

SUBJECT: INFORMATION REPORT
New Comprehensive Zoning By-law Project – Options for updating Development Services Committee and obtaining their feedback during Phase 3a (Review of potential new zoning and licensing regulations for rooming houses, second suites & short-term rental accommodations)
PR 13 128340

PREPARED BY: Anna Henriques, MCIP, RPP, Senior Planner – Zoning Special Projects, ext. 7922

REVIEWED BY: Tom Villella, MCIP, RPP, Manager – Zoning & Special Projects, ext. 2758

RECOMMENDATION:

- 1) THAT the memo entitled, “REPORT: New Comprehensive Zoning By-law Project – Options for updating Development Services Committee (DSC) and obtaining their feedback during Phase 3a (Review of potential new zoning and licensing regulations for rooming houses, second suites & short-term rental accommodations) be received; and,
- 2) THAT DSC provide direction on their preferred option for being updated and providing feedback during Phase 3a (as outlined in this memo):
 - i) Establish a Subcommittee of DSC; or;
 - ii) Receive regular updates from Staff at DSC meetings.
- 3) AND THAT staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to provide information on previous work undertaken by the City with respect to second suites and to seek DSC direction on potential options for updating DSC and obtaining their feedback during Phase 3a of the New Comprehensive Zoning By-law Project (Review of potential new zoning and licensing regulations for rooming houses, second suites & short-term rental accommodations).

BACKGROUND:**Chronology of detailed review and work completed on second suites, 1999-2016:**

- **June 1999** – Markham Task Force on Affordable Housing was established consisting of Regional Councillor Tony Wong as the chair and a cross section of Markham residents. The Task Force undertook a broader review of affordable housing issues in Markham which was largely based on an affordable housing paper prepared by the Federation of Canadian Municipalities (June 1999) titled, “National Policy Options Paper – A Call for Action”. The review identified, amongst other things, that more affordable housing is needed in Markham. Recognizing that second suites contribute to the availability of more affordable housing opportunities, the Task Force had a number of recommendations in its final report to Council (July 2000) including: “That the Town of Markham develop strategies to promote the development of second suites that include the appropriate

zoning by-laws that permit them and financial incentives to assist in upgrading facilities to meet safety and other requirements”.

- **June 2001** – Council approved Terms of Reference for a review by PricewaterhouseCoopers to assist with implementing the recommendations of the Task Force. The work completed by PricewaterhouseCoopers included, among other things, preliminary research and consultation with stakeholders on the impacts of the Task Force recommendations which included removing restrictions on second suites and legalizing them.
- **June 2002** – DSC directed staff to prepare a strategy for second suites for Wards 7 and 8 or appropriate areas as determined.
- **March 2003** – DSC received staff presentation on four strategy options and requested an in depth analysis of each option.
- **May 2003** – Council directed staff to pursue Option #1: No new zoning provisions for second suites and enhance current procedures (related to “grandfathered” units).
- **March 2004** – DSC endorsed 8 (eight) recommended procedural enhancements as a base condition for the preferred strategy Option #1.
- **November 2004** – Council deferred implementation of recommended procedures pending audit of inspection and registration figures.
- **February 2005** – Council approved recommended procedures.
- **November 2005-June 2006** – Public Consultation and Council approval of Driveway By-law (By-law 2006-96)
- **May 2007** – DSC updated on current strategy for second suites
- **June 2007** – DSC established a Subcommittee to review the appropriateness of current strategy and whether a new strategy, that applies wider permission for second suites across the City, should be considered given the introduction of new provincial legislation and policies, as well as new municipal procedural requirements for registration of “grandfathered” units. The Subcommittee consisted of Regional Councillor Tony Wong as Chair, Regional Councillor Jack Heath as Vice-Chair, Councillor John Webster and Councillor Logan Kanapathai. The Subcommittee worked closely with Markham staff from various departments such as Fire, Building, Planning, Legal, By-law Enforcement, Clerks and Corporate Communications, and consulted with representatives of other GTA municipalities to learn about their experiences with implementing second suites and to examine potential options for a new strategy. The subcommittee met approximately 10 (ten) times over the summer and fall of 2007 before formulating its recommendations for a new strategy.
- **February 2008** – Staff presented a report to DSC outlining the recommendations of the Subcommittee on a proposed new strategy for second suites, which included but was not limited to the introduction of new City-wide zoning permissions for second suites in single detached and semi-detached dwellings, subject to certain

development and property standards. Council adopted the Subcommittee recommendations report and authorized staff to hold an open house and statutory public meeting which took place in April 2008 and May 2008, respectively.

- **May 2008** – Staff reported to DSC on input received at the open house and statutory public meeting. DSC suggested that there should be another opportunity for public input to discuss all the issues raised and referred the matter back to staff for a report and recommendation.
- **March 2009** – Staff reported to DSC on an action plan for implementation of a new strategy for second suites, including the introduction of new City-wide zoning permissions for second suites in single and semi-detached dwellings (subject to certain development and property standards) and recommended that a public information meeting be held in April 2009 to obtain input. DSC requested that the public information meeting be scheduled following a workshop with members of Council, to obtain input.
- **April/May 2009** – Staff presented to DSC the proposed new action plan for implementation of a new strategy for second suites on April 28, 2009. The proposed new strategy and action plan were referred to the May 12, 2009 Council meeting where Council directed that staff continue with the current enforcement strategy respecting illegal second suites and that staff take additional steps to educate residents on Markham's current regulations regarding second suites. Council further directed that no further action be taken by staff with respect to second suites.
- **December 2015** – An Open House was held to receive input on a number of discussion papers prepared for Phase 1 of the New Comprehensive Zoning By-law Project, including a paper on Affordable and Shared Housing. The paper examined, amongst other things, the current policy framework for second suites and recent municipal approaches to second suites in Ontario. At the Open House, residents raised concerns regarding second suites, rooming houses and short-term rental accommodations. Given the concerns raised, members of Council present at the Open House requested that staff advance work on potential new zoning and licensing regulations for rooming houses, second suites and short-term rental accommodations (ie., Airbnb).
- **March 2016** - DSC endorsed staff recommendations to advance work on a portion of Phase 3 (drafting of new comprehensive zoning by-law) to review potential new zoning and licensing regulations for rooming houses, second suites and short-term rental accommodations (Phase 3a). In addition, DSC endorsed awarding a contract to Gladki Planning Associates to complete the work. Work on Phase 3a began in April 2016 and is targeted for completion by end of 2016.

OPTIONS/DISCUSSION:

At the DSC meeting of March 29, 2016, there was some discussion about the process for moving forward with Phase 3a. Specifically, DSC questioned how they would be updated and able to participate moving forward. In addition, DSC requested that staff review previous actions and work completed on second suites and provide some options for moving forward with Phase 3a (Figure 1). Staff have reviewed previous actions and work completed, as outlined in this memo, and provide the following potential options for moving forward with Phase 3a:

Option 1: Establish a DSC Subcommittee

Similar to the Subcommittee established in 2007, a Subcommittee of DSC may be established for Phase 3a to meet regularly (approximately once a month for 2-3 hours) with staff from various departments and the consulting team. The role of the Subcommittee would be to provide input on issues and concerns, provide feedback on the work completed by the consulting team and to update DSC (with staff) at key points during the review.

Staff recommend that the Subcommittee include members of DSC with diverse viewpoints and those that have a high proportion of rooming houses, second suites or short-term rental accommodations in their wards.

Potential advantages of this option include:

- Subcommittee members more intimately involved in the review taking place
- Subcommittee members able to up-date other members of DSC, who are not on the Subcommittee, on status and progress of review at any time

Potential disadvantages of this option include:

- Requires greater time commitment for Subcommittee members (compared to option 2)
- Members of DSC who are not on the Subcommittee may not be equally informed and knowledgeable on key issues as those who are on the Subcommittee

Option 2: Receive regular updates at DSC meetings

Updates to DSC may be provided by staff and the consulting team at key intervals during the review process to provide information and obtain feedback on the status of the review and the work completed to date. At a minimum, staff will target bi-monthly up-dates, with sufficient time blocked off in the DSC agenda to thoroughly discuss all matters being considered. The updates will be provided until the work contemplated for Phase 3a is complete (target completion is end of 2016). In addition, educational workshops and meetings may be scheduled with members of DSC should it be deemed appropriate or requested.

Potential advantages of this option include:

- All members of DSC equally informed and updated on key issues and the status of the review taking place
- Requires less time commitment for DSC as most updates will be provided at regularly scheduled DSC meetings

Potential disadvantages of this option include:

- Members of DSC may not be as intimately involved in the review taking place (compared to option 1)
- Members of DSC may wish to be updated on the review more frequently than bi-monthly

Staff is seeking direction from DSC on which option to pursue for moving forward with Phase 3a.

FINANCIAL CONSIDERATIONS:

N/A

HUMAN RESOURCES CONSIDERATIONS:

N/A

ALIGNMENT WITH STRATEGIC PRIORITIES:

This Project will align with the City's strategic priority of Growth Management by implementing the New Official Plan and establishing a zoning framework to guide future development in the City. This Project also aligns with the City's strategic priorities relating to quality customer service by providing improved access to up-to-date zoning information.

BUSINESS UNITS CONSULTED AND AFFECTED:

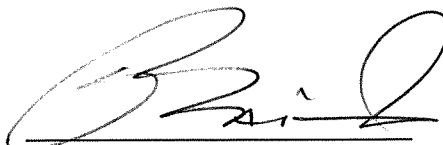
This City-wide Project affects many City Departments. All relevant City departments have and will continue to be consulted throughout each Phase of this Project, as appropriate.

RECOMMENDED

BY:



Ron Blake, MCIP, RPP
Senior Development Manager,
Planning & Urban Design



Jim Baird, MCIP, RPP
Commissioner, Development Services

ATTACHMENTS:

Figure 1: Extract from March 29, 2016 DSC meeting

DEVELOPMENT SERVICES COMMITTEE
MARCH 29, 2016
EXTRACT

To: Senior Planner, Zoning and Special Projects (A. Henriques)

13. RECOMMENDATION REPORT
ZONING ISSUES ANALYSIS (PHASE 1):
NEW COMPREHENSIVE ZONING BY-LAW PROJECT
PR 13 128340 (10.5)
[Presentation - Appendix C Report](#)

Anna Henriques, Senior Planner, Zoning and Special Projects, gave an update on the status of the New Comprehensive Zoning By-law project. The purpose of the report is to seek endorsement of the Zoning Issues Analysis which marks the completion of Phase 1 and the commencement of Phase 2 (Strategic Direction) which will guide the drafting of the new comprehensive zoning by-law in Phase 3.

John Gladki, Gladki Consulting Inc., gave a presentation on the input received to date, regarding: the Official Plan, Minor Variances, definitions, auto related uses, drive through facilities, home occupations, infill housing, affordable housing, shared housing and secondary suites, student housing, Places of Worship, Greenway and Special Policy Areas, medical marihuana production facilities, addiction and recovery centres, adult entertainment and sex industry uses, and GIS.

Next steps include:

- May 19, 2015 DSC: Request for summary of Phase 1 stakeholder input
- Work will commence on Phase 2 – Zoning By-law Strategy, targeted for DSC endorsement in June
- Advancement of work on a portion of Phase 3 (Short-term rental accommodations, rooming houses and secondary suites)

The Committee discussed:

- The number of York University students to be accommodated;
- The impact of new regulations requiring developers to provide affordable housing;
- The level of understanding of those giving input and their interests in specific local issues
- Ratepayers, developers groups, Board of Trade, Committee of Adjustment applicants and neighbours will be invited to the next Open House
- Expanded driveways and on-street parking by-laws are integral to housing issues. When DSC discusses this matter next, a review of previous actions on these issues was requested, to help determine how to go forward.

The Committee considered holding additional public information sessions and establishing a sub-committee to address rooming houses and secondary suites. It was recommended that Council Members reach out to their communities for input. Staff advised that a separate webpage and e-mail address are available for public information and input. Staff will prepare a write-up with links to the information, for distribution by Council members.

Moved by: Deputy Mayor Jack Heath
Seconded by: Councillor Alex Chiu

- 1) That the presentation provided by John Gladki, Gladki Consulting Inc. entitled " New Comprehensive Zoning By-law Project, Summary of Feedback Obtained (Phase 1)" be received; and,
- 2) That the report entitled, "RECOMMENDATION REPORT: Zoning Issues Analysis (Phase 1): New Comprehensive Zoning By-law Project" dated March 29, 2016, be received; and,
- 3) That the Zoning Issues Analysis document (attached as Appendix 'A') be endorsed in principle, to be used to assist with the development of a strategic direction (Phase 2) to guide the drafting of the new comprehensive zoning by-law.

CARRIED