Jack Heath

Seconded by Councillor Logan Kanapathi

That Report No. 10 - General Committee comprised of 8 items be received and adopted, except Item No. 5. (See following Item No. 5)

(1) **REPORT OF THE AUDITOR GENERAL
- WATER REVENUE AUDIT (7.0)**

[Presentation](#) [Report](#)

- 1) That the presentation provided by Geoff Rodrigues, CPA, CA, CIA, CRMA, ORMP, MNP LLP, Auditor General, City of Markham, titled "Report of the Auditor General - Water Revenue Audit" be received; and,
- 2) That the report prepared by Geoff Rodrigues, CPA, CA, CIA, CRMA, ORMP, MNP LLP, Auditor General, City of Markham, titled "City of Markham - Water Revenue Audit" be received; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(2) **2016 YEAR END RESULTS OF OPERATIONS (7.0)**

[Presentation](#) [Report](#) [Attachment](#)

- 1) That the presentation entitled "2016 Year end Results of Operations" be received; and,
- 2) That the report entitled "2016 Year-End Review of Operations" be received; and,
- 3) That the City's 2016 net favourable variance of \$4.23M be transferred as follows, as per the approved Financial Planning and Budgeting Policy:
 - a. \$0.73M to the Corporate Rate Stabilization Reserve to achieve a balance equal to 15% of the local tax levy as per City policy;
 - b. \$3.50M to the Life-Cycle Capital Repair and Replacement Reserve; and,

- 4) That the City's net favourable variance of \$0.47M be transferred to the WSIB Reserve to fund the projected 2019 liability based on the 2016 actuarial valuation; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(3) ANNUAL WATER QUALITY REPORT FOR 2016 (5.3)

[Report](#) [Attachment](#)

- 1) That the report titled “Annual Water Quality Report (January-December 2016)” as required by Schedule 22 of Ontario Regulation 170/03, under the *Safe Drinking Water Act, 2002*, enclosed herein be received; and,
- 2) That the Annual 2016 Regulatory Water Quality Report (Attachment “A”), containing information for the Ministry of the Environment and Climate Change (MOECC) on water supply and quality as required by Section 11 of Ontario Regulation 170/03, under the *Safe Drinking Water Act, 2002*, be received; and,
- 3) That Council acknowledge that staff posted the Annual 2016 Detailed Regulatory Water Quality Report on the City’s website and that it has been made available electronically and in hard copy version by February 28, 2017 as per regulations; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(4) NOMINATION TO SERVE ON THE CANADIAN
COALITION OF MUNICIPALITIES AGAINST
RACISM & DISCRIMINATION (CCMARD)
COMMITTEE (16.24)

[Attachment A](#) [Attachment B](#) [Attachment C](#)

- 1) That Council support the nomination of Councillor Logan Kanapathi to serve on the Canadian Coalition of Municipalities Against Racism & Discrimination (CCMARD) Committee.

Carried

(5) 2016 SUMMARY OF REMUNERATION
AND EXPENSES FOR COUNCILLORS AND
APPOINTEES TO BOARDS (7.0)

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

Moved by Deputy Mayor Jack Heath

Seconded by Councillor Logan Kanapathi

- 1) That the report titled “2016 Summary of Remuneration and Expenses for Councillors and Appointees to Boards” be received; and,
- 2) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(6) AWARD OF CONSTRUCTION TENDER
091-T-16 CORNELL MADISON ROUGE
RIVERLANDS NORTH AND SOUTH
PARK - CONSTRUCTION (6.3)

[Report](#)

- 1) That the report entitled “Award of Construction Tender 091-T-16 Cornell Madison Rouge Riverlands North and South Park - Construction” be received; and,
- 2) That the Contract for Tender 091-T-16 for Cornell Madison Rouge Riverlands North and South Park – Construction, be awarded to DPSL Group Ltd., the second lowest priced bidder, in the total amount of \$388,723.20 inclusive of HST; and,
- 3) That a 7% contingency in the amount of \$27,210.61, inclusive of HST be established to cover any additional construction costs and that authorization to approve expenditures of this contingency amount up to the specified limit in accordance with the Expenditure Control Policy; and,
- 4) That the internal project management fee in the amount of \$5,862.02 be charged; and,
- 5) That the total award in the amount of \$421,615.63 (\$388,723.20 + \$27,210.61 + \$5,862.02) be funded from the following capital projects; 1) 81-5350-16023-005, “Cornell Madison Rouge / Riverlands – Construction” and 2) 81-5350-17002-005 “Cornell Rouge Riverlands - Phase 2 of 2” as outlined under the financial considerations section in this report; and,

- 6) That the budget remaining in the amount of \$116,673.37 be returned to the original funding sources; and further,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(7) REVISIONS TO PURCHASING
BY-LAW 2004-341 (7.9)
[Report](#)

- 1) The report entitled “Revisions to the Purchasing By-law 2004-341” be received; and,
- 2) That the City of Markham By-law 2004-341 be repealed in its entirety and be replaced in accordance with this report; and,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.
(By-law 2017-8)

Carried

(8) INTER-MUNICIPAL PROVINCIAL
OFFENCES ACT FINE COLLECTION AGREEMENT (2.0)
[Report](#) [Appendix A](#) [Appendix B](#) [Appendix C](#)

- 1) That the report entitled “Inter-Municipal Provincial Offences Act Fine Collection Agreement” be received; and,
- 2) That the Treasurer be authorized to execute agreements, including all ancillary documents, with eligible Ontario municipalities that meet the qualifications in the Municipal Act and the Provincial Offences Act (POA), to allow for unpaid POA fines owing to those municipalities to be added to the City of Markham tax roll in order to collect such amounts on behalf of said municipalities, and to be in a form and content to the satisfaction of the City Solicitor; and,
- 3) That the Treasurer be authorized to execute agreements, including all ancillary documents, with eligible Ontario municipalities that meet the qualifications in the Municipal Act and the Provincial Offences Act to allow for unpaid City of Markham POA fines to be added to the tax rolls of other municipalities in order to collect such amounts on behalf of the City, in a form and content to the satisfaction of the City Solicitor; and,

- 4) That Markham City Council request the Province of Ontario to amend the Municipal Act, 2001 to allow outstanding fines to be added to municipal tax rolls in cases where a defendant owns property within a municipality on a joint or individual basis; and,
- 5) That a copy of this resolution be forwarded to the Minister of Municipal Affairs and Housing, the Federation of Canadian Municipalities (FCM), the Association of Municipalities Ontario (AMO), the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO), the Ontario Municipal Tax Revenue Association (OMTRA), the Municipal Finance Officer's Association (MFOA), the Region of York, and York Region Municipalities; and further,
- 6) That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

**7(C) REPORT NO. 11 - DEVELOPMENT SERVICES PUBLIC MEETING
(March 7, 2017)**

Moved by Regional Councillor Jim Jones
Seconded by Councillor Don Hamilton

That Report No. 11 - Development Services Public Meeting comprised of 1 item be received and adopted.

- (1) PRELIMINARY REPORT
APPLICATION BY KLM PLANNING PARTNERS INC.
ON BEHALF OF BOX GROVE COMMERCIAL EAST INC.
FOR ZONING BY-LAW AMENDMENT TO ADD
CHILD CARE CENTRE' AS AN ADDITIONAL PERMITTED USE
TO 570 COPPER CREEK DRIVE
FILE NO. ZA 16 114886 (10.5)
[Report](#)

- 1) That the report dated February 13, 2017 titled "PRELIMINARY REPORT, Application by KLM Planning Partners Inc. on behalf of Box Grove Commercial East Inc., for Zoning By-law Amendment to add 'Child Care Centre' as an additional permitted use at 570 Copper Creek Drive" be received; and,
- 2) That the Record of the Public Meeting held on March 7, 2017, with respect to the proposed Zoning By-law Amendment application to add 'Child Care Centre' as an additional permitted use at 570 Copper Creek Drive" be received; and,

- 3) That the application submitted by KLM Planning Partners Inc. on behalf of Box Grove Commercial East Inc., to amend in-force Zoning By-law 177-96, as amended, be approved; and,
- 4) That the proposed amendment to in-force Zoning By-law 177-96, as amended, be enacted without further notice; and,
- 5) That Councillor Logan Kanapathi meet with staff and the applicant to view the site plan; and further,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.
(By-law 2017-10)

Carried

**7(D) REPORT NO. 12 - DEVELOPMENT SERVICES COMMITTEE
(March 20, 2017)**

Moved by Councillor Colin Campbell

Seconded by Regional Councillor Nirmala Armstrong

That Report No. 12 - Development Services Committee comprised of 2 items be received and adopted.

- (1) RECOMMENDATION REPORT
2431988 ONTARIO LTD.
(C.P. CAPITAL INVESTMENT GROUP INC.)
PROPOSED DRAFT PLAN OF SUBDIVISION 19TM-16003
OFFICIAL PLAN AMENDMENT AND ZONING BY-LAW AMENDMENT
APPLICATIONS FOR MIXED USE, MID/HIGH RISE BUILDINGS
AND STACKED TOWNHOUSES ON THE NORTH SIDE OF HIGHWAY 7
WEST OF BUR OAK AVENUE
FILES: SU 16 159916, OP 16 159916 AND ZA 16 159916 (10.7, 10.3, 10.5)
[Report](#)

Moved by Councillor Colin Campbell

Seconded by Regional Councillor Nirmala Armstrong

- 1) That the report entitled “RECOMMENDATION REPORT, 2431988 Ontario Ltd. (C.P. Capital Investment Group Inc.) Proposed Draft Plan of Subdivision 19TM-16003, Official Plan Amendment and Zoning By-law Amendment applications for mixed use, mid/high rise buildings and stacked townhouses on the north side of Highway 7, west of Bur Oak Avenue, Files SU/OP/ZA 15 1599916”, be received; and,

- 2) That the record of the Public Meeting held on September 6, 2016, regarding the applications for Draft Plan of Subdivision 19TM-16003, Official Plan and Zoning By-law Amendment, be received; and,
- 3) That the Official Plan Amendment application submitted by C.P. Capital Investment Group Inc. to amend the Cornell Secondary Plan (2008) be approved, and that the draft Official Plan Amendment attached as Appendix 'A' be finalized and enacted without further notice; and,
- 4) That the City Clerk advise the Region of York that the Official Plan Amendment application submitted by C.P Capital Investment Group has been approved, and that the City has no objection to the Region of York removing the subject lands from Deferral 2 Area in the Cornell Secondary Plan (2008); and,
- 5) That the Zoning By-law Amendment application submitted by C.P. Capital Investment Group Inc., to amend Zoning By-laws 304-87 and 177-96, both as amended, be approved, and that the draft Zoning By-law Amendment attached as Appendix 'B' be finalized and enacted without further notice; 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 (Appendix 'B') within two years of its approval by Council; and,
- 7) That Draft Plan of Subdivision 19TM-16003 submitted by C.P. Capital Investment Group Inc., be draft approved subject to the conditions outlined in Appendix 'C'; and,
- 8) That the Director of Planning and Urban Design, or his designate be delegated authority to issue draft approval, subject to the conditions set out in Appendix 'C' as may be amended by the Director of Planning and Urban Design; and,
- 9) That the draft plan approval for Plan of Subdivision 19TM- 16003 will lapse after a period of three (3) years from the date of Council approval in the event that a subdivision agreement is not executed within that period; and,
- 10) That the Mayor and Clerk be authorized to execute Construction Agreements and enter into access and utility easements with C.P. Capital Investment Group Inc., York Region Rapid Transit Corporation and 605918 Ontario Ltd., as necessary, to construct and dedicate the surrounding street network in advance of registration of the plan of subdivision; and further,

- 11) That Staff be authorized and directed to do all things necessary to give effect to this resolution.
(By-law 2017-15 and By-law 2017-16)

Carried

(See following to consider the matter)

Moved by Councillor Colin Campbell
Seconded by Regional Councillor Nirmala Armstrong

That Council consider Item No. 1, Report No. 12, regarding the application for 2431988 Ontario Ltd. (C.P. Capital Investment Group Inc.) immediately following the Presentations Section of the agenda.

Carried

- (2) RECOMMENDATION REPORT
MCCOWAN DEVELOPMENTS LIMITED
APPLICATIONS FOR DRAFT PLAN OF SUBDIVISION
AND ZONING BY-LAW AMENDMENT TO PERMIT
A COMMON ELEMENT CONDOMINIUM TOWNHOUSE
DEVELOPMENT AT 9329 & 9365 MCCOWAN ROAD
AND 5286 16TH AVENUE (NE MCCOWAN ROAD AND 16TH AVENUE)
FILE NOS: SU 16 110451 & ZA 15 110451 (8.0)
[Report](#)

Moved by Regional Councillor Nirmala Armstrong
Seconded by Councillor Karen Rea

- 1) That the staff report titled “Recommendation Report, McCowan Developments Limited, Applications for Draft Plan of Subdivision and Zoning By-law Amendment to permit a common element condominium townhouse development at 9329 & 9365 McCowan Road and 5286 16th Avenue (NE McCowan Road & 16th Avenue)”, be received; and,
- 2) That the record of the Public Meeting held on October 20, 2015 relating to the application to amend the Zoning By-law for (ZA 15 110451) and the record of the Public Meeting held on September 20, 2016 relating to the Draft Plan of Subdivision (SU 16 110451), be received; and,
- 3) That the Zoning By-law Amendment application (ZA 15 110451) submitted by McCowan Developments Limited to amend Zoning By-law 304-87, as amended, be approved and that the draft By-law attached as Appendix ‘A’ be finalized and enacted without further notice; and,

- 4) That Draft Plan of Subdivision 19TM-16005 be approved subject to the conditions of draft approval set out in Appendix 'B' of this report; and,
 - 5) That the Director of Planning and Urban Design, or his designate be delegated authority to issue draft approval, subject to the conditions attached as Appendix 'B' as may be amended by the Director of Planning and Urban Design; and,
 - 6) That servicing allocation for 151 townhouse units be granted; and,
 - 7) That the draft approval for plan of subdivision 19TM-16005 will lapse after a period of three (3) years commencing on the date of issuance of draft plan approval, in the event that a subdivision agreement is not executed within that period; and further,
 - 8) That Staff be authorized and directed to do all things necessary to give effect to this resolution.
- (By-law 2017-14)

Carried

(See following to consider the matter)

Moved by Councillor Karen Rea

Seconded by Councillor Logan Kanapathi

That Council consider Item No. 2, Report No. 12, regarding the application for McCowan Developments Limited immediately following the consideration of the matter for 2431988 Ontario Ltd. (C.P. Capital Investment Group Inc.).

Carried

8. MOTIONS

(1) COUNCILLORS' DISCRETIONARY EXPENSES (16.23.2)

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

That the rules of procedure be waived to introduce the following motion for consideration:

"That staff bring back the previous report outlining the options for Councillors' discretionary expenses, along with any required updates; and,

That staff advise what it costs to administer the City's current expense framework versus simply increasing Councillor remuneration by \$8,000.00."

LOST

(2/3 vote of Council was not obtained to consider the motion)

(2) REVIEW OF DEVELOPMENT CHARGES FOR RELIGIOUS AND NON-PROFIT INSTITUTIONS (7.11)

Moved by Councillor Don Hamilton

Seconded by Councillor Logan Kanapathi

That the rules of procedure be waived to introduce the following motion for consideration:

"That staff be directed to review development charges and indexing and interest as it applies to religious and non-profit institutions as part of the development charges by-law review."

LOST

(2/3 vote of Council was not obtained to consider the motion)

9. NOTICE OF MOTION TO RECONSIDER

There was no notice of motion to reconsider.

10. NEW/OTHER BUSINESS

- (1) DELEGATION TO EABAMETOONG FIRST NATION, ONTARIO (12.2.6)
[Report](#)

Moved by Deputy Mayor Jack Heath

Seconded by Regional Councillor Nirmala Armstrong

- 1) That the report titled “Delegation to Eabametoong First Nation, Ontario” be received; and,
- 2) That the City of Markham be represented by a delegation that will travel to Eabametoong First Nation, Ontario from May 3 – May 5, 2017, composed of Mayor Frank Scarpitti, Chair of the Eabametoong First Nation Committee, and Committee members Regional Councillor Nirmala Armstrong and Councillor Logan Kanapathi; and,
- 3) That Council approve an expenditure of \$4,950.00, to be funded from the Office of the CAO account #840-841-7849, to cover the total costs incurred for the delegation; and further,
- 4) That Staff be authorized and directed to do all thing necessary to give effect to this resolution.

Carried

11. ANNOUNCEMENTS

- (1) SPEED REDUCTION ON THE DONALD COUSENS PARKWAY (5.12)

Regional Councillor Nirmala Armstrong announced that the matter of speed reduction on the Donald Cousens Parkway is coming to a York Region meeting in April 2017.

12. BY-LAWS

Moved by Deputy Mayor Jack Heath

Seconded by Councillor Alan Ho

That By-laws 2017-8 to 2017-12 and 2017-14 to 2017-16 be given three readings and enacted.

Three Readings

BY-LAW 2017-8 A BY-LAW TO ESTABLISH PROCUREMENT, SERVICE AND DISPOSAL REGULATIONS AND POLICIES
(Repeals By-law 2004-341)
(Item No. 7, Report No. 10)
[By-law](#)

Carried

BY-LAW 2017-9 A BY-LAW TO REPEAL AND REPLACE MUNICIPAL LAW ENFORCEMENT OFFICERS APPOINTMENT BY-LAW 2015-62
[By-law](#)

Carried

BY-LAW 2017-10 KLM PLANNING PARTNERS INC., ON BEHALF OF BOX GROVE COMMERCIAL EAST INC., 570 COPPER CREEK DRIVE, ZONING BY-LAW AMENDMENT
A by-law to amend By-law 177-96, as amended, to add “Child Care Centre” as an additional permitted use at the subject property.
(Item No. 1, Report No. 11)
[By-law](#)

Carried

BY-LAW 2017-11 ARISTA HOMES (BOXGROVE VILLAGE) INC., PART LOT CONTROL EXEMPTION BY-LAW
A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, Block 1 to 37, Plan 65M-4496, north of Copper Creek Drive and south of Highway 407 and east of 9th Line.
[By-law](#)

Carried

- BY-LAW 2017-12 CORNELL RIDGE (ASPEN RIDGE HOMES) HOMES LTD., PART LOT CONTROL EXEMPTION BY-LAW
A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, Block 85 to 89 and Lots 37 to 43, Lots 63 to 66, and Lots 73 to 84, 65M-4479, north of 16th Avenue and west of Donald Cousens Parkway on Tilbury Gate, Southampton Avenue, Dixon Street, and Frank Ash Street.
[By-law](#)
Carried
- BY-LAW 2017-14 MCCOWAN DEVELOPMENTS LIMITED, 9329 AND 9365 MCCOWAN ROAD AND 5286 16TH AVENUE, ZONING BY-LAW AMENDMENT
A by-law to amend By-law 304-87, as amended, and By-law 177-96, as amended, to facilitate the development of 151 townhouses including the introduction of site-specific development standards.
(Item No. 2, Report No. 12)
[By-law](#)
Carried
- BY-LAW 2017-15 2431988 ONTARIO LTD. (C.P. CAPITAL INVESTMENT GROUP INC.), NORTH OF HIGHWAY 7 AND WEST OF BUR OAK AVENUE, AMENDMENT TO THE IN FORCE OFFICIAL PLAN (REVISED 1987), AS AMENDED
A by-law to adopt Official Plan Amendment No. 247 to the in force Official Plan (Revised 1987), as amended, to permit the use of lands for mixed use high rise apartment buildings on the subject property.
(Item No. 1, Report No. 12)
[By-law](#)
Carried
- BY-LAW 2017-16 2431988 ONTARIO LTD. (C.P. CAPITAL INVESTMENT GROUP INC.), NORTH OF HIGHWAY 7 AND WEST OF BUR OAK AVENUE, ZONING BY-LAW AMENDMENT
A by-law to amend By-law 304-87, as amended, and By-law 177-96, as amended, to permit the use of lands for mixed use high rise apartment buildings on the subject property.
(Item No. 1, Report No. 12)
[By-law](#)
Carried

13. CONFIDENTIAL ITEMS

Moved by Councillor Alan Ho

Seconded by Councillor Amanda Collucci

That, in accordance with Section 239 (2) of the *Municipal Act*, Council resolve into a private session to discuss the following Item No. 5 listed on the confidential agenda at 8:02 PM:

General Committee - March 6, 2017

- (5) ADVICE THAT IS SUBJECT TO SOLICITOR-CLIENT PRIVILEGE, INCLUDING COMMUNICATIONS NECESSARY FOR THAT PURPOSE
(ST. MARK'S COPTIC ORTHODOX CHURCH - DEVELOPMENT CHARGE DEFERRAL) (7.11)
[Section 239 (2) (f)]

Moved by Deputy Mayor Jack Heath

Seconded by Regional Councillor Jim Jones

That Council rise from the private session and reconvene the regular session at 8:56 PM.

Carried

Moved by Councillor Valerie Burke

Seconded by Councillor Colin Campbell

That Council recess at 9:51 PM and reconvene at 10:03 PM

Carried

Council consented to add a confidential matter regarding advice that is subject to solicitor-client privilege, including communications necessary for that purpose (Committee of Adjustment Application) as Item No. 6 on the confidential agenda.

Moved by Councillor Valerie Burke
Seconded by Councillor Colin Campbell

That, in accordance with Section 239 (2) of the *Municipal Act*, Council resolve into a private session to discuss the following Item Nos. 1 to 4 and 6 listed on the confidential agenda at 10:03 PM:

Development Services Committee - February 27, 2017

- (1) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD - 6 ERLANE AVENUE (WARD 4) (8.0)
[Section 239 (2) (e)]
- (2) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD - 52 MORGAN AVENUE (WARD 1) (8.0)
[Section 239 (2) (e)]
- (3) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD - 86 OAKHAVEN DRIVE (WARD 2) (8.0)
[Section 239 (2) (e)]
- (4) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD - 7 WHITELAW COURT (WARD 1) (8.0)
[Section 239 (2) (e)]

Council - March 21, 2017

- (6) ADVICE THAT IS SUBJECT TO SOLICITOR-CLIENT PRIVILEGE; INCLUDING COMMUNICATION NECESSARY FOR THAT PURPOSE (COMMITTEE OF ADJUSTMENT APPLICATION) (8.0)
[Section 239 (2) (f)]

Carried

Moved by Councillor Don Hamilton
Seconded by Councillor Colin Campbell

That Council rise from the private session at 10:55 PM.

Carried

The confidential items were approved by Council as follows:

- (1) LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD - 6 ERLANE AVENUE (WARD 4) (8.0)

Moved by Councillor Karen Rea
Seconded by Councillor Logan Kanapathi

That this confidential item be postponed to the April 11, 2017 Council private meeting.

Carried

- (2) MINOR VARIANCE APPLICATION APPEAL
KENNETH NASH
52 MORGAN AVENUE
A/139/16 (8.0)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Don Hamilton

- 1) That the confidential report titled "Minor Variance Application Appeal, Kenneth Nash, 52 Morgan Avenue, A/139/16" be received; and,
- 2) That Council direct the City Solicitor and Staff not to attend the Ontario Municipal Board hearing regarding the decision of the Committee of Adjustment to approve the minor variances related to floor area ratio and building depth, provided that the applicant agrees to request the OMB to impose the staff recommended conditions of approval set out below in the event that the OMB approves the variances:
 - a) The variances apply only to the proposed development as long as it remains;

- b) That the variances apply only to the subject development, in substantial conformity with the plan(s) submitted with the application dated November 2016 (see Appendix A), to the satisfaction of the Director of Planning and Urban Design or designate;
- c) That a siting/grading plan of the property shall be submitted to the City for review and approval, and that the Secretary-Treasurer receives written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate;
- d) That through the City's review and approval of the siting/grading plan, the owner demonstrates that:
 - i) the existing drainage pattern within the property will not be altered in such a way as to cause any adverse impact on the existing drainage from the site to abutting properties; and
 - ii) there is no negative impact to any abutting property respecting surface water drainage,

and that the Secretary-Treasurer receives written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate;

Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his/her satisfaction, and that the detailed siting/grading plan required as a condition of approval reflects the Tree Assessment and Preservation Plan.

- e) That prior to the commencement of construction or demolition, tree protection be erected around all trees on site, including street trees, to the satisfaction of the Director of Planning and Urban Design or their designate, in accordance with the City's Streetscape Manual (2009) as amended, be inspected by City Staff, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate;
- f) That arrangements for tree replacements and other plantings be provided, if required, in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate; and further,

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

Carried

- (3) MINOR VARIANCE APPLICATION APPEAL
MONA ELDABAA
86 OAKHAVEN DRIVE
A/168/16 (8.0)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Don Hamilton

- 1) That the confidential report titled “Minor Variance Application Appeal, Mona Eldabaa, 86 Oakhaven Drive, A/168/16” be received; and,
- 2) That Council direct the City Solicitor and Staff not to attend the Ontario Municipal Board hearing regarding the decision of the Committee of Adjustment to deny the minor variance related to lot coverage, provided that the appellant agrees to request the OMB to impose the staff recommended conditions of approval set out below in the event that the OMB approves the variance:
 - a) That the variance applies only to the proposed development as long as it remains;
 - b) That the appellant submits revised elevation plans and/or landscaping plan(s) to improve the appearance and transparency of the structure or provide landscape buffering and screening for the neighboring residents to the satisfaction of the Director of Planning and Urban Design or designate, and that the Secretary-Treasurer receives written confirmation that this conditions has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate;
 - c) That the variance applies only to the subject development, in substantial conformity with revised plans approved by the Director of Planning and Urban Design or designate; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

- (4) MINOR VARIANCE APPLICATION APPEAL
MELODY LU
7 WHITELAW COURT
A/73/16 (8.0)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Don Hamilton

- 1) That the confidential report titled “Minor Variance Application Appeal, Melody Lu, 7 Whitelaw Court, A/73/16” be received; and,
- 2) That Council direct the City Solicitor and Staff not to attend the Ontario Municipal Board hearing regarding the decision of the Committee of Adjustment to deny the minor variances related to floor area ratio, front yard setback, rear yard setback, driveway setback and building height, provided that the applicant agrees to request the OMB to impose the staff recommended conditions of approval set out below in the event that the OMB approves the variances:
 - a) The variances apply only to the proposed development as long as it remains;
 - b) That the variances apply only to the subject development, in substantial conformity with the plan(s) submitted with the application dated March 2016 (see Appendix A), to the satisfaction of the Director of Planning and Urban Design or designate;
 - c) That a siting/grading plan of the property shall be submitted to the City for review and approval, and that the Secretary-Treasurer receives written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate;
 - d) That through the City’s review and approval of the siting/grading plan, the owner demonstrates that:
 - i) the existing drainage pattern within the property will not be altered in such a way as to cause any adverse impact on the existing drainage from the site to abutting properties;
 - ii) there is no negative impact to any abutting property respecting surface water drainage;

and that the Secretary-Treasurer receives written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate;

- e) Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended, to address the potential to preserve the existing cedar hedge, and other vegetation on site, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his/her satisfaction, and that any detailed siting/grading plan required as a condition of approval reflects the Tree Assessment and Preservation Plan;
 - f) That prior to the commencement of construction or demolition, tree protection be erected around all trees on site, including street trees, to the satisfaction of the Director of Planning and Urban Design or their designate, in accordance with the City's Streetscape Manual (2009) as amended, be inspected by City Staff, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate;
 - g) That arrangements for tree replacements, on-site where possible, and the replacement of the entire cedar hedge and other plantings be provided, if required, including provision of a letter of credit to secure the tree preservation required and to ensure that protected trees/hedges, etc., and replacement trees survive a minimum of one full growing season, to the satisfaction of the Commissioner of Community & Fire Services in accordance with the approved Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate;
 - h) That the design of the proposed dwelling comply with the City's Bird Friendly Guidelines provided that if the City's Bird Friendly Guidelines are not applicable to single detached dwellings, then all possible efforts be made to ensure that principles and objectives of the City's Bird Friendly Guidelines are incorporated into the design; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(5) ST. MARK'S COPTIC ORTHODOX CHURCH
- PROPOSED REVISION TO DEVELOPMENT
CHARGE DEFERRAL (7.11)

Moved by Regional Councillor Nirmala Armstrong

Seconded by Regional Councillor Jim Jones

- 1) That the confidential report titled "St. Mark's Coptic Orthodox Church – Proposed Revision to Development Charge Deferral" be received; and,
- 2) That Council accept a payment from St. Mark's Coptic Orthodox Church in the amount of \$457,660.00 as a settlement of the remaining development charges outstanding related to a Development Charge Deferral Agreement executed on May 18th, 2010, and to release the mortgage registered on the property at 455 Ferrier Street; and further,
- 3) That Staff be authorized and directed to do all things necessary give effect to these recommendations.

Carried by a recorded vote (9:3)

(See following recorded vote)

(See following to consider the matter)

YEAS: Councillor Alan Ho, Regional Councillor Nirmala Armstrong, Regional Councillor Jim Jones, Mayor Frank Scarpitti, Deputy Mayor Jack Heath, Regional Councillor Joe Li, Councillor Colin Campbell, Councillor Amanda Collucci, Councillor Logan Kanapathi. (9)

NAYS: Councillor Valerie Burke, Councillor Don Hamilton, Councillor Karen Rea. (3)

ABSENT: Councillor Alex Chiu. (1)

Moved by Councillor Alan Ho

Seconded by Councillor Amanda Collucci

That Council consider the matter regarding St. Mark's Coptic Orthodox Church – Proposed Revision to Development Charge Deferral immediately following the consideration of the application for 2431988 Ontario Ltd. (C.P. Capital Investment Group Inc.).

Carried

- (6) ADVICE THAT IS SUBJECT TO SOLICITOR-CLIENT PRIVILEGE; INCLUDING COMMUNICATION NECESSARY FOR THAT PURPOSE (COMMITTEE OF ADJUSTMENT APPLICATION) (8.0)

Council consented to not report out on this matter.

14. CONFIRMATORY BY-LAW

Moved by Councillor Don Hamilton

Seconded by Councillor Logan Kanapathi

That By-law 2017-13 be given three readings and enacted.

Three Readings

BY-LAW 2017-13 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF MARCH 21, 2017.

[By-law](#)

Carried

15. ADJOURNMENT

Moved by Councillor Logan Kanapathi

Seconded by Councillor Valerie Burke

That the Council Meeting be adjourned at 10:57 PM.

Carried

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

(Signed)