

**CITY OF VAUGHAN
COMMITTEE OF THE WHOLE
AGENDA**

Tuesday, April 2, 2019

1:00 p.m.

Council Chamber

2nd Floor, Vaughan City Hall

2141 Major Mackenzie Drive

Vaughan, Ontario

Pages

1. CONFIRMATION OF AGENDA

2. DISCLOSURE OF INTEREST

3. CEREMONIAL PRESENTATIONS

1. 2018 DAVID C. ONLEY CHAMPION AWARD FOR LEADERSHIP IN ACCESSIBILITY
For meeting and exceeding the requirements of the Accessibility for Ontarians with Disabilities Act (AODA) to remove barriers in workplaces and communities
2. FESTIVALS & EVENTS ONTARIO (FEO) AWARD
Award #1: Top 100 Festivals in Ontario - 2018 Concerts in the Park Series; and
Award #2: Achievement Award - Best Volunteer Program

4. COMMUNICATIONS

5. DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION INCLUDING MEMBERS RESOLUTION(S)

Planning and Growth Management

1. GUIDELINE REVIEW FOR THE IMPLEMENTATION OF SECTION 37 OF THE PLANNING ACT (FILE NO.26.17)
Report of the Deputy City Manager, Planning and Growth Management with respect to the above.

2.	PROPOSED OFFICIAL PLAN AMENDMENT SECTION 37 POLICIES VAUGHAN METROPOLITAN CENTRE SECONDARY PLAN, FILE NO. 26.16 Report of the Deputy City Manager, Planning and Growth Management with respect to the above.	25
3.	OFFICIAL PLAN AMENDMENT FILE OP.18.014 ZONING BY-LAW AMENDMENT FILE Z.18.021 DRAFT PLAN OF SUBDIVISION FILE 19T-18V008 2748355 CANADA INC. (QUADREAL BLOCK 2) VICINITY OF INTERCHANGE WAY AND JANE STREET Report of the Deputy City Manager, Planning and Growth Management with respect to the above.	38
4.	ZONING BY-LAW AMENDMENT FILE Z.17.039 SITE DEVELOPMENT FILE DA.16.061 RIVERS OF LIFE FELLOWSHIP ASSOCIATION VICINITY OF KEELE STREET AND GANTNER GATE Report of the Deputy City Manager, Planning and Growth Management with respect to the above.	110
5.	SITE DEVELOPMENT FILE DA.18.048 616 APPLEWOOD INC. VICINITY OF APPLEWOOD CRESCENT AND PORTAGE PARKWAY Report of the Deputy City Manager, Planning and Growth Management with respect to the above.	136
<u>Public Works</u>		
6.	ALL-WAY STOP CONTROL REVIEW AT CARRIER CRESCENT AND OBERFRICK AVENUE Report of the Interim Deputy City Manager, Public Works with respect to the above.	151
7.	ALL-WAY STOP CONTROL REVIEW AT PINE VALLEY DRIVE AND KIRBY ROAD SOUTH INTERSECTION Report of the Interim Deputy City Manager, Public Works with respect to the above.	156
<u>Office of the Integrity Commissioner</u>		
8.	REGULATION OF NOT-FOR-PROFIT LOBBYING ACTIVITIES UNDER THE CITY OF VAUGHAN LOBBYING BY-LAW Report of the Integrity Commissioner and Lobbyist Registrar with respect to the above.	161
<u>Office of the City Manager</u>		
9.	SMALL BUSINESS AND ENTREPRENEURSHIP SERVICES: UPDATE Report of the Interim City Manager with respect to the above.	181

Corporate Services

10.	AMENDMENTS TO THE CODE OF CONDUCT FOR MEMBERS OF COUNCIL, LOCAL BOARDS AND COMMITTEES Report of the Deputy City Manager, Corporate Services with respect to the above.	200
11.	PROCEDURAL BY-LAW FOR THE CITY OF VAUGHAN COMMITTEE OF ADJUSTMENT Report of the Deputy City Manager, Corporate Services with respect to the above.	253
12.	PROCLAMATION REQUEST FRANCO-ONTARIAN DAY Report of the Deputy City Manager, Corporate Services with respect to the above.	270
13.	PROCLAMATION AND FLAG RAISING REQUEST FILIPINO DAY Report of the Deputy City Manager, Corporate Services with respect to the above.	273
6.	ADOPTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION	
7.	CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION	
8.	PRESENTATIONS AND DEPUTATIONS	
1.	2019 RUN FOR VAUGHAN Seeking Council support for the Run for Vaughan initiative and requesting Services In Kind related to the event scheduled to be held on September 22, 2019.	
9.	CONSIDERATION OF STATUTORY/AD HOC COMMITTEE REPORTS	
1.	Accessibility Advisory Committee meeting of February 26, 2019 (Report No. 1)	277
2.	Vaughan Metropolitan Centre Sub-Committee meeting of March 5, 2019 (Report No. 1)	279
10.	NEW BUSINESS	

11. ADJOURNMENT

ALL APPENDICES ARE AVAILABLE FROM THE CITY CLERK'S OFFICE
PLEASE NOTE THAT THIS MEETING WILL BE AUDIO RECORDED
AND VIDEO BROADCAST

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Item:



Committee of the Whole Report

DATE: Tuesday, April 02, 2019

WARD(S): ALL

TITLE: GUIDELINE REVIEW FOR THE IMPLEMENTATION OF SECTION 37 OF THE PLANNING ACT (FILE NO. 26.17)

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval for staff to consult on proposed revisions to the 'Guidelines for the Implementation of Section 37 of the *Planning Act*' ('the Guideline') and to report back to Council with recommendations to approve the revisions to the Guideline.

Report Highlights

- The Guideline was approved by Council on February 17, 2015
- Proposed amendments being considered include:
 - reducing the contribution range from 20% - 35% to 20% - 30%
 - amending the size threshold criteria and consultation process, and
 - revising the process for the height only contribution calculation
- Consultation with the development industry and the public on the proposed amendments to the Guideline is recommended before reporting to Committee of the Whole

Recommendations

1. That staff consult with the development industry and the public on proposed amendments to the 'Guidelines for the Implementation of Section 37 of the *Planning Act*'; and
2. That staff report back to Committee of the Whole in the 4th quarter of 2019 on the recommended amendments to the 'Guidelines for the Implementation of Section 37 of the *Planning Act*'.

Background

The Guideline was approved by Council on February 17, 2015 and since its implementation, staff have negotiated several Section 37 agreements. Amendments to the Guideline are recommended in order to improve the wording, refine the exemption criteria, create fairness and flexibility in the process and provide clarity for the development industry.

Previous Reports/Authority

Implementation Guideline for Section 37 Policies (Committee of the Whole, Report No. 7, Item 18) adopted by Council, as amended, on February 17, 2015:

https://www.vaughan.ca/council/minutes_agendas/AgendaItems/CW0203_15_18.pdf

Analysis and Options

In working with the Guideline for 4 years, staff determined several improvements can be made, as well as amendments to enhance the document's readability. The proposed revised Guideline is appended as Attachment 1. The proposed improvements are discussed below.

Exempting single / semi-detached dwellings and non-residential uses in a non-residential area from Section 37 Contributions would provide more clarity

Section 2 of the Guideline establishes how Section 37 contributions will be determined through the application process.

Section 2 identifies development that may be exempted by Council:

- Social Housing
- Affordable Rental Housing
- Development Proposals that provide other forms of Community Benefits

The proposed amendment removes the "Development Proposals that provide other forms of Community Benefits" exemption because all community benefits should be processed through Section 37 agreements.

For clarity two additional exemptions are proposed within Section 2:

- Individual detached and semi-detached dwellings
- Non-residential uses proposed in a non-residential area, specifically Employment Areas as identified on Schedule 1 of Vaughan Official Plan 2010 (e.g. an industrial building in an industrial area)

While the Guideline does not specifically exempt single and semi-detached dwellings from providing a Section 37 contribution, it was not anticipated that Section 37 contributions would apply. Single and semi-detached dwellings units are located on single lots fronting onto a public road and the Official Plan does not have a density ratio for this form of development; therefore, the Guideline's methodology to calculate a Section 37 contribution would not apply and it is appropriate to include an exemption for single and semi-detached dwellings.

The City encourages the development of non-residential uses and the creation of jobs, specifically those that do not impact the residential community. No examples have arisen where Section 37 contributions were applied to non-residential uses within non-residential areas; therefore, it is appropriate to exempt non-residential uses from a Section 37 contribution within an Employment Area, as identified in Schedule 1 of Vaughan Official Plan 2010 Schedule 1, to support new job growth.

Removing minimum size building criteria to determine when a Section 37 contribution is recommended

To determine when a Section 37 contribution would apply, Section 4 of the existing Guideline includes size thresholds, as follows:

1. where the proposed density exceeds 1,000 m² in Gross Floor Area ('GFA') over what would otherwise be permitted, and
2. where building projects are larger than 4,000 m² in GFA.

Staff propose to remove the 4,000 m² GFA minimum to simplify and create fairness in the process. The inequity in the process is outlined by the following example:

- A 3,000 m² building proposing a 1,000 m² addition represents a 33% increase and **would not** require a Section 37 contribution
- A 4,000 m² building proposing 1,000 m² addition represents a 25% increase and **would** require a Section 37 contribution

The revised wording, which excludes the 4,000 m² GFA, will be moved from Section 4 to Section 2 and consolidated with the related policies under the heading "Applying Section 37 policies through the Application Process."

Adding a Policy to enable portions of a Section 37 Contribution from multiple sites to be allocated to a site-specific or general project within a Local Area is recommended

Currently secured Section 37 contributions are typically applied to the development site where the contributions arose. Flexibility is desired in the process to allocate a portion of the Section 37 outside of the site to benefit the local area.

Staff propose adding a new Section 3.3 policy to allocate a portion of Section 37 contributions to a site-specific project or general project within a local area that will benefit many properties (e.g. Improvements to Public Realm in the Vaughan Mills Centre Secondary Plan Area). The details of this contribution requirement will be included within new Appendix 2 to the Guideline and referenced in Section 3.2. Council approval is required for these site-specific priority projects and general projects.

The Consultation process amended to include the Ward Councillor throughout the process

Policy 6.3 of the existing Guideline outlines that the Mayor, Regional Councillors and Ward Councillor are to be consulted by the Development Planning Department between the time of the public hearing and the preparation of the comprehensive technical report to Committee of the Whole. Based on a review of past Section 37 negotiations, staff found consulting with all members of Council within the prescribed timeframe was not feasible and, for most situations, only the Ward Councillor was involved.

The recommended change in the consultation process, proposed by staff is only the Ward Councillor would be consulted during the Section 37 negotiation process. The remainder of Council would have the opportunity for input at the public meeting or the approval stage where the Section 37 contribution will be outlined with the applicable report.

Amending the Section 37 contribution range to 20% - 30% of the increase in land value to reflect current negotiations

The first step in determining the value of a Section 37 contribution is the calculation of the increase in land value resulting from the added height or density over the permitted height or density. The current negotiated Section 37 contribution is a monetary value between 20% to 35% of the increase in land value.

To date the average value of the Section 37 contributions negotiated by the City is approximately 27% of the increased land value. A narrower range of 20% to 30% is being considered to create certainty in the process for both the development community and the City.

The methodology for calculating a Section 37 contribution on height-only increases is being revised

The current methodology for calculating a Section 37 contribution on a height-only increase is based on an estimated increased value per unit, multiplied by the number of units per floor and a multiplying factor for each additional floor added.

The revised methodology is similar to the GFA methodology used for density increases. The increase in land value is determined based on the proposed additional GFA above the permitted height.

Adding a new methodology for calculating Section 37 contributions for an increase beyond the permitted maximum number of units is being considered

A new section is being proposed to consider alternative scenarios where the Official Plan or Zoning establishes a site-specific maximum number of units. There are Official Plan designations that base the maximum density on the number of units versus a Floor Space Index (FSI). This scenario is not addressed in the current Guideline.

Using the developer's proposal, the proposed contribution value is based on the additional GFA. The following two steps outlines the GFA calculation:

1. determine the average unit size within the proposed building
2. multiply the number of additional units by the average unit size

A Consultation Process with both the development community and public be undertaken

The following are the groups the Policy Planning and Environmental Sustainability Department will consult prior to recommending final revisions to the Guideline:

- York Region
- BILD (Developer/Builders Association)
- Current Official Plan Amendment applicants
- Resident associations
- Notice on City's website for Public Consultation

Financial Impact

Potential financial impacts for the proposed Section 37 changes will be addressed in the final report. There are no financial impacts from this report.

Broader Regional Impacts/Considerations

N/A.

Conclusion

The draft revisions to the Guideline have been prepared to improve and clarify the Section 37 process. Prior to finalization of the proposed revisions to the Guideline, consultation with the development industry, community associations and other stakeholders is recommended. Following the consultation process, staff will submit a technical report to the Committee of the Whole identifying final Guideline revisions.

For more information, please contact: David Marcucci, Senior Planner – LPAT, Policy Planning and Environmental Sustainability Department. Ext. 8410

Attachment

1. Proposed Amended Guideline

Prepared by

David Marcucci, Senior Planner – LPAT, ext. 8410

Amy Roots, VMC Senior Manager, ext. 8035

Fausto Filipetto, Manager of Long Range Planning, ext. 8699

Bill Kiru, Director Policy Planning and Environmental Sustainability, ext. 8633

Attachment 1

Proposed

Guidelines for the Implementation of Section 37 of the Planning Act

1. Introduction

Section 37 of the *Planning Act* ('density bonusing') allows municipalities to secure "services, facilities or matters" (e.g. Community Benefit) as a condition of the approval for a rezoning application that increases building height and/or density above existing planning permissions. Section 37 benefits are secured through Agreements that are registered on title. The policy framework regarding the application of Section 37 in the City of Vaughan are contained in Policies 10.1.2.9 – 10.1.2.13 of the Vaughan Official Plan ("VOP 2010").

The purpose of this Guideline is to provide further direction on the application of Section 37 policies, as outlined below:

- Identify which developments will be eligible for consideration of a Section 37 requirement; and
- Describe the process for negotiating Section 37 Agreements

These guidelines are intended to assist in the implementation of the policies contained in Sections 10.1.2.9 – 10.1.2.13 of the VOP 2010 and read in conjunction with the policies of the VOP 2010.

The administration of the Section 37 policy shall be the responsibility of the Deputy City Manager, Planning and Growth Management in consultation with the other City Departments.

2. Applying Section 37 policies through the Application Process

Prior to the submission of an application to increase height and/or density, the Planning Department will discuss with the applicant the Guidelines regarding a Section 37 contribution and the process.

Requests for increases to height and/or density of development may be considered by Council in the context of rezoning applications. The provision of Section 37 Community Benefit does not exempt the requirement for an official plan amendment application, unless specifically identified within the VOP 2010 or a Secondary Plan.

The following is used to determine base density:

- The maximum height or density as outlined in VOP 2010; or
- Other site-specific policies, agreements or decisions approved by Council

The following shall determine when a Section 37 bonusing will be applied to a development proposal:

- Where proposed density will exceed 1,000 m² in Gross Floor Area ("GFA") over what would otherwise be permitted
- Where proposed development will exceed the maximum building height permissions even if the GFA is within the permitted density

Once Council deems the proposed increase in building height and/or density to be acceptable, it may require as a condition of approval, the provision of certain Community Benefit.

The following uses are exempt from the provision of Section 37 Community Benefit:

- Single detached and semi-detached dwellings
- Non-residential uses proposed in a non-residential area defined as Employment Areas as per Schedule 1 of VOP 2010 (e.g. an industrial building in an industrial area)

Council may exempt the following developments from the provision of Section 37 Community Benefit:

- Social housing buildings
- Affordable rental housing buildings, as defined by York Region Affordable Housing Guideline

3. Principles to Determine a Section 37 Contribution

3.1 Proposed development must represent good planning

Prior to determining whether a development should be subject to a Section 37 Agreement, planning staff need to assess if the development, and the increase in height and/or density, represents “good planning”. The proposed development shall be consistent with the Provincial Policy Statement and conform to the Provincial Growth Plan and York Region Official Plan. The following, as outlined within VOP 2010, shall be addressed by the proposed development:

- Urban design policies and objectives
- The relationship to its site context and the adjacent street(s)
- The creation of a good public realm and improvements to the public realm adjacent to the site
- Adequate infrastructure and servicing capacity
- Natural environment

3.2 A reasonable relationship between the Community Benefit location and the Proposed Development

This principle refers to the proximity of the Community Benefit to the proposed development.

The following shall be considered when negotiating a Community Benefit:

- Appropriate geographic relationship with the development (e.g. on the site, adjacent to the site or within the planning area of the site).
- Supports the objective of VOP 2010 and City strategic plans.
- Provides support for a City-wide or local area need (e.g. improvements to a park or broadly accessed amenities within the Vaughan Metropolitan Centre)
- Site Specific Priority Projects identified in Appendix 2
- General Project / ‘Bucket’ Projects identified in Appendix 2

3.3 Enable portions of Community Benefit contributions from multiple sites to site-specific or general projects within a local area

There may be a desire to request a portion of Community Benefit contributions from multiple sites to a site-specific priority project because the project has a large budget or benefits multiple properties within a local area.

Another scenario is to allocate a portion of the Community Benefit contribution from multiple sites to a general or 'bucket' project within a Local Area (e.g. 5% of all Community Benefit contributions within the Vaughan Mills Centre Secondary Plan area allocated to public realm improvements within Vaughan Mills).

Council endorsement is required to identify site-specific priority projects and general/'bucket' projects including the portion or percentage of Community Benefit contribution being sought from future development. These projects/'buckets' are identified in Appendix 2.

4. Valuation of Community Benefit

The valuation of Community Benefit shall represent a reasonable proportion of the increase in residual land value resulting from an increase in height or density over base height or density. The value of the Section 37 benefits will vary from project to project or from one area of the City to another. Appendix 1 outlines the methodology to determine the value of Community Benefit.

The Community Benefit will be over and above what could otherwise be achieved through Sections 41, 42, and 50 of the *Planning Act*, and Development Charges.

The City's Real Estate Department will oversee the land valuation process in accordance with the methodology provided in Appendix 1.

5. Protocol for Determining Community Benefit

5.1 Development Planning Department will Manage the Negotiations Process

Development Planning department is responsible for making recommendations on development applications to Vaughan Council, in accordance with the *Planning Act* and other Provincial policy. Development Planning staff will lead negotiations with the applicant on Section 37 Community Benefit. The Development Planning department will coordinate input from other departments and agencies on the appropriate provision(s) and value of Community Benefit.

5.2 Consultation with Ward Councillor and the Community

The Ward Councillor will be consulted by the Development Planning department in the early discussions with the applicant regarding suggestions on Community Benefit.

As part of the consultation, the Development Planning department will provide the Councillor with information on Community Benefit identified by other departments and the increase in land value for the proposed development. Community Benefit may also be discussed at community meetings and the public hearing held for the development application.

5.3 Transparency

In the technical report to the Committee of the Whole, Development Planning department will include:

- Rationale to support increased building height and/or density
- Community Benefit to be secured
- Value of Community Benefit (whether cash contribution or in-kind)

The site-specific zoning by-law will include the requirement for the Section 37 Agreement and the Community Benefit secured.

6. Securing the Community Benefit

Prior to the enactment of the implementing zoning by-law, the applicant will execute the Section 37 Agreement. The agreement will be registered on title and identify Community Benefit and monetary information. Cash contribution will be paid prior to the issuance of the earlier, foundation or full building permit for the respective development, or earlier if agreed to by the City and the applicant. The payment outlined in the agreement will be indexed to this date according to the Construction Price Index ("CPI") for the City of Toronto as published by Statistics Canada.

7. Financial reporting

Section 37 contributions are to be maintained in special accounts with annual reports prepared and released publicly that show a detailed account of the monies collected and how they were spent.

Proceeds will be placed in a dedicated "Section 37 Reserve Fund" managed by Financial Planning and Development Finance. For tracking purposes, proceeds for specific negotiated benefits will be applied to a new or specified capital project as part of the City's annual budget process. A record of proceeds and disbursements will be maintained in conjunction with the Section 37 Reserve Fund and capital projects balances.

Should excess funds remain after the reasonable completion and closing of a Community Benefit project, the City shall maintain the excess funds in the Section 37 Reserve to be allocated to other projects or as identified within Schedule 2.

The allocation of excess funds and Section 37 Reserve investment revenues to other projects, shall be approved by Council through budget reviews.

APPENDIX 1

Overview to Calculate the Value of Section 37 contributions

The following sections outline how to calculate the Section 37 contributions under different development scenarios.

Section A outlines methodology to calculate Section 37 contribution for developments that increase the base building density, using the land value matrix.

Section B outlines methodology to calculate Section 37 contribution for developments that increase building height only, or an increase in the number of permitted units.

Section C outlines the methodology to calculate Section 37 contributions for developments on a site-specific basis not using the land value matrix. Typically, low rise residential development, commercial, office and hotel use.

Section D outlines the Terms of Reference for a site-specific land valuation outlined in Section C.

A. “Increase in Land Value” Formula for Determining the Maximum Upset Limit for Section 37 Contributions

An “increase in land value” approach sets the maximum upset limit for Section 37 contributions. The maximum contribution for Community Benefit represents the increase in the land value resulting from the added density over the ‘Base Density’ identified in the zoning by-law or the Official Plan.

The City recognizes that “increase in land value” formula cannot be the sole method used to determine the required Community Benefit. Determining benefits shall involve a site and area specific assessment of required Community Benefit bearing a relationship to the proposed development. The “increase in land value” approach provides the development community with a degree of certainty regarding the potential quantum of Section 37 contributions through a fair and equitable formula.

Below are the steps for the Increase in Land Value formula.

- #1** – Determine Base Density
- #2** – Determine the Buildable Gross Floor Area (GFA) from Base Density
- #3** – Determine the Land Value that corresponds to Base Density
- #4** – Determine the Land Value that corresponds to the Proposed Density
(i.e. density to be approved based on good planning principles)
- #5** – Calculate the Increase in Land Value and Maximum Section 37 Contribution (being 20% to 30% of the increase in land value resulting from the increase in density)

#1 – Determine Base Density

Base Density is the maximum density as outlined below:

- The Vaughan Official Plan 2010 (VOP 2010) designation and policy;
- If maximum density is not specified in the VOP 2010, the maximum density referred to in the prevailing Secondary Plan shall apply.

#2 – Determine Buildable Gross Floor Area (GFA) from Base Density

$$\frac{\text{Lot Area (SF)}}{\text{Base Density (FSI)}} \times \text{Base Density (FSI)} = \text{Buildable GFA from Base Density}$$

#3 – Determine Land Value that corresponds to Base Density

Using the predetermined land values assembled in the Land Value Matrix, City staff will select an appropriate value per square foot according to the location and permitted buildable GFA of the subject lands and this value will be multiplied by the Base Density.

The values provided in the Land Value Matrix will be comprised of estimates provided by a qualified real estate appraiser selected by the City. In each case, the land value rate selected will correspond to the proposed/approved density.

The total value of the development site according to Base Density will be calculated as follows:

$$\frac{\text{Buildable GFA from Base Density}}{\text{Base Density}} \times \text{Est. Value GFA (Sq.ft.) (from Land Value Matrix)} = \text{Total Land Value under Base Density}$$

#4 – Determine the Land Value that corresponds to the Proposed Density (i.e. density to be approved based on good planning principles)

Using the predetermined land values assembled in the Land Value Matrix, City staff will select an appropriate value per square foot (PSF) according to the location and proposed buildable GFA of the development and this value will be multiplied by the proposed the Proposed GFA.

$$\frac{\text{Buildable GFA from Proposed Density}}{\text{Proposed Density}} \times \text{Est. Value PSF of GFA (from Land Value Matrix)} = \text{Total Land Value under Proposed Density}$$

#5 – Calculate the Land Lift and ensuing Maximum Section 37 Contribution

This is the difference between the Total Land Value from Proposed and Base Density multiplied by a percentage of the increase in land value.

$$\frac{\text{Total Land Value under Proposed Density} - \text{Total Land Value under Base Density}}{\text{Total Land Value under Base Density}} = \text{Increase in Land Value} \times \text{Maximum Portion (20% to 30\%)} = \text{Maximum Upset Limit for Section 37 Contributions}$$

Phased Developments

The appraisal for phased developments will proceed in stages. As construction proceeds, the City will appraise each phase of development on the issuance of the earlier of a foundation or full building permit. Using this approach, each phase of development can be appraised, and Section 37 benefits collected in stages, according to the timing of each separate phase.

Land Valuation

The City will rely on the Land Value Matrix to determine the value unit rates (per sq. ft). The Land Value Matrix will be updated by a qualified real estate appraiser at the City's discretion. The time lapse between updates should not exceed 3 years.

The land value unit rates included in the matrix will reflect the baseline averages for high density residential development land throughout the City (i.e. approximately 90% to 95% residential with a 5% to 10% retail component at-grade). To account for size and locational influences, the Land Value Matrix will include a range of unit rates according to development size (e.g. quantum of buildable gross floor area) for a variety of homogeneous market areas. Below is an example of the matrix:

EXAMPLE OF THE LAND VALUE MATRIX

(land value unit rates = price per sq.ft. of buildable gross floor area)

LAND VALUE MATRIX <i>(as of January 1st, 2018)</i>								
Buildable GFA (square feet)	Sub-Area # 1		Sub-Area # 2		Sub-Area # 3		Sub-Area # 4	
	VMC Secondary Plan & Vaughan Mills Centre Area		Yonge Street Corridor, Steeles West & Promenade Mall Area		Woodbridge Centre. ("Local Centre" Area)		All Other Areas in Vaughan	
	Low	High	Low	High	Low	High	Low	High
399,999 SF and Below	\$55	\$65	\$80	\$100	\$40	\$55	\$35	\$45
400,000 to 999,000 SF	\$50	\$60	\$75	\$95	\$35	\$50	\$30	\$40
1,000,000 to 1,499,000 SF	\$45	\$55	\$70	\$90	\$30	\$45	\$25	\$35
1,500,000+ SF	\$40	\$50	\$60	\$80	\$25	\$35	\$20	\$30

Once staff have selected an appropriate land value unit rate according to the size and location attributes of the subject site, the rate will be indexed to the date of the draft Section 37 agreement according to the rate of monthly market inflation determined by the Toronto Real Estate Board Market Watch Report (derived according to the monthly change in the average sale price for residential dwellings (all types) sold throughout the Board's jurisdiction (typically published on the last page of the Market Watch Report)).

B. Calculating Section 37 Contribution on Increase in Height Only or an Increase in the Number of Permitted Units

Increase in Height Only

Under this scenario the Official Plan and/or zoning establishes a maximum FSI and Height permission. The applicant proposes to not exceed FSI maximum permission but exceed maximum building height permission. The following formula is used calculate Section 37 contribution based on applicant's proposal.

$$\begin{array}{ccccccc} \text{Proposed GFA} & \times & \text{Est. Value PSF} & = & \text{Increase} & \times & \text{Maximum} & = & \text{Maximum Upset} \\ \text{above permitted} & & \text{of GFA} & & \text{in Land} & & \text{Portion} & & \text{Limit for Section} \\ \text{height} & & \text{(from Land Value} & & \text{Value} & & \text{(20\% to} & & \text{37 Contributions} \\ & & \text{Matrix)} & & & & \text{30\%)} & & \end{array}$$

Increase in Maximum Number of Units

Under this scenario the Official Plan and/or zoning by-law establishes a maximum number of units permitted on the site. The applicant proposes to exceed the maximum number of units. Using the applicant's development proposal, the average unit size is calculated. The proposed GFA above existing permissions is determined based on the applicant's average unit size, multiplied by the number of units exceeding the maximum units established by the official plan and/or zoning. The following formula is used to calculate the Section 37 contribution based on the applicant's proposal:

$$\begin{array}{ccccccc} \text{Average Unit} & \times & \text{Number of} & \times & \text{Est. Value} & = & \text{Increase} & \times & \text{Maximum} & = & \text{Maximum Upset} \\ \text{Size of} & & \text{Units} & & \text{PSF of GFA} & & \text{in Land} & & \text{Portion} & & \text{Limit for Section} \\ \text{Proposed} & & \text{exceeding} & & \text{(from Land} & & \text{Value} & & \text{(20\% to} & & \text{37 Contributions} \\ \text{Development} & & \text{permission} & & \text{Value} & & & & \text{30\%)} & & \\ & & & & \text{Matrix)} & & & & & & \end{array}$$

C. Site Specific Methodology

Some developments may not fit the criteria of the Land Value Matrix and require a site-specific appraisal. The City or the applicant can request a site-specific narrative appraisal to be completed by a qualified real estate appraiser (AACI designation). The City shall be responsible for commissioning the narrative appraisal report, including the selection of the appraiser in accordance with their prequalified list of AACI-certified real estate appraisers. The City will provide the appraiser with the terms of reference for the appraisal, including the Base Density and Proposed Density. The initial fee for the narrative appraisal report shall be paid for by the applicant and subsequent narrative appraisals by the party requesting the report.

The effective date of appraisal shall be consistent with the anticipated date of the draft Section 37 agreement. If there is a lapse in time between the completion of the appraisal and final agreement, the appraised value will be indexed to the date of the final agreement according to the monthly index determined by the Toronto Real Estate Board Market Watch Report.

If the City and applicant do not come to an agreement concerning the increase in land value, the City will commission a second appraisal report in accordance with the process outlined above. Should the second appraisal report result in a value up to 15 percent (above or below) from the value opined in the first site specific appraisal (indexed to the date of the second appraisal), the mid-point of the values opined shall apply. If the value exceeds 15 percent (above or below), and the City/applicant are unable to agree to a value, either party may request a peer review of the two appraisals (to be commissioned by the City in accordance with the process outlined above), which will form the final determination related to the increase in land value.

D. Terms of Reference for Site-Specific Land Valuations Required for Section 37 Purposes

The following is the generic Terms of Reference for appraisers conducting site-specific land valuations for Section 37 “increase in land value” calculations. The Terms of Reference sets out the reporting requirements, standards for each appraisal report, and background information.

1. Purpose of the Appraisal Report

The purpose of the report is to estimate the increase in land value resulting from an increase in development density and/or height permitted through a Zoning By-law Amendment (required for Section 37 purposes). The appraiser will provide:

- Land value based on “as of right” maximum height and/or density (i.e. Base Height/Density)
- Land value based on “as proposed” height and/or density

The difference between the “as of right” and “as proposed” is the increase in land value and is what the appraiser will provide to The City of Vaughan.

The “as of right” maximum height/density and the “as proposed” height/density will be provided to the appraiser by the City’s Real Estate Department.

2. Function of the Appraisal Report

The function of the appraisal is to assist the City of Vaughan to negotiate Section 37 benefits as outlined in the *Planning Act*.

3. Executive Summary of Important Facts and Conclusions

4. Definition of the Appraisal Problem

5. Type of Report

The appraisal shall be a self-contained Narrative Appraisal Report prepared in accordance with the Canadian Uniform Standards of Professional Appraisal Practice (CUSPAP).

6. Definition of Market Value

This section of the report should be included after an acceptable definition of market value, under CUSPAP.

7. Effective Date Appraisal

The effective date of the appraisal is the date of inspection or the date provided to the appraiser by the City's Real Estate Department.

8. Scope of the Self-Contained Narrative Appraisal Report

The appraisal report must conform to the CUSPAP (AIC) requirements and include a registry search to confirm the current ownership of the fee simple interest in the subject property as well as other interests and/or restrictive covenants that may affect its land value. Unless instructed otherwise, the fee appraiser/consultant must:

- Provide a brief history of the property including its last conveyance. If the last conveyance occurred during the past year, and if there is a value difference between the purchase price and the appraised value, the appraiser/consultant should provide comments on this differential
- Provide any relative information concerning the amendments to the Official Plan and Zoning By-law designations required to permit the development proposed for the subject property
- Include in the valuation sections other methods of valuation in addition to the Direct Comparison Approach; "*See Valuation*"
- Confirm or verify the comparable sales at the land registry office and provide a narrative analysis of the sales used in the appraisal. The depth of analysis and discussion on the comparable sales and value conclusions should be like a full narrative appraisal report. Information provided on the comparable sales should include data on the zoning designations and permitted maximum site coverage/densities
- Photographs of the subject property including street-views, and interior photos for improved properties
- Photographs and sketches of each comparable sale, and if value in contribution, sketches of benefiting abutting properties
- Sales location map
- Any other plans relevant to the valuation such as flood plain maps, topographical maps etc., as required
- Assume that the subject property is clean relative to an environmental condition unless an environmental report to the contrary is available
- Provide a notation that the "*Terms of Reference*" were provided via e-mail from the City of Vaughan
- Provide data research, verification and validation of comparables. Discussions with market participants and consultants in industry

- Provide and explain support for all “*Quantitative*” adjustments and reasoning for all “*Qualitative*” analysis/adjustments in the Direct Comparison Approach
- Any “*Extraordinary Assumptions*” and/or “*Hypothetical Conditions*” due to the intended use and the unique City related appraisal problem are to be discussed between City staff and appraiser before insertion

9. Property Valuation

The objective of this section is to estimate the increase in land value resulting from an increase in development density and/or height permitted through a Zoning By-law Amendment.

The appraiser will provide:

- Land value based on “as of right” maximum height and/or density (Base Height/Density)
- Land value based on “as proposed” maximum height and/or density (Proposed Height/Density)
- The differential between the “As of Right” and “As Proposed” is the increase in land value and is what the appraiser will provide to The City of Vaughan
- Include a value estimate according to the “Direct Comparison Approach” (where applicable)
- Include a value estimate according to the “Land Development Approach” (where applicable)
- Include a value estimate according to the “Land Value Multiplier” (where applicable)
- Explain why a particular methodology was not utilized or given much weight, when it is normally an important part of the analysis. An example is the non-use of a Floor Space Index (FSI) in a location where density has an influence on value
- The valuation section of the report should contain a separate sheet for each comparable utilized showing all applicable data for the comparable
- In the analysis of comparable sales, comment (where applicable) if the comparable sale sold with a value based on the “Principle of Anticipation”. While some properties in Vaughan trade at a value commensurate with the uses/density permitted under the existing Land Use Controls, some may trade at a price that corresponds to the anticipated opportunity for higher density due to the “Principal of Anticipation”. In each case, the appraiser must analyze the site/sale to determine the appropriate expectations at the time of sale. Upon reconciling the appropriate unit rate to be applied to the subject site (i.e. the price per buildable gross floor area), this unit rate shall be applied to the buildable gross floor area generated from Base Density and the buildable gross floor area generated from the Proposed Density (with adjustments to account for size influences where appropriate). The resulting difference in value represents the increase in land value.

10. Site Description/Analysis

Include a clear well labeled site plan with dimensions, north arrow and appropriate reference points such as the street the property fronts onto and other features.

11. Description of the Proposed Development

Meet with the applicant and representatives from the City's Real Estate Department to discuss the specific attributes of the proposed development. Include a description of the proposed development and the site plan development statistics.

12. Services Available to the Site

Identify the location and availability of all services (water, sewers, gas, electricity) to the site.

13. Land Use Regulations

Include the official plan designation and the zoning description for both the current land use and the proposed land use. Note the proposed amendments to the Official Plan and zoning within the land use analysis section of the appraisal report.

14. Highest and Best Use Analysis (may not be applicable)

The "Highest and Best Use" is not applicable when the purpose of the report is to estimate the increase in land value resulting from an increase in density and/or height permitted through a Zoning By-law Amendment (required for Section 37 purposes). The appraiser will provide:

- Land value based on "as of right" maximum height and/or density (i.e. Base Height/Density).
- Land value based on "as proposed" height and/or density (i.e. Proposed Height/Density).

15. The differential between the "As of Right" and "As Proposed" is the "Increase in Land Value" Reconciliation

A "*Reconciliation*" is required when the value indications are derived using two or more approaches:

- The "*Reconciliation*" is to include an opinion of value as identified in the definition of the appraisal problem and an explanation of the calculation for the final indication of value
- An explanation on what approach(s) received the most weight and why, which approaches are not applicable to the valuation and why and which comparable sales received the most weight in the analysis and why
- Provide an explanation as to why, if your final indication of value falls outside your value range
- The "*Reconciliation*" should be consistent, comparing unadjusted sale prices with unadjusted sale prices and adjusted sale prices with adjusted sale prices
- Include comparable sales not utilized in the report and an explanation as to why these sales were not utilized. This assures the reader that these comparable sales were found and considered

16. Sign-off of Appraisal Report

This report is to be signed by _____, AACI, an Accredited Appraiser, Canadian Institute. _____ is to inspect the subject property and the comparable land sales, as the appraiser and not simply as a reviewer of the work.

17. Copies of the Narrative Appraisal Report

- **3-hard copies** of the Narrative Appraisal Report are to be provided; and, in addition,
- an “**ADOBE PDF**” version saved onto a memory stick sent via e-mail to Manager of Real Estate Department

18. Client

The “Client” is the City of Vaughan with any instructions to the appraiser to only come from the Real Estate Department.

APPENDIX 2

List of Site-Specific Priority Projects and General/'Bucket' Projects

Item:



Committee of the Whole Report

DATE: Tuesday, April 02, 2019

WARD: 4

**TITLE: PROPOSED OFFICIAL PLAN AMENDMENT SECTION 37
POLICIES VAUGHAN METROPOLITAN CENTRE SECONDARY
PLAN, FILE NO. 26.16**

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for a proposed Official Plan Amendment (Attachment 1) that modifies Policy 11.12 of the Vaughan Metropolitan Centre Secondary Plan ('VMC SP') Volume 2 of Vaughan Official Plan 2010 ('VOP 2010'). The proposed amendment would waive the need for a site-specific Official Plan Amendment ('OPA') application only when an increase to building height and/or density is approved by a Council adopted Zoning By-law Amendment ('Rezoning') application and Section 37 contribution.

Report Highlights

- The proposed amendment to Policy 11.12 of the VMC SP would waive the need for an OPA application only for an increase to building height and/or density, in conjunction with a Council approved Rezoning application and Section 37 contribution
- The proposed amendment maintains the strength of Council's decisions

Recommendations

1. That Official Plan Amendment #34, appended as Attachment 1, BE APPROVED, to amend the provisions of Vaughan Official Plan 2010, specifically Policy 8.1.23 within Volume 2, Policy 11.12 Vaughan Metropolitan Centre Secondary Plan, to include a new provision to permit an increase in building height and/or density for

a proposed development through a Zoning By-law Amendment approval without needing an Official Plan Amendment application if there is a Council approved Section 37 contribution.

Background

A Committee of the Whole Public Hearing was held September 17, 2018, to receive all comments on the proposed Official Plan Amendment for which there were none.

The following recommendations were approved by Council on September 27, 2018:

1. That the Public Hearing Report on the proposed amendment to Policy 8.1.23 of the Vaughan Metropolitan Centre Secondary Plan (Policy 11.12 of Vaughan Official Plan 2010 Volume 2) BE RECEIVED; and
2. That any matters identified through the Public Hearing process be reviewed and addressed by the Policy Planning and Environmental Sustainability Department in a comprehensive report to the Committee of the Whole in Q1 of 2019.

An email dated September 17, 2018, (Attachment 2) was received by CN Rail who advised they had no concerns with the amendment as long as there was no change to their receipt of proposed zoning changes by the development industry. CN Rail works with the development industry and the City to reduce potential conflicts between CN operations at the MacMillan Rail Yard and developments within the VMC area. This proposed Amendment will not impact the current circulation commenting process with CN Rail.

Following the Public Hearing, a letter (Attachment 2) was received from Liberty Developments ('Liberty') agreeing with the proposed amendment. Liberty requested consideration for a refund regarding their OPA application (File OP.18.005) in conjunction with Rezoning Amendment application (File Z.18.009). Liberty has requested, if proposed OPA #34 is adopted, that a recommendation be included to permit the return of their OPA application fee in the amount of \$29,700. This request is reviewed in detail under the heading "No Refund for OPA Applications."

Previous Reports/Authority

The September 17, 2018, Committee of the Whole (Public Hearing) report can be found here:

<https://pub-vaughan.escribemeetings.com/filestream.ashx?DocumentId=5984>

The September 27, 2018, Council decision can be found here:

<https://pub-vaughan.escrimemeetings.com/filestream.ashx?DocumentId=7115>

Analysis and Options

The Vaughan Metropolitan Centre ('VMC') is Vaughan's new downtown and includes a subway station, bus terminal and a York Viva bus rapid-way station. The effective and efficient approvals of development applications in the VMC is paramount to the continued success of the creation of Vaughan's downtown.

The *Planning Act* and City's Official Plan are the legislative and policy framework allowing a municipality to seek a Section 37 contribution

The *Planning Act* (Section 37, subsection (1)) allows municipalities to secure public benefits: "may in a by-law passed under Section 34, authorize increases in the height and density of development otherwise permitted by the by-law." Subsection (2) states "a by-law shall not contain the provisions mentioned in subsection (1) unless there is an Official Plan in effect." There is no formal application for a Section 37 Contribution request. Council decides whether to request or accept a Section 37 Contribution at the time of Council's consideration and approval of a site-specific Rezoning application for an increase to building height and density.

VOP 2010 Policy 10.1.2.9 a) states "In accordance with Section 37 of *the Planning Act*, Council may authorize an increase in the building height and/or density of development otherwise permitted in areas of the City, as contained in Volume 1 or Volume 2 of the Plan, or as contained in a site-specific zoning by-law, in return for the provision of community benefits..."

VOP 2010 Policy 10.1.2.12 states "increased building height and density provisions under Section 37 of the *Planning Act* will be implemented by site-specific Zoning By-laws."

Notwithstanding the general Section 37 policies contained in VOP 2010, there are policy directions provided in both Volumes 1 and 2 of VOP 2010 defining minimum and maximum heights and densities.

Policy 10.2.1.7 in Volume 1 of VOP 2010 states: "That where policies of this Plan contain numerical standards, minor variations from those standards may be permitted without amendment to this Plan, with the exception of any variations to floor space index, height or environmental standards set out in Chapter 3..."

Policy 9.4.4 VMC Secondary Plan states: “Minor variations from numerical requirements in the plan, with the exception of maximum and minimum heights and densities, may be permitted without an Official Plan Amendment...”

The need for an Official Plan Amendment can be waived

Policies 10.2.1.7 VOP 2010 and Policy 9.4.4 VMC SP require an OPA for increases in height and density beyond the permitted maximums. The need for an OPA is separate from the Section 37 process. Through official plan policies, there is the potential for Council to tie the two processes together and permit increases in height and density without the need for an OPA in conjunction with a Rezoning and Section 37 Contribution.

Proposed OPA Protects Council’s Decision-Making Authority as Granted by Bill 139

To decrease the possibility of Council’s recommendations being appealed to the Local Planning Appeal Tribunal (‘LPAT’), OPA #34 is worded to waive the need for an OPA application when a decision is made on the Rezoning Application.

The Province of Ontario enacted Bill 139 on December 12, 2017, and the legislative amendments to the *Planning Act* came into effect on April 3, 2018. These amendments significantly change the way local planning decisions are reviewed in Ontario and places greater authority on municipal Council decisions.

The following are new processing timelines for applications:

1. For an OPA or a joint OPA/Rezoning application, Council has 210 days to adopt an OPA before the applicant can file an appeal for Council’s failure to make a decision.
2. For Rezoning applications only, Council has 150 days to make a decision on an application before the applicant can file an appeal for Council’s failure to make a decision.

Previously, there was little criteria required to appeal Council’s decision to the LPAT (formerly Ontario Municipal Board).

As per Bill 139, an appeal of a Council decision that was made within the prescribed time line to the LPAT is limited to the following two criteria for OPA and Rezoning proposals:

1. The existing part or parts of the official plan and zoning by-law would be affected by the requested amendment are:
 - inconsistent with the Provincial Policy Statement ('PPS')
 - conflicts with a Provincial plan (e.g. Growth Plan)
 - fails to conform with the applicable Official Plans (e.g. York Region and City Official Plans); and
2. The application is consistent with the PPS, Growth Plan and the applicable official plans

This is the key point to this review. If the LPAT considers the City's VMC Secondary Plan to be consistent with the Provincial Policy Statement and is in conformance with the Growth Plan and York Region's Official Plan; an OPA proposal to increase permitted building height and/or density refused by Council, has limited potential for success at an LPAT appeal because the criteria for an appeal may not have been met.

Under the proposed process, if Council refuses a Rezoning application for an increase to building height and density, the need for an OPA application would not be waived. If the Rezoning application is appealed to the LPAT, the Tribunal could deny hearing the appeal on the basis the proposal fails to conform with the Official Plan.

This may seem onerous to the proponent; however, it does ensure if the proponent wishes to take advantage of Council's decision to waive the need for an OPA, the Rezoning application and Section 37 Contribution are appropriately considered.

The proponent has the option to submit OPA and Rezoning applications along with consideration for a Section 37 Contribution and proceed through the typical process.

The process steps for a Zoning By-law Amendment application to increase building heights and density under the proposed OPA #34 is outlined in Attachment 3.

The proposed OPA #34 could be worded to waive the need for an OPA at the Rezoning application submission and the offer of a Section 37 Contribution; however, under this scenario if Council refuses the application, the proponent could rationalize to LPAT their appeal is justified because the need for an OPA was waived thus the application complies with the City's Official Plan. In this scenario, Council's refusal of the Rezoning application may not be in compliance with the City's Official Plan and could be grounds for an LPAT appeal. This process provides greater certainty to the applicant because the need for an OPA is waived upfront in the process; however, it may reduce the strength of Council's decision.

No Refund for OPA Applications

It would not be appropriate to grant a refund for the Liberty OPA application. The application was administered under previous policies and City staff have fully processed and reviewed this application. When an OPA application is submitted in conjunction with a Rezoning and Section 37 Contribution, a refund is not recommended for the OPA portion of the application if the applications are approved.

Financial Impact

The overall financial impact of OPA #34 will be addressed with other strategic corporate initiatives and a review on the number proponents using this alternative process.

Broader Regional Impacts/Considerations

N/A

Conclusion

Proposed Official Plan Amendment #34 to the Vaughan Metropolitan Centre Secondary Plan will provide an effective and efficient approval process for development applications in the VMC while still decreasing the possibility of Council's recommendations being successfully appealed to LPAT.

For more information, please contact: David Marcucci, Senior Planner – LPAT, Policy and Environmental Sustainability, ext. 8410

Attachments

1. Proposed Official Plan Amendment #34
2. Comments received on OPA #34
3. Recommended Process Steps for a Rezoning Application under the Proposed OPA #34

Prepared by

David Marcucci, Senior Planner – LPAT, ext. 8410

Fausto Filippetto, Manager of Long Range Planning, ext. 8699

Bill Kiru, Director of Policy Planning and Environmental Sustainability, ext. 8633

Attachment 1

**AMENDMENT NUMBER 34
TO THE VAUGHAN OFFICIAL PLAN 2010
OF THE VAUGHAN PLANNING AREA**

The following text constitutes Amendment Number 34 to the Official Plan of the Vaughan Planning Area.

Also attached hereto, but not constituting part of the Amendment, is Appendix “I”.

Authorized by Item No. _____ of Report No. _____
of the _____ (date) _____ Committee of the Whole
Adopted by Vaughan City Council on _____ (date) _____ .

I PURPOSE

The purpose of this Amendment to the Vaughan Official Plan 2010 (“VOP 2010”) is to amend the provisions of the Official Plan of the Vaughan Planning Area, specifically Policy 8.1.23 of Volume 2, Section 11.12 Vaughan Metropolitan Centre Secondary Plan, to include a new provision to permit an increase in building height and/or density for a proposed development through the approval of a Zoning By-law Amendment without the need for an Official Plan Amendment application, only if there is an associated Council supported Section 37 contribution.

II LOCATION

The lands subject to this Amendment, hereinafter referred to as the “Subject Lands”, are all the lands located in the Vaughan Metropolitan Centre Secondary Plan area.

III BASIS

The decision to amend the City of Vaughan Official Plan 2010 Volume 2, specifically Policy 8.1.23 of the Vaughan Metropolitan Centre Secondary Plan (Policy 11.12), is based on the following considerations:

1. The *Provincial Policy Statement 2014*, supports a coordinated, integrated and comprehensive approach when dealing with planning matters within municipalities including:
 - a. managing and/or promoting growth and development; and
 - b. economic development strategies

The Amendment supports the efficient review of development applications and protects City Council's decision-making authority.

2. The *Provincial Growth Plan for the Greater Golden Horseshoe 2017*, identifies an Urban Growth Centre within the Vaughan Metropolitan Centre Secondary Plan area. The Amendment is an internal City procedural Amendment and has no impact to the Growth Plan policies.

3. The York Region Official Plan 2010 (“YROP”) includes policies to encourage effective and efficient processing of development applications. The Amendment supports this objective.

4. VOP 2010 Volume 1 identifies that the Vaughan Metropolitan Centre will become the City's downtown. The Amendment supports the efficient review of development applications within the Vaughan Metropolitan Centre Secondary Plan area.

5. The statutory Public Hearing was held on September 17, 2018. A comprehensive report was ratified by Vaughan Council on (date), when Vaughan Council approved Official Plan Amendment Number 34 (File OP.26.16).

On (date), York Region exempted this Amendment from Regional approval, in accordance with Regional Official Plan Policy 7.2.7, as it does not adversely affect Regional planning policies or interests.

IV DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

The Vaughan Metropolitan Centre Secondary Plan (Section 11.12) is hereby amended by:

1. Amending Policy 8.1.23 (Bonusing) by adding the following new policy “c.” as outlined below:

“(OPA #XX) c. Where the increase of building height and/or density through a Zoning By-law Amendment application is approved by Council, in conjunction with community benefits in accordance with Policy 8.1.23(a) of this Secondary Plan, notwithstanding Policy 9.4.4 of this Secondary Plan, Council has the authority to approve an increase to the building height and/or density of development as otherwise permitted in Schedule I of this Plan, without the need for an Official Plan Amendment to this Secondary Plan.

V IMPLEMENTATION

It is intended that the policies of the Official Plan of the Vaughan Planning Area shall be implemented through future public and private development initiatives.

VI INTERPRETATION

The provisions of the Official Plan of the Vaughan Planning Area, as amended from time to time, regarding the interpretation of that Plan shall apply with respect to this Amendment.

APPENDIX I

This Amendment applies to lands within the Vaughan Metropolitan Centre ("VMC") as identified in the VMC Secondary Plan. On XXXX, 2019 Vaughan Committee of the Whole considered a report with the following recommendations from the Deputy City Manager, Planning and Growth Management to consider City initiated amendments to the VMC Secondary Plan (11.12), which was ratified by Vaughan Council at its meeting on XXXX, 2019

On XXXX, 2019, Vaughan Council adopted the Item XX, Report No. XX, of the Committee of the Whole recommendation to approve Draft Official Plan Amendment, XX File #26.16 thereby approving the following recommendation.

That the Official Plan Amendment, appended as Attachment 1, BE APPROVED, to amend ,....

At the XXXX, 2019, Council Meeting the Final OPA was approved.

Comments Received on OPA #34

CN Rail

From: Susanne Glenn-Rigny <Susanne.Glenn-Rigny@cn.ca>
Sent: September-17-18 4:41 PM
To: Policyplanning <Policyplanning@vaughan.ca>
Subject: Feedback from CN Rail on amendment to VMC Secondary Plan Section 37 Policies - File #26.16

Good afternoon,

My name is Susanne Glenn-Rigny and I am the Senior Officer, Community Planning and Development for CN Rail.

On behalf of CN, I have reviewed the proposed amendments to Section 37 of the VMC Secondary Plan (File 26.16).

CN Rail has no concerns about the proposed changes as long as we will continue to be circulated on zoning changes, and will have an opportunity to work with developers and the City to reduce potential conflicts between our operations at the MacMillan Rail Yard and developments in the VMC area.

Regards,

Susanne Glenn-Rigny, MCIP, RPP, OUQ
Agente principale/Senior Officer
Planification et développement communautaires/
Community Planning and Development
 Affaires juridiques/Law Department
935, rue de La Gauchetière Ouest

Liberty Developments

October 1, 2018

Mr. Stephen Lue
Development Planning
City of Vaughan
2141 Major Mackenzie Dr.
Vaughan, ON L6A 1T1

Dear Mr. Lue:

Re: Section 37 Policies Proposed OPA –Public Meeting – 1930328 Ontario Inc., OP 18.005/Z 18.009

Further to the Public Meeting that was held to consider an OPA to the VMC with respect to Section 37 bonusing, we agree that the modification to height and/or density in the VMC being requested through Section 37 bonusing, should be implemented through a Section 34 zoning by-law amendment as opposed to filing for an OPA.

Prior to filing our OPA amendment for the above noted lands in March 2018, we tried to argue that the OP application was not necessary, however the City at that time required us to file the application. As the conversation regarding this matter arose in Dec. 2017 and we filed our application in March 2018 (while consideration by the City was formally underway), we would request that if this proposed policy is adopted, that it be retroactive to include our development and our OPA application fees be returned in the amount of \$29,700.00. We believe our request is fair under the circumstances. As you continue to review the proposed policy change please consider our comments and our request. As well would you kindly add us to your circulation list for this matter. If you have any questions or need any additional information, please do not hesitate to call.

Yours truly,



Lezlie Phillips

c.c. David Marcucci

Recommended Process Steps for a Rezoning Application under Proposed OPA #34

The following process is for a By-law Amendment ('Rezoning') application that seeks an increase in building height and/or density in the Vaughan Metropolitan Centre District.

1. At the Preliminary Application Meeting for a Rezoning application that seeks an increase in building height and/or density, Development Planning staff will advise the proponent that their proposal will require an Official Plan Amendment ('OPA').

Based on the proponent's decision to contribute towards a Section 37 contribution, they can choose to only submit a Rezoning application.

If the proposal requires amendments to other policies of the Official Plan, other than building height and/or density, an OPA application would be mandatory.

2. Once the Rezoning application is submitted, Development Planning staff will circulate the application noting that an OPA is required and Council has the authority to waive the need for the OPA upon approval of the Rezoning application in conjunction with a Section 37 contribution.

The Public Meeting report will include the above noted information.

3. The final Development Planning staff report will include a recommendation to either approve or refuse the Rezoning application. If Council supports the Rezoning application and the Section 37 contribution, Council will approve a recommendation to waive the need for an Official Plan Amendment.

If Council does not support the Rezoning application, the Rezoning and Section 37 contribution are not approved and the need for an OPA application is not waived.

4. If the Rezoning application is approved, prior to the implementation of the amending zoning by-law, the final Section 37 agreement shall be finalized.

Committee of the Whole Report

DATE: Tuesday, April 02, 2019

WARD: 4

**TITLE: OFFICIAL PLAN AMENDMENT FILE OP.18.014
ZONING BY-LAW AMENDMENT FILE Z.18.021
DRAFT PLAN OF SUBDIVISION FILE 19T-18V008
2748355 CANADA INC. (QUADREAL BLOCK 2)
VICINITY OF INTERCHANGE WAY AND JANE STREET**

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole to permit on the subject lands shown on Attachment 2, a residential development in the Vaughan Metropolitan Centre, as shown on Attachments 4 to 7.

Report Highlights

- The Owner proposes a two-phased residential development consisting of 1,082 units, within:
 - three apartment buildings (12, 15 and 18-storeys with 109.5 m² of grade-related retail)
 - 22 townhouse blocks consisting of stacked, back-to-back and traditional townhouse units
- The Owner proposes an increase in building height (Building 2) in return for a community benefit, pursuant to Section 37 of the *Planning Act*, that includes park enhancements equivalent to \$75,600.00 for the proposed Millway Avenue Linear Park between Interchange Way and Exchange Avenue.
- The Development Planning Department supports the approval of the proposed development as it is compatible with the existing and planned uses of the surrounding area, subject to the conditions of this report.

Recommendations

1. THAT Official Plan Amendment File OP.18.014 BE APPROVED; to amend Vaughan Official Plan 2010 and Volume 2 of the Vaughan Official Plan 2010, specifically the Vaughan Metropolitan Centre Secondary Plan, to:
 - a) increase the maximum permitted tower floor plate size for Building 3 only (maximum 12-storeys) from approximately 750 m² to 891 m²
 - b) permit an increase in maximum building height from 15-storeys to 18-storeys for Building 2
 - c) reduce the facing distance between townhouse blocks from a minimum 18 m to the following:
 - i) 11 m between the front facing walls of stacked and back-to-back townhouse blocks
 - ii) 8 m between the front facing wall and a side wall of another structure
 - d) amend Schedule “D”, Major Parks and Open Space and modify Schedule “K”, Site Specific Policy Area, to include the proposed extension of the Millway Avenue Linear Park along the east side of Street B from Interchange Way to Exchange Avenue and the proposed relocated Public Square from the southwest to the northeast corner of Interchange Way and Street B, as shown on Attachment 4. The relocated Public Square shall be 0.2 ha in size minimum and a width 25 m.
2. THAT Zoning By-law Amendment File Z.18.021 BE APPROVED to:
 - a) amend Zoning By-law 1-88, to rezone the subject lands from “EM1 Prestige Employment Area Zone” and “C10 Corporate District Zone”, subject to site-specific Exception 9(957) to “RM2 Multiple Residential Zone” and “OS2 Open Space Park Zone”, in the manner shown on Attachment 5, together with the site-specific zoning exceptions identified in Table 1 of this report
 - b) permit the bonussing for increased building height for Building 2 of the development shown on Attachment 6 in return for the provision of community benefits, pursuant to the *Planning Act*, the policies of the VOP 2010 and the VMC Secondary Plan, and the City of Vaughan Guidelines for the Implementation of Section 37 of the *Planning Act*, specifically park enhancements to the Millway Avenue Linear Park between Interchange Way and Exchange Avenue equivalent to \$75,600.00 (off-site contribution).
3. THAT the Holding Symbol “(H)” shall not be removed from the Subject Lands, or any portion thereof, until the following conditions are fulfilled:

- a) final approval of Site Development File DA.18.056 has been obtained, in accordance with Section 41 of the *Planning Act* that specifically addresses the following, to the satisfaction of the City of Vaughan:
 - i) the Owner shall adequately resolve the noise matters with the adjacent landowner to the west ('IKEA') and that the Owner and IKEA enter into Minutes of Settlement to address noise mitigations works that are to be incorporated into the site plan through Site Development File DA.18.056, with a copy of the Minutes of Settlement be provided to the City.
- 4. THAT the implementing Official Plan and Zoning By-law Amendments include the provision for a contribution, pursuant to Section 37 of the *Planning Act*, for the park enhancements to the Millway Avenue Linear Park between Interchange Way and Exchange Avenue equivalent to \$75,600.00 (off-site contribution), which will be implemented through the Section 37 Density Bonusing Agreement between the Owner and the City of Vaughan to be executed prior to the enactment of the implementing Official Plan and Zoning By-law Amendments. The Owner shall pay to the City the Section 37 Agreement surcharge fee in accordance with the Tariff of Fees By-law 018-2018 for Planning Applications, prior to the execution of the Section 37 Agreement.
- 5. THAT the Mayor and the City Clerk be authorized to execute the Section 37 Density Bonusing Agreement, pursuant to Section 37 of the *Planning Act*, for the implementation of the community benefits identified in Recommendations 2(b) and 4.
- 6. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law comes into effect to permit adjustments to the implementing zoning by-law.
- 7. THAT Draft Plan of Subdivision File 19T-18V008 BE APPROVED; to facilitate a Draft Plan of Subdivision on the Subject Lands consisting of a residential block, widening of existing streets, two new minor collector streets (Streets A and B), a new local street (Street C), and a new linear park, as shown on Attachment 4, subject to the Conditions of Draft Plan Approval set out in Attachment 1.

Background

The subject lands are located at the south side of Interchange Way and west of Jane Street (the 'Subject Lands') with the surrounding land uses shown on Attachment 2.

Public Notice was provided in accordance with the Planning Act and Council's Notification Protocol

On November 9, 2018, a Notice of Public Hearing was circulated to all property owners within 150 m of the Subject Lands and posted online as follows:

- a) the City's Online Calendar in November and December 2018
- b) On the City Page, which was posted on the City's website in November 2018

Three Notice Signs were installed on the Subject Lands along Interchange Way, Exchange Avenue (Street A) and Street C, in accordance with the City's Notice Signs Procedures and Protocols. At the December 5, 2018, Public Hearing, deputations and written submissions were received from the following:

- Mr. Jay Claggett, IBI Group, representing the Owner
- Ms. Kailey Sutton, McMillan LLP, Bay Street, Toronto, representing IKEA
- Ms. Patricia Carswell, Teledyne Optech Inc., Interchange Way, Vaughan
- Mr. Manish Tailor, Teledyne Optech Inc., Interchange Way, Vaughan.

The comments identified at the Public Hearing related to noise, traffic, access and land use compatibility in proximity to the Subject Lands from the existing commercial and employment uses. Two written deputations were received. One from McMillan LLP on behalf of IKEA Properties Ltd. (the adjacent property to the west) and a second from Teledyne Optech (the adjacent property to the east), as shown on Attachment 2.

a) Noise

Both parties raised comments on noise impacts, specifically; noise generated by IKEA and the impact on the Development, and the construction noise that would be generated by the Development and the impact on Teledyne Optech's business operations.

The current IKEA operation is identified as a Class 1, which meets the noise from stationary source limits in a Class 1 (Urban) Environment, in accordance with the Ministry of Environment, Conservation and Parks ('MECP') noise criteria guideline. The Class 1 designation offers the most stringent noise criteria.

The noise consultants for both the Owner and IKEA have peer reviewed the findings of the submitted Noise and Vibration Feasibility Study and have agreed that the Subject Lands can meet the Class 1 designation with noise mitigation works on the IKEA lands. The required noise mitigation works will be finalized at the site plan stage (Site Development File DA.18.056). The resolution of the

noise mitigation measures, if required off-site, is included in the Recommendations of this report.

Respecting the possible construction impacts that would be generated by the Development on Teledyne Optech's business operations, there has been no further information provided by Teledyne Optech to substantiate this concern. The City maintains the intent of the VMC Secondary Plan that identifies the Subject Lands as a future residential neighbourhood and recognizes there will be a transition from existing operations and the incoming residential communities. To this end, the Owner has undertaken to continue work with Teledyne Optech to minimize the impact of construction on the existing operations through Site Development File DA.18.056.

b) Traffic and Access

The two parties commented on the Owner's submitted Transportation Study as it relates to potential impacts the Development may have on their existing operations. Additional traffic work has been undertaken by the Owner to address these concerns. The Owner will continue to work on minimizing impacts to the surrounding businesses, which will be reported in a future report for Site Development File DA.18.056.

With respect to the comments by Teledyne Optech and access onto Interchange Way, the Owner has amended their Draft Plan of Subdivision to include a separate block (Block 6), as shown on Attachment 4, that will provide a future driveway access to be relocated off Street B at a time in the future if deemed necessary.

c) Land Use Compatibility

Comments were received by Teledyne Optech on land use compatibility of the Development with the surrounding existing industrial buildings and corporate offices, and the proposed building heights against the predominately existing one-storey massing in the area.

IKEA also commented on the interface of their existing loading area with the Development related to the noise that would be generated from that activity and the potential complaints from the future residents.

The VMC Secondary Plan, which was partially approved in June 2017, identified in Policy 9.2.1, Status of Uses Permitted Under Previous Official Plans, "existing land uses throughout the VMC are expected to continue to exist in the near term, and some may remain for the foreseeable future." The introduction of residential uses conforms to the VMC Secondary Plan, which will be discussed later in this

report, and understandably greater building heights and compact built forms are consistent with emerging downtowns.

City Staff and the Owner have worked collaboratively to best address the transition of uses and built form to appropriately reflect the intent of the Secondary Plan. The Owner redesigned their initial development concept to position a new municipal road between IKEA and the future residential uses, have modified their townhouse design to mitigate noise issues and continue to work with IKEA to further mitigate the impacts of the development. Further, the Owner has introduced a linear park between the residential development and Teledyne Optech. This park will not only improve the entire VMC park connectivity and add to the planned parkland network but will provide an additional buffer between the residential uses and Teledyne Optech during this period of transition.

Acknowledging the compatibility of the Development with the surrounding existing uses, the Owner has made substantive efforts to address issues of compatibility in this area of transition and remains committed to work with both IKEA and Teledyne Optech on finalizing the site plan, which will be reported in a future report for Site Development File DA.18.056.

The Recommendations of the Committee of the Whole to receive the December 5, 2018, Public Hearing report and to forward a comprehensive technical report to a future Committee of the Whole meeting was ratified by Council on December 12, 2018.

Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Applications have been submitted to permit the Development

The proposed development (the 'Development') is shown on Attachments 4 to 7, and consists of the following:

- a) three residential apartment (future condominium) buildings with building heights of 18-storeys (Building 2), 15-storeys (Building 2) and 12-storeys (Building 3)
- b) 1,082 residential dwelling units
- c) a Gross Floor Area ('GFA') of 101,845.2 m², including 109.5 m² of grade-related retail
- d) a total of 976 parking spaces of which 934 spaces are provided in three levels of underground parking and 42 visitor parking spaces are provided at grade
- e) 703 bicycle parking spaces (111 short-term and 592 long-term) located underground
- f) 4,102.6 m² of common outdoor amenity areas
- g) a new minor collector road with a 26 m wide right-of-way ('ROW') for Street B
- h) road widening that includes a 23.4 m wide ROW for Exchange Avenue (Street A), 22 m ROW for Street C and the southerly road widening to facilitate the

ultimate 33 m wide ROW along Interchange Way, and a 15 m wide pedestrian mews

- j) a maximum density of 2.65 times the area of the Subject Lands (Floor Space Index - 'FSI').

The Owner has submitted the following applications (the 'Applications') for the Subject Lands shown on Attachment 2 to permit the Development:

1. Official Plan Amendment File OP.18.014 to amend Vaughan Official Plan 2010 and Volume 2 of the Vaughan Official Plan 2010, specifically the Vaughan Metropolitan Centre Secondary Plan, to:
 - a) increase the maximum permitted tower floor plate size for Building 3 only (maximum 12-storeys) from approximately 750 m² to 891 m²
 - b) reduce the facing distance between townhouse blocks from a minimum 18m to the following:
 - i) 11 m between the front facing walls of stacked and back-to-back townhouse blocks
 - ii) 8 m between the front facing wall and a side wall of another structure
 - c) amend Schedule "D", Major Parks and Open Space and modify Schedule "K", Site Specific Policy Area, to include the proposed extension of the Millway Avenue Linear Park along the east side of Street B from Interchange Way to Exchange Avenue and the proposed relocation of the public square from the southwest to the northeast corner of Interchange Way and Street B, as shown on Attachment 3. The relocated public square shall be 0.2 ha in size minimum and a width 25 m.
2. Zoning By-law Amendment File Z.18.021 to rezone the subject lands from "EM1 Prestige Employment Area Zone" and "C10 Corporate District Zone", subject to site-specific Exception 9(957) to "RM2 (H) Multiple Residential Zone" with the Holding Symbol ("H") and "OS2 Open Space Park Zone", in the manner shown on Attachment 5, to permit site-specific zoning exceptions identified in Table 1 of this report.
3. Draft Plan of Subdivision File 19T-18V008, as shown on Attachment 4, consisting of the following:

Block 1 Residential	4.09 ha
Blocks 2 to 4 0.3 m reserves	0.02 ha
Blocks 5 and 7 Park (OS2 Zone)	0.33 ha
Block 6 Pedestrian Mews (OS2 Zone)	0.03 ha
Block 8 Interchange Way road widening	0.07 ha

Streets A to C Roads	1.82 ha
Total	6.36 ha

The Draft Plan of Subdivision application has been submitted to facilitate the creation of the development blocks, road widenings, two new minor collector roads and a new local road.

Previous Reports/Authority

[December 5, 2018, Committee of the Whole \(Public Hearing\), Item 3, Report 31](#)

Analysis and Options

The Development is consistent with the Provincial Policy Statement

The *Provincial Policy Statement* (the 'PPS') 2014, provides policy direction on matters of provincial interest related to land use planning and development. The PPS is applied province-wide and provides direction to support strong communities, a strong economy and a clean, safe, livable, and healthy environment. Part V - "Policies" of the PPS states (in part) the following:

Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, livable and safe communities are sustained by (in part):

- a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) *accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) *promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;*
- e) *improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society; and*
- f) *ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs.*

The Development is consistent with the policies of the PPS and contributes to a healthy, livable and safe community in the following manner:

- the Development would intensify the existing vacant site located in a designated settlement area with a compact built form and density that would contribute to the overall range of housing options in the VMC
- the proposed intensification utilizes the Subject Lands efficiently, takes advantage of existing and planned infrastructure within the built-up area, and reduces land consumption and servicing costs
- the Development will be designed in compliance with the standards set by the Accessibility for Ontarians with Disabilities Act (“AODA”) providing for accessibility for residents and visitors
- the future residents of the Development would have direct access, within a 5-minute walking distance to the Black Creek Channel and the planned future urban park in the southwest quadrant of the VMC, and a 10-minute walking distance to the Edgeley Pond and Park and the VMC Mobility Hub, together providing areas for programmed activities that would encourage an active and healthy lifestyle.

1.1.3.2 Settlement Areas

The vitality of settlement areas is critical to the long term economic prosperity of communities. It is in the interest of all communities to use land and resources efficiently, to promote efficient development patterns, protect resources, and ensure effective use of infrastructure.

1.1.3.2 Land use patterns within settlement areas shall be based on:

- a) *densities and a mix of land uses which:*
 - i) *efficiently use land and resources;*
 - ii) *are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
 - iii) *support active transportation;*
 - iv) *are transit-supportive, where transit is planned, exists or may be developed; and*
- b) *a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.*

1.1.3.3 *Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or*

planned infrastructure and public service facilities required to accommodate projected needs.

- 1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*
- 1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.*
- 1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.*
- 1.1.3.7 Planning authorities shall establish and implement phasing policies to ensure that specific targets for intensification and redevelopment are achieved prior to, or concurrent with, new development within designated growth areas.*

The Development is consistent with the settlement area policies of the PPS as follows:

- the Subject Lands are located in an area that is serviced by infrastructure that is existing, under construction, and planned, which efficiently utilizes land and resources at a density in a designated growth area that would support the surrounding transit investments within the VMC, being the SmartCentres Place Bus Terminal, the VMC Subway Station, and the VivaNext Bus Rapid Transit ('BRT') along Regional Road 7 (the 'higher-order transit')
- the intensification of the Subject Lands provides opportunities to reduce the negative impact of climate change by promoting active transportation through reduced parking ratios and the proximity to public transportation, pedestrian and bicycle friendly environments that encourage walking and cycling
- the VMC is an identified intensification area where municipal services are available and planned to accommodate higher density developments that support population and employment growth projections in the City. The Subject Lands are currently vacant, and the Development contributes to the improvement and efficient utilization of the existing and planned infrastructure
- density targets have been established in the VMC Secondary Plan that are achieved by the Development.

Housing (in part)

1.4.3. *planning authorities shall provide for an appropriate range and mix of housing types and densities to meet the projected requirements of current and future residents of the regional market area by:*

- c) *directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
- d) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*

The Development is consistent with the housing policies of the PPS as it includes 1,082 residential units comprised of one, two and three-bedroom units in high-rise, mid-rise and grade-related (stacked, back-to-back, and traditional towns) built forms that are compact and at a density that efficiently uses land, infrastructure and services. The Development is transit-supportive and would promote active transportation.

Public Spaces, Recreation, Parks, Trails and Open Space (in part)

1.5.1.a) *Healthy, active communities should be promoted by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity.*

The Development is consistent with the public spaces, recreation, parks, trails and open space policies as follows:

- Residents of the Development will be located within a 5-minute walking distance to the Black Creek Channel and the planned future urban park in the southwest quadrant of the VMC, a 10-minute walking distance to the Edgeley Pond and Park and the VMC Mobility Hub, together providing areas for programmed activities that would encourage an active and healthy lifestyle and social interactions. The proposed extension of the Millway Avenue Linear Park would add to the planned parkland network in the VMC. Residents will also have nearby access to the VMC's Mobility Hub, which offers recreational programs and amenities within community facilities and public spaces in advance of the park openings in this quadrant of the VMC. Long and short-term bicycle parking and storage, in addition to cycling facilities, are proposed to be easily accessed to encourage healthy and active travel options. The entire VMC area is being implemented as a pedestrian-oriented and walkable urban downtown.

Infrastructure and Public Service Facilities (in part)

- 1.6.3 *Before consideration is given to developing new infrastructure and public service facilities, the use of existing infrastructure and public service facilities should be optimized.*

The Development is consistent with and will support the Infrastructure and Public Service Facilities policies as it is near significant existing transit infrastructure, the planned Edgeley Pond and Park, the Black Creek Channel, the VMC Mobility Hub's community centre and library and the future park systems in this quadrant of the VMC. Together these facilities become important civic infrastructure that will encourage pedestrian connectivity, focal points for interaction and greater use for the higher-order transit.

Long-Term Economic Prosperity (in part)

- 1.7.1 *Long-term economic prosperity should be supported by:*
- a) *promoting opportunities for economic development and community investment-readiness;*
 - b) *optimizing the long-term availability and use of land, resources, infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities;*
 - c) *maintaining and, where possible, enhancing the vitality and viability of downtowns and main streets;*
 - d) *encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes*

The Development is consistent with the long-term economic prosperity policies of the PPS as the VMC is the City's emerging downtown. It contributes a significant investment that supports the economic prosperity of the VMC. A range of residential unit types are offered that would accommodate additional population within the VMC to support the existing and planned commercial, office and cultural uses.

The Development is consistent with the policies of the PPS, which promotes the efficient use of land, housing options, social interaction, long-term economic prosperity, and supports a healthy community. The Development will take advantage of the public investment in higher-order transit and support alternate modes of transportation such as transit, cycling and walking while using existing infrastructure more efficiently and minimizing land consumption.

The Development conforms to the Provincial Growth Plan for the Greater Golden Horseshoe (2017)

The *Provincial Growth Plan for the Greater Golden Horseshoe* (the 'Growth Plan') is intended to guide the development of land; encourage compact built form, transit supportive communities, diverse land uses, and a range and mix of housing types; and, direct growth to settlement areas that offer municipal water and wastewater systems. The Growth Plan states that a focus for transit and infrastructure investment to support future growth can be provided by concentrating new development in these areas and creating complete communities with diverse housing types.

Managing Growth

Policies 2.2.1.1 and 2.2.1.2 of the Growth Plan state that the forecasted population and employment growth identified will be used for planning and managing growth to the horizon of the Growth Plan, and the forecasted growth will be allocated based on the following:

- a) *the vast majority of growth will be directed to settlement areas that:*
 - i) *have a delineated built boundary;*
 - ii) *have existing or planned municipal water and wastewater systems;*
and
 - iii) *can support the achievement of complete communities;*
- b) *growth will be limited in the settlement areas that:*
 - i) *are undelineated built-up areas;*
 - ii) *are not serviced by existing or planned municipal water and wastewater systems; or*
 - iii) *are in the Greenbelt Area;*
- c) *within settlement areas, growth will be focused in:*
 - i) *delineated built-up areas;*
 - ii) *strategic growth areas;*
 - iii) *locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and*
 - iv) *areas with existing or planned public service facilities;*
- d) *development will be directed to the settlement areas, except where the policies of the Growth Plan permit otherwise; and*
- e) *development will be generally directed away from hazardous lands.*

Policy 2.2.1.4 further states that the Growth Plan will support the achievement of complete communities that:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;*
- c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*
- d) expand convenient access to:*
 - i) a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;*
 - ii) public service facilities, co-located and integrated in community hubs;*
 - iii) an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and*
 - iv) healthy, local, and affordable food options, including through urban agriculture;*
- e) ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards;*
- f) mitigate and adapt to climate change impacts, build resilience, reduce greenhouse gas emissions, and contribute towards the achievement of low-carbon communities; and*
- g) integrate green infrastructure and low impact development.*

The Development includes a mix of housing types that would assist in improving social equity with access to residential units within the means of users with and at varying incomes and stages of life. It would also contribute to the betterment of human health with access to private open spaces, amenity areas and the proposed Millway Avenue Linear Park. The Development would also achieve the population targets set out in the Growth Plan within the VMC and the City's urban boundary and would benefit from the existing and planned infrastructure. The Development focuses new growth through the intensification of an underutilized vacant site that provides a residential development with a pedestrian-friendly environment located near higher-order transit.

The Development would contribute to achieving a complete community by introducing a housing form in the VMC that has direct access to open spaces, amenity areas, and the proposed Millway Avenue Linear Park and the pedestrian mews to serve its residents. The building designs and streetscape would promote a high-quality of life that is focused on the neighbourhood scale where the demand for vehicles is reduced because of the proximity of the Subject Lands to higher-order transit, which would reduce greenhouse gas emissions, and promote walkability and other forms of transportation.

Delineated Built-up Areas

Policy 2.2.2.1 states that by 2031, and for each year thereafter, a minimum of 60% of all residential development occurring annually within York Region will be within a delineated built-up area.

The regional and municipal Official Plans currently do not conform to the Growth Plan policies respecting the intensification target of 60% within built-up areas. York Region's conformity exercise has commenced, with the City's conformity exercise to begin shortly thereafter. In the interim, the Development would assist York Region and the City in meeting the general intensification objectives contained in the in-effect Official Plans, which are based on the 40% intensification target identified in the Growth Plan (2006), while simultaneously contributing to the 60% intensification target in the Growth Plan, by proposing a total of 1,082 residential units within an identified Urban Growth Centre ('UGC').

Urban Growth Centres

Policy 2.2.3.1 states that Urban Growth Centres will be planned:

- a) as focal areas for investment in regional public service facilities, as well as commercial, recreational, cultural, and entertainment uses;*
- b) to accommodate and support the transit network at the regional scale and provide connection points for inter- and intra-regional transit;*
- c) to serve as high-density major employment centres that will attract provincially, nationally, or internationally significant employment uses; and*
- d) to accommodate significant population and employment growth.*

The Development supports the UGC designation by providing residential uses in the VMC that have access to higher-order transit facilities. The residents of the Development would be well-served in the VMC by a full range of uses, including office, commercial and community facilities within walking distance, thereby reducing the need of vehicles, as the downtown builds out.

Transit Corridors and Station Areas

Policy 2.2.4.6 states that within Major Transit Station Areas on priority transit corridors or subway lines, land uses and built form that would adversely affect the achievement of the minimum density targets in this Plan will be prohibited. Policy 2.2.4.8 states that all Major Transit Station Areas will be planned and designed to be transit supportive and to achieve multimodal access to stations and connections to nearby major trip generators by providing, where appropriate:

- a) connections to local and regional transit services to support transit service integration;*
- b) infrastructure to support active transportation, including sidewalks, bicycle lanes, and secure bicycle parking; and*
- c) commuter pick-up/drop-off areas.*

Policy 2.2.4.9 further states that within all Major Transit Station Areas, development will be supported, where appropriate, by:

- a) planning for a diverse mix of uses, including second units and affordable housing, to support existing and planned transit service levels;*
- b) fostering collaboration between public and private sectors, such as joint development projects;*
- c) providing alternative development standards, such as reduced parking standards; and*
- d) prohibiting land uses and built form that would adversely affect the achievement of transit-supportive densities.*

The Development is within a 10-minute walking distance to higher-order transit and contributes to achieving the density target for the VMC. The location of the Subject Lands within a Major Transit Station Area encourages and supports the use of alternative modes of transit, reduces the need for parking, and promotes alternative modes of transportation such as cycling through the provision of bicycle parking facilities within the Development and planned cycling infrastructure within the roadways in the VMC.

The policies of the Growth Plan require the achievement of complete communities that feature a diverse mix of land uses, improved social equity and overall quality of life, provide a diverse range and mix of housing options, access to a range of transportation options, mitigation of climate change impacts and reduced greenhouse gas emissions, and ensure the development of compact built form with an attractive and vibrant public realm.

The Development provides housing options within the VMC that are conveniently accessible. The proximity to higher-order transit facilities, the Mobility Hub, the Edgeley Pond and Park, the Black Creek Channel and the planned park and open space system in the southwest quadrant of the VMC would offer transportation options and promote an active and healthy quality of life for residents and visitors, as Vaughan's emerging planned downtown community.

The Development conforms with the policy framework of the Growth Plan as it makes efficient use of the Subject Lands and existing infrastructure, is located near existing and under construction/planned higher-order transit and provides housing options at a density that supports the transportation investments in the VMC.

The Development conforms to the York Region Official Plan

The Subject Lands are designated "Urban Area" by the York Region Official Plan (the 'YROP') and located within a "Regional Centre."

Objective: To promote an appropriate mix and range of acceptable housing to meet the needs of residents and workers

Policy 3.5.4 of the YROP requires the local municipal Official Plans and Zoning By-law permit a mix and range of housing types, unit sizes and levels of affordability with the mix and range of housing being consistent with the Regional forecasts, intensification and density requirements. Furthermore, Policy 3.5.20 encourages the construction of new residential units with a full mix and range of unit sizes, including family-sized and smaller units.

The Development consists of 1,082 residential units that range from one-bedroom to three-bedroom unit sizes, in high-rise, mid-rise and grade-related (stacked, back-to-back, and traditional towns) built forms that are compact and contribute to a diverse housing stock in York Region. The Development supports the Regional objective regarding the provision of a mix and range of housing.

Objective: To support Regional Centres and Corridors as a focus of economic activity and culture in York Region

Policy 4.2.4 requires a mixed-use pedestrian environment in Regional Centres and Corridors that promote transit use and enhances these areas as destinations for business, entertainment and recreation.

Objective: To create high-quality, sustainable communities

Policy 5.2.5 of the YROP encourages a balance of residential and employment uses to promote working and living in close proximity.

The Development provides a mix of residential uses immediately adjacent to existing and planned employment and commercial uses and near planned open spaces and

community facilities. The Development is accessible to higher-order transit, which would promote the use of the public transit by its residents. The combination of the enhanced streetscape and the introduction of the residential units would complement the existing and planned surrounding commercial, office, retail and community facility uses, thereby contributing to the success of the VMC as a complete community.

Objective: To create vibrant and sustainable urban areas

Policy 5.3.4 of the YROP states that the distance to a transit stop in the Urban Areas is within 500 m for 90% of residents and no more than 200 m for 50% of residents.

The Development is located near higher-order transit (within a 10-minute walk or 800 m), which would provide transit opportunities and choices (i.e. subway, bus terminal, and rapid transit along Regional Road 7) for the future residents to meet their mobility needs.

Objective: To achieve an urban, integrated and connected system of Regional Centres and Corridors

Policy 5.4.5 states that development within Regional Centres and Corridors be of an urban form and design that is compact, mixed-use, oriented to the street, pedestrian- and cycle-friendly, and transit supportive. Policy 5.4.9 states that all new buildings shall front onto streets with main entrances designed to face a public street and provide a pedestrian-friendly urban form. Furthermore, Policy 5.4.16 requires the provision of facilities to encourage an increase in the mode share of cycling trips, such as covered bicycle storage and lockers.

The Development is urban and compact in form. The apartment buildings are oriented and designed to include the main entrances facing a public street, being Interchange Way and Street B, while introducing a neighbourhood-scale housing form (stacked, back-to-back, and traditional towns) that is pedestrian-friendly and is enhanced by the high-quality streetscape and proposed internal network of open spaces and amenity areas. The Development includes a series of on-site long-term and short-term bicycle storage facilities to support and encourage active modes of transportation.

Objective: To achieve complete, diverse, compact, vibrant, integrated and well-designed Regional Centres that serve as focal points for housing, employment, cultural and community facilities, and transit connections

Policy 5.4.19 states that the Regional Centres will contain a wide range of uses and activities, and be the primary focal points for intensive development, that concentrates residential, employment, live-work, mobility, investment, and cultural and government functions. Policy 5.4.20 further identifies that the planning and implementation of Regional Centres will provide the following:

- a) *the greatest intensity of development within the Region;*

- b) *a diverse mix of uses and built form, to create vibrant and complete communities including living, working, shopping, and entertainment opportunities; and*
- c) *mobility choices and associated facilities for all residents and employees for walking, cycling, transit, and carpooling, which shall be supported through the preparation of a mobility plan.*

Policies 5.4.23 and 8.2.3 (Implementation) state that Regional Centres contain the highest development densities and greatest mix of uses in the Region, and shall achieve a minimum density of 3.5 FSI per development block, at and adjacent to, the Vaughan Metropolitan Centre Station on the Spadina Subway Extension.

The Development contributes to the mix of uses planned in the VMC. It would deliver a density that can support the existing surrounding employment and commercial uses, encourages and optimizes the uses of higher-order transit, and facilitates the success of the planned cultural functions (e.g. community facilities) of the VMC. The commercial use proposed at-grade would help meet the immediate needs of the residents of the Development.

The Development conforms to the YROP as it includes a mix of unit types and contributes to a range of housing choices in the City to meet the needs of residents and workers in York Region. It would also support and achieve an urban and integrated transportation system within a Regional Centre as a focus of economic activity and culture and contribute to a high-quality and sustainable community in the VMC.

Amendments to Vaughan Official Plan 2010 and Volume 2 of Vaughan Official Plan 2010 (the VMC Secondary Plan) are required to permit the Development

Vaughan Official Plan 2010 ('VOP 2010') and Volume 2 of the VOP 2010 (the VMC Secondary Plan) designates the Subject Lands "South Precinct". The designation permits the uses in the "Station Precinct", which includes a broad mix of uses and a wide variety of building types, including residential dwellings (apartment units and traditional, back-to-back and stacked townhouses), retail and service commercial. The Development includes residential with limited commercial uses.

The VMC Secondary Plan permits a building height range of three to 10-storeys and a density range of 1.5 to 3 FSI on the Subject Lands. The Development represents a density of 2.65 FSI, which conforms to the density permissions of the VMC Secondary Plan. Policy 8.7.11 affords an increase in building height to 15-storeys for the Subject Lands, which is located along a major arterial street (Interchange Way). The Development conforms to the Official Plan respecting, but not limited to, the proposed use and building height. However, amendments to VOP 2010, specifically the VMC Secondary Plan, are required for the following:

- a) Increase the maximum permitted tower floor plate size for Building 3 only (maximum 12-storeys) from approximately 750 m² to 891 m²
- b) permit an increase in maximum building height from 15-storeys to 18-storeys for Building 2
- c) reduce the facing distance between townhouse blocks from 18 m minimum to 11m between the front facing walls of stacked and back-to-back townhouse blocks and 8m from a front facing wall and a side wall of another townhouse block
- d) amend Schedule “D”, Major Parks and Open Space and modify Schedule “K”, Site Specific Policy Area, to include the proposed extension of the Millway Avenue Linear Park along the east side of Street B from Interchange Way to Exchange Avenue and the proposed relocation of the public square from the southwest to the northeast corner of Interchange Way and Street B, as shown on Attachment 3.

The Development Planning Department supports the proposed amendments to the VOP 2010 and the VMC Secondary Plan

Section 1.5 of the VOP 2010, The Vision for Transformation: Goals for the Official Plan, identified the VMC as a provincially designated UGC, given the location along Regional Road 7 and the terminus of the Toronto-York Subway Extension. The VMC is envisioned to become Vaughan’s downtown with the highest density node in the City and a focus for civic activities, business, shopping, entertainment, and living. Policy 2.1.3.2, Defining Vaughan’s Transformation: Key Planning Objectives, addresses Vaughan’s main land use planning challenges and the management of future growth by directing a minimum of 29,300 residential units through intensification within the built boundary, promoting public transit use by encouraging transit-supportive densities and an appropriate mix of uses along transit routes, and providing a diversity of housing opportunities. Policy 2.2.5, Intensification Areas, identifies the VMC as the City’s downtown that consists of the widest range of uses and buildings of various sizes, including the tallest buildings in Vaughan.

The Subject Lands have access to higher-order transit, which can support the density being proposed. The proposed unit mix would provide housing opportunities at a density target within the VMC that would support public transit and housing diversity in the City.

Policy 9.2.3.2 (e) of the VOP 2010, Townhouses, requires the facing distance between blocks of Townhouses that are not separated by a public street should generally be a minimum of 18 metres in order to maximize daylight, enhance landscaping treatments and provide privacy for individual units.

The Development represents a compact urban form within a provincially designated UGC. The orientation of the townhouse blocks was reviewed to minimize shadow impacts on adjacent properties to the greatest extent possible and to maximize privacy, while recognizing that intensification projects in urban environments typically result in some degree of shadowing cast by built form and loss of privacy. The proposed reduction of facing distances from 18 m to 11 m and 8 m have been limited to distances between the front facing walls of stacked and back-to-back townhouse blocks and distances between a front facing wall and a side wall of another townhouse block, respectively, which can be supported.

The VMC Secondary Plan provides the following objectives for the VMC:

- 3.1 Establish a distinct downtown for Vaughan by 2031 containing a mix of uses, civic attractions and critical mass of people*
- 3.2 Establish complete neighbourhoods containing a variety of housing*
- 3.5 Optimize existing and planned investments in rapid transit*
- 3.10 Ensure all development exhibits a high-quality of urbanity, materials and design*

The VMC Secondary Plan permits a maximum building height of 10-storeys (up to 15-storeys by Policy 8.7.11, Height) and a maximum density of 3 FSI. The proposed density conforms to the Secondary Plan density permissions. The Subject Lands are accessible to higher-order transit. The Development is designed to capitalize on the surrounding public infrastructure and higher-order transit investments within the UGC and contributes an additional 1,082 units that will bring a critical mass to the VMC to support the establishment of a complete neighbourhood (e.g. residential, commercial, community facilities and public transit). The Development satisfies these objectives of the VMC Secondary Plan.

Policy 4.6.3, Parking, states that transit-supportive parking standards for residential and non-residential uses shall be adopted by the City to facilitate development in the VMC and encourage non-automobile travel.

Section 3.8.1 of Zoning By-law 1-88 includes specific parking requirements that reflect the VMC as a high-density and transit-oriented area. The Owner proposes a parking ratio to capitalize on the existing infrastructure that has the capacity to accommodate the Development.

Policy 6.2, Parks and Public Squares, states that the Millway Avenue Linear Park identified on Schedule D, to be built over the underground subway station and tunnel, will be a central civic gathering space in the VMC.

The Development has been reviewed in accordance with Policy 6.2 regarding parks and public squares, specifically the proposed extension of the Millway Avenue Linear Park along the east side of Street B between Interchange Way and Exchange Avenue, and

the relocation and configuration of the public square to the northeast corner of Millway Avenue and Interchange Way at a site that is also currently owned by the Owner. The Owner will be required to work with the Parks Development Department on the design of the Millway Avenue Linear Park extension in accordance with the VMC Streetscape and Open Space Plan, to the satisfaction of the City.

Policy 8.1.2, General Land Use and Density Policies, states that the VMC is intended to accommodate a minimum of 1,500 new retail and service jobs by 2031 as street-related uses on the ground floors of mixed-use buildings. Policies 8.1.3 and 8.1.4 state that the VMC is intended to accommodate a minimum of 12,000 residential units to contribute to the projected population growth to 2031. The policies also encourage a diverse housing mix, including a significant number of households with children.

The Development would accommodate for the planned residential population growth in the VMC with 1,082 new residential units of varying sizes and built forms. The proposed at-grade commercial use, the Millway Avenue Linear Park along Street B, the 15 m wide pedestrian mews and the proposed internal open space and amenity area within the Development, together with the adjacency to community facilities (e.g. VMC Mobility Hub Community Center and library, Edgeley Pond and Park, Black Creek Channel) would support varying households, including those with children.

Section 8.7, Built Form, of the VMC Secondary Plan includes policies for building setbacks, ground floors, building height, massing, and building exteriors. The policies, specifically Policies 8.7.1 to 8.7.25, relate to building design that promotes pedestrian comfort through building façade treatments, lobby frontages, podium and tower designs, and building materiality.

The Owner and the City have made significant effort to ensure the building elevations of the Development would be well articulated with a comfortable pedestrian realm along all frontages of the Subject Lands. This entails a well-articulated podium expression and tower massing, and the specific placement of the building entrances at the ground level with high-quality streetscape treatments.

Policy 8.7.11 permits an increase in building height from 10-storeys to 15-storeys on the Subject Lands. The VMC Secondary identifies that a mid-rise built form ranges from five to 10-storeys in building heights, while a high-rise built form exceeds 10-storeys. Furthermore, Policy 8.7.12, Height, permits variations in building heights in city blocks within the VMC, specifically for designations that permit maximum building heights of 25-storeys. Though the Subject Lands within the South Precinct designation permits a maximum building of 15-storeys, the Owner and the City have worked collaboratively to limit the proposed density within the range in the VMC Secondary Plan. The City is amenable to further increasing the building height of Building 2 to 18-storeys, while maintaining the proposed density of 2.65 FSI, to achieve a built form scale with a successful building height and streetscape relationship, while meeting the intent of

Policy 8.7.12 to provide building height variations within a city block and skyline. The Owner has agreed to this through Section 37 of the *Planning Act*, which will be discussed later in this report.

Policy 8.7.18, Massing, further require tower elements of high-rise residential buildings to be slender and spaced apart from one another to minimize shadow impacts and the loss of sky views, maintain privacy and contribute to an interesting skyline. The maximum residential tower floor plate shall be approximately 750 m², whereas the Owner proposes a maximum tower floor plate size of 891 m², which represents the high-rise portion of Building 3 above the tenth storey. The increase would have limited impact on the streetscape and skyline as the proposed built form is stepped back to achieve the appropriate angular planes that would minimize shadow impacts. The other taller buildings in the Development conforms.

The Development would contribute to a varied skyline within the VMC and introduces a high-rise, mid-rise and low-rise building forms to improve the transition in building heights and introduction of different building typologies. Building setbacks, material treatments, architectural features, and public realm design have been utilized to encourage a comfortable streetscape, varied streetwall, and a pedestrian-first experience.

The Development represents good planning. The Owner will provide community benefits in exchange for increased building height, pursuant to Section 37 of the Planning Act

To facilitate the Development, the Owner proposes to amend the VMC Secondary Plan to increase the permitted building height from 15 to 18-storeys (Building 2). Pursuant to Section 37 of the *Planning Act*, the policies of the VMC Secondary Plan and VOP 2010, and the “City of Vaughan Guidelines for the Implementation of Section 37 of the *Planning Act*”, Vaughan Council may authorize an increase in building height (and density) in return for the provision of community benefits. The Owner has agreed to provide community benefits in exchange for increased building height.

Sections 10.1.2.9 of VOP 2010 and 8.1.23 of the VMC Secondary Plan include policies to permit bonusing for increased building height in return for the provision of community benefits in the form of facilities, services or other matters provided that the following criteria are met:

a) Good Planning

The Development must represent good planning, be consistent with the other objectives of VOP 2010 and the VMC Secondary Plan and ensure consistency with applicable built form and neighbourhood compatibility objectives.

The Development capitalizes on the VMC's locational advantage, being the convergence of the regional bus network (the SmartCentres Place Bus Terminal and the VivaNext BRT) with the Spadina Subway extension into the VMC. The proximity of the Subject Lands to higher-order transit and community facilities is vital in the creation of a high-quality downtown where transit supportive residential and employment densities are developed as vibrant places of activity and major regional destinations.

The Development is consistent with the PPS and conforms to the Growth Plan and the YROP. The increase in the maximum building height reflected in Building 2 of this Development is proposed through Section 37 of the *Planning Act*. Several iterations of design development were required to ensure that the form of development proposed met the policies of the VMC Secondary Plan, to be supported as good planning.

In Section 3 of the City's *Guidelines for the Implementation of Section 37 of the Planning Act*, "good planning" includes addressing all other policies contained in the Official Plan, including urban design policies and objectives, the relationship of the Development to its context, the adjacent streets, the creation of a good public realm, improvements to the public realm adjacent to the site, including off-site improvements and adequate infrastructure. Following a series of collaborative design workshops with the Owner to ensure that the above objectives were met, the Development as shown on Attachments 4 to 7, is determined to represent good planning. The Development is aligned with the following objectives contained in the VMC Secondary Plan:

- i) A downtown: "to establish a distinct downtown for Vaughan by 2031 containing a mix of uses, civic attractions and a critical mass of people."
 - A critical objective of the VMC Plan is to concentrate Development in the new downtown. The Development would contribute to achieving the required critical mass that would develop a strong identity, sense of place, and a population to support the investments in the transit infrastructure and the land uses (i.e. commercial, office, etc.) that would contribute to the diversity of land uses required to create a successful downtown.
- ii) Neighbourhoods: "establish complete neighbourhoods containing a variety of housing."
 - Residential neighbourhoods play an important role in the vibrancy of a downtown including the establishment of distinct, transit-oriented neighbourhoods that provide a range of housing forms to attract a variety of household types at varying incomes. The

Development includes a variety of residential units in high-rise and mid-rise built forms (apartments) and low-rise grade-related housing units with direct access community amenities and parkland (townhouses).

- iii) High transit usage: “optimize existing and planned investments in rapid transit.”
 - The density and proximity of the Development to higher-order transit makes the creation of a high-density downtown possible. The short walking distances to the higher-order transit through the planned network of streets and open spaces would contribute to prioritizing transit and walking as the preferred modes of daily travel in the VMC.
- iv) Generous Open Space System: “develop a generous and remarkable open space system.”
 - The VMC Secondary recognizes the importance of diversity of open spaces in distinguishing the VMC as attractive and livable. It specifically identifies the linked system of parks along Millway Avenue that would provide areas of civic events and that everyone in the VMC should live 5-minutes of a park. The Development proposes the extension of the Millway Avenue Linear Park along the east side of Street B above what is contemplated in Schedule D, Major Parks and Open Spaces, of the VMC Secondary Plan. This extension to the linear park would contribute to this objective.
- v) Design excellence: “ensure all Development exhibits a high quality of urbanity, materials and design.”
 - The Development incorporates an architectural form that frames and addresses the streets. Connectivity has been integrated into the design of the development block with enhanced pedestrian (mews) connections and a comfortable at-grade amenity area. Though refinements will be required along the public realm edges, specifically where the built form interfaces the amenity area and corner plaza, the Development Planning Department is satisfied with the overall built form.

The Development is considered good planning in consideration of the overall existing and planned area context. Therefore, the proposed increase in the maximum building height in return for the provision of community benefits is appropriate.

b) Community Benefits

The community benefits must bear a reasonable planning relationship to the increase in building height and density of the Development. In accordance with Section 37 of the *Planning Act*, Vaughan Council may authorize an increase in building height and/or density of Development otherwise permitted in Schedule I of the VMC Secondary Plan, in return for the provision of community benefits in the VMC. The Official Plan identifies community benefits that may qualify, including:

- Public art contributions;
- Cultural facilities, such as a performing arts centre, amphitheatre or museum;
- Special park facilities and improvements identified by the City as desirable for the area, but which are beyond the City's standard levels of service or facilities; and
- Other community facilities identified by the City as desirable for the VMC, but which are not accommodated in the City's standard levels of service.

In accordance with the City's "Guidelines for the Implementation of Section 37 of the *Planning Act*", the City and the Owner have agreed to the increase in building height (Building 2) in return for a community benefit, pursuant to Section 37 of the *Planning Act*, that includes enhancements equivalent to \$75,600.00 for the proposed Millway Avenue Linear Park between Interchange Way and Exchange Avenue. This contribution is supported by the objectives of the VMC Secondary Plan and would directly benefit and service the open space and parkland needs of the population and workers in this quadrant of the VMC.

c) Adequate Infrastructure

It is the City's intent to deliver the planned and orderly development of the VMC through the provisions of adequate infrastructure that support the increase in building height and density. The infrastructure improvements through the nearby higher-order transit facilities that are currently built or under construction, are all infrastructure improvements that support the Development. The Owner's Section 37 contribution to the Millway Avenue Linear Park would benefit the future residents of the Development and the visitors to the VMC. The City's goal is to achieve a neighbourhood within a true mixed-use downtown.

Should the Applications be approved, the Owner and the City shall execute a Section 37 Density Agreement to permit an increase in the maximum permitted building height, prior to the enactment of the implementing site-specific Official Plan and Zoning By-law. The Owner shall pay to the City the Section 37 Agreement surcharge fee, in accordance

with the Tariff of Fees By-law for Planning Applications. A condition to this effect is included in the Recommendations of this report.

Amendments to Zoning By-law 1-88 are required to permit the Development

The Subject Lands are zoned “EM1 Prestige Employment Area Zone” and “C10 Corporate District Zone”, subject to site-specific Exception 9(957), by Zoning By-law 1-88, which does not permit the Development. The Owner proposes to amend Zoning By-law 1-88, specifically to rezone the Subject Lands to “RM2(H) Multiple Residential Zone” with the Holding Symbol “(H)” and “OS2 Open Space Park Zone.”

The Holding Symbol “(H)”, as shown on Attachment 4, shall not be removed from the Subject Lands, or any portion thereof, until the Site Development File DA.18.056 has been approved by Council, in accordance with Section 41 of the *Planning Act* that specifically addresses the following, to the satisfaction of the City of Vaughan, which are included in the Recommendations of this report:

- a) the Owner shall adequately resolve the noise matters with IKEA and that the Owner and IKEA enter into Minutes of Settlement to address noise mitigations works that are to be incorporated into the site plan through Site Development File DA.18.056, with a copy of the Minutes of Settlement be provided to the City
- b) water supply and sewage servicing capacity, which has been identified by York Region, shall be allocated to the Subject Lands, or portions thereof, by the City of Vaughan.

The Owner also proposes the following site-specific zoning exceptions to permit the Development:

Table 1

	Zoning By-law 1-88 Standards	RM2 Multiple Residential Zone Requirements	Proposed Exception to the RM2 Multiple Residential Zone
a.	Minimum Lot Area	230 m ² / unit	35 m ² / unit
b.	Minimum Front Yard Setback (Interchange Way)	4.5 m	1.5 m
c.	Minimum Rear Yard Setback (Exchange Avenue)	4.5 m	3.1 m

	Zoning By-law 1-88 Standards	RM2 Multiple Residential Zone Requirements	Proposed Exception to the RM2 Multiple Residential Zone
d.	Minimum Exterior Yard Setback	4.5 m	1.4 m (Streets B and C) 1.4 m (Building 3)
e.	Maximum Building Height	11 m	58 m (Building 1) 67 m (Building 2) 47 m (Building 3) 14 m (Townhouse blocks)
f.	Minimum Landscape Strip Width	6 m	1.5 m (Interchange Way) 3.1 m (Exchange Avenue) 1.4 m (Streets B) 1.4 m (Street C)
g.	Portions of Buildings Below Grade (Interchange Way, Streets B and C)	1.8 m	0 m
h.	Permitted Uses	All uses permitted in the RM2 Multiple Residential Zone	In addition to the uses permitted in the RM2 Multiple Residential Zone, the following additional uses shall be permitted: <ul style="list-style-type: none"> • Commercial Use • Retail Use • Eating Establishment • Outdoor Patio associated with an Eating Establishment
			For Building 3 only: <ul style="list-style-type: none"> • Independent Living Facility • Long Term Care Facility

	Zoning By-law 1-88 Standards	RM2 Multiple Residential Zone Requirements	Proposed Exception to the RM2 Multiple Residential Zone
i.	Minimum Amenity Area	<p><u>Bachelor:</u> 15 m² @ 79 units = 1,185 m² +</p> <p><u>One-bedroom:</u> 20 m² @ 353 units = 7,060 m² +</p> <p><u>Two-bedroom:</u> 55 m² @ 401 units = 22,055 m² +</p> <p><u>Three-bedroom:</u> 90 m² @ 249 units = 22,410 m²</p> <p>Total Required Amenity Space = 52,710 m²</p>	Based on 15 m ² / unit @ 1,082 units, regardless of number of bedrooms, the total proposed amenity space area = 16,230 m ² , whereas the Owner proposes to provide a total amenity area of 20,171.2 m ²
j.	Rooms Below Grade	No cellar or part of cellar of any building shall be used as a dwelling unit	Section 4.1.3 of Zoning By-law 1-88 shall not apply
k.	Minimum Parking Space Size	2.7 m by 6 m	2.7 m by 5.7m
l.	Minimum Barrier-free Parking Space Size	Type A: 3.4 m by 6 m Type B: 2.4 m by 6 m	Type A: 3.4 m by 5.7 m Type B: 2.4 m by 5.7 m
m.	Minimum Parking Requirements	<p><u>Commercial Uses</u> 2.5 spaces per 100 m² GFA @ 109.5 m² = 3 spaces</p>	<p><u>Commercial Uses</u> 0 spaces per 100 m² GFA</p>

	Zoning By-law 1-88 Standards	RM2 Multiple Residential Zone Requirements	Proposed Exception to the RM2 Multiple Residential Zone
		<u>Residential Uses</u> Bachelor/One-bedroom: 0.7 space per unit @ 432 units = 303 spaces + Two-bedroom: 0.9 space per unit @ 401 units = 361 spaces + Three-bedroom: 1 space per unit @ 249 units = 249 spaces + Visitor: 0.15 space per unit @ 1,082 units = 163 spaces Total Required Parking = 1,076 spaces	<u>Residential Uses</u> Minimum parking for the apartment residential use shall be based on 0.6 spaces per unit @ 685 units = 411 spaces + Minimum parking for the townhouse residential use shall be based on 1 space per unit @ 397 units = 397 spaces + Minimum parking for residential visitor shall be based on 0.15 space per unit @ 1,082 units = 163 spaces Total Proposed Parking = 971 spaces Total Provided Parking = 976 spaces
n.	Minimum Bicycle Parking Requirements	Short-term bicycle parking shall be located within 35m of a building entrance	Section 3.8.2 c) shall not apply

The Development Planning Department can support the zoning exceptions in Table 1 on the following basis.

a) Site-Specific Development Standards

The proposed zoning standards identified in Table 1 would permit a development that creates a compact built form and pedestrian realm relationship that is supported in an intensification area with access to higher-order transit. The site-specific development standards (lot areas, setbacks, landscape strip widths) are

consistent with the approved development standards related to other high-density developments located in the VMC and will enable the compact built form that is supported by the Development Planning Department.

b) Additional Uses

The introduction of the additional uses is consistent with the policies and the permitted uses in the VMC Secondary Plan, are considered compatible with the planned surrounding uses, implements the VMC Secondary Plan and provides marketing flexibility for the Development.

c) Minimum Amenity Area

The proposed reduction in minimum amenity area is consistent with an urban environment. The Owner proposes to extend the Millway Avenue Linear Park along the east side of Street B, which would directly benefit the residents of the Development.

d) Rooms Below Grade

The permission to permit a portion of a dwelling unit below grade would offer a variation in housing form that is encouraged in the VMC Secondary Plan and is consistent with a compact development in a downtown.

e) Vehicular and Bicycle Parking

The Development Engineering Department has reviewed the Development and advise they have no objection to the proposed parking space size. The 0 spaces per 100 m² GFA for commercial uses can be supported as the commercial area (109.5 m²) is intended to directly serve the local community. The proposed parking and bicycle parking standards have been supported by a Parking Study that has been reviewed by the Development Engineering Department. The findings of the Study are supported by the City.

The Planning Act permits Vaughan Council to pass a resolution to permit a landowner to apply for future Minor Variance application(s), if required, within two years of a Zoning By-law coming into full force and effect

Section 45(1.3) of the *Planning Act* restricts a landowner from applying for a Minor Variance Application(s) to the Vaughan Committee of Adjustment within two years of the day on which a Zoning By-law was amended. The *Planning Act* also permits Council to pass a resolution to allow an Owner to apply for a Minor Variance Application(s) within two years of the passing of a by-law amendment.

Should Council approve Zoning By-law Amendment File Z.18.021, the Development Planning Department, in recognition of the complexity of this Development, has included a recommendation to permit the Owner to apply for a Minor Variance application(s), if

required, prior to the two-year moratorium to address minor zoning deficiencies that may arise through the finalization and construction of the Development.

City Staff have no objection to the Draft Plan of Subdivision, subject to the Conditions of Approval of this report

City staff have no objection to the approval of the Draft Plan of Subdivision (the 'Draft Plan') shown on Attachment 4, subject to the Conditions of Draft Plan Approval included in Attachment 1. The primary purpose of the Draft Plan is to create one residential development block (Block 1) and two new minor collector streets, being Street A (22 m ROW) and Street B (26 m ROW), a new local street being Street C (23.4 m ROW), and a new linear public park that will service the overall Development.

The recommendation report for the related Site Development File DA.18.056 will be subject to approval by Council

Should Council approve the Applications, the recommendation report for the related Site Development File DA.18.056, shown conceptually on Attachment 5, will be subject to a future Committee of the Whole meeting. The Owner will be required to incorporate the noise mitigation measures as it relates to the lands to the west (IKEA). A condition of the removal of the Holding Symbol "(H)" to this effect is included in the recommendations of this report.

The Development Engineering Department has no objection to the Development, subject to the Conditions of Draft Plan Approval and that the Zoning By-law include conditions to be satisfied prior to the removal of the Holding Symbol

The Development Engineering ('DE') Department has provided the following comments regarding the Development, subject to Attachment 1 of this report:

Road Network

The VMC Secondary Plan identifies two new north-south roads (Streets B and C), an east-west local road (Street A) and an east-west pedestrian mews. The DE Department has reviewed the proposed right-of-way widths and the cross-section details, which shall be finalized to the satisfaction of the City and in accordance with the VMC Secondary Plan.

Interchange Way is required to be widened to accommodate a minimum 33 m right-of-way width to support future growth within this quadrant of the VMC. To service the Development, the Owner is required to design and reconstruct a portion of the existing Interchange Way right-of-way. These road improvements would be required to extend past the east and west limits of the Development and would taper back to the existing Interchange Way condition. Additionally, Streets A, B and C shall be designed to their ultimate configurations at right-of-way widths of 22 m, 23.4 m and 26 m, respectively. These roads would support future development growth within this quadrant of the VMC.

Interchange Way is an existing major collector road; Street A is identified as a minor collector road; Street B is identified as a minor collector road; and Street C is identified as a local road, funding for elements of the road improvements are identified in the 2018 City's Development Charges Background Study/Update and may, therefore, qualify for reimbursement from the City-Wide Development Charges funds.

Noise and Vibration Assessment

The Owner has submitted an Environmental Noise and Vibration Feasibility Study, prepared by HGC Engineering ('HGC') and dated July 24, 2018, to verify the noise sources surrounding the Development, which also identified the noise control measures for the Development itself. The analysis considered the traffic on Highway 407, Jane Street, Highway 400, Interchange Way, Regional Road 7, Exchange Avenue, and the numerous surrounding employment, commercial and industrial uses. In addition, IKEA retained a noise consultant who provided a peer review of the proponent's Noise and Vibration Feasibility Study on their behalf to ensure the proximity of the residential development would not have an impact on IKEA's operations with respect to their noise.

As agreed upon by the Owner's and IKEA's noise consultants, the Noise and Vibration Feasibility Study indicated that the Class 1 acoustical environment limits can be achieved for the Development. The Owner and IKEA will be entering into a Minutes of Settlement Agreement to ensure the appropriate noise mitigation measures and designs are implemented into the site plan to ensure that the compatibility between the residential development and IKEA, with respect to noise, is maintained, which is subject to a condition of the Holding Symbol "(H)" and included in the Recommendations for this report.

A detailed Noise and Vibration study will be required through Site Development File DA.18.056. The Owner shall make necessary arrangements to provide noise mitigation on the adjacent IKEA lands including, but not limited to, upgraded façade windows and potentially shielding of the loading area, in order to achieve the Class 1 designation. An agreement between the Owner and IKEA shall be provided to the satisfaction of the City to allow the Owner to mitigate the necessary noise sources on the IKEA lands.

Prior to final approval of the Plan, the Owner shall provide a final Environmental Noise and Vibration Impact Study for review and approval by the City, and the Owner shall agree in the Subdivision Agreement to implement all recommendations of the final Environmental Noise and Vibration Impact Study to the satisfaction of the City, as included in Attachment 1 of this report.

Municipal Servicing

The Development is within the southwest quadrant of VMC Area. The anticipated growth within the VMC Area will result in higher population densities, which will lead to

an increased demand for water, increased wastewater production, and an increase in surface water run-off during rain events. To address this situation, the City has completed a Municipal Servicing Master Plan in 2012, which identifies the preferred strategy for water, wastewater and stormwater servicing for the planned growth within VMC Secondary Plan Area. A Master Environmental Servicing Plan ('MESP') update is being undertaken for the southwest quadrant based on the revised densities being proposed in current and future development applications. The updated MESP will further analyze the sewer capacities and make recommendations for upgrades/improvements to City infrastructure, while considering the overall increased densities of development within the VMC.

The Owner has submitted the Functional Servicing and Stormwater Management Report ('FSR'), prepared by Stantec Consulting Ltd., dated July 2018. Staff reviewed the report and provided comments and the Owner is required to submit an update of the FSR report, to the satisfaction of the DE Department. The foregoing provides an overview of the servicing strategy for the Development:

a) Water Supply

The Development is located within Pressure District 6 ('PD6') of the York Water Supply System. In keeping with the VMC Servicing Strategy Master Plan, the servicing strategy for the Development includes installation of a new 400 mm-diameter along Street A and a new 300 mm-diameter along Street B. Watermain connections to service the Development are proposed along the existing Street C and proposed watermains within the Development. This proposed watermain network conforms to the requirements of the Master Plan and is adequate to service the Development.

b) Sanitary Servicing

In keeping with the VMC Servicing Strategy Master Plan and informed by the updated MESP, the Development has triggered the requirement to replace the existing sanitary sewer on Interchange Way. The servicing strategy and the submitted FSR for the Development recommended the installation of a new 575 mm-diameter to 900 mm-diameter sanitary sewer along Interchange Way between Regional Road 7 and Street C and along Street C, between Interchange Way and Street A, and along Street A between Street C and Street B to service the tributary development in the VMC, including this Development. The proposed sanitary sewer system will be connected and discharged into the existing Jane Street Trunk sewer. The Owner is to enter into a development Agreement and/or a Subdivision Agreement with the City to complete these works. The proposed expansion of the municipal services will be coordinated with the road works.

c) Storm Drainage

The VMC Master Servicing Strategy ('VMCMSS') identified that the existing SWM facility (the 'Interchange Pond') located within the south-west quadrant of the VMC is proposed to be retrofitted in the future to accommodate development within the VMC, which would provide water quality, quantity and erosion control of the southwest quadrant of the VMC including this Development. As part of the overall VMC development, a stormwater management treatment train approach has been adopted. As such, on-site stormwater quantity and water balance controls are required on the Subject Lands. With the on-site controls, the existing stormwater management pond has adequate storage volume to service the Development and new roads without the need for modification or expansion at this time.

The Development will be serviced by a new connection to the proposed upgraded 675 mm-diameter storm sewer on Street C. An on-site storm quantity control facility will be provided to achieve the Toronto and Region Conservation Authority ('TRCA') Humber River Unit Flow Rates.

The updated MESP will state the trigger for when the Interchange Pond retrofit will occur. It will analyze the stormwater management strategy for the south-west quadrant and make recommendations for retrofit/upgrades/improvements to the storm sewer system and any introduction of LIDs.

Area Specific Development Charge

The City completed a Development Charges ('DC') Update Study in 2018. Elements of the infrastructure improvements work may be included in the DC Update Study as an Area Specific Development Charge ('ASDC') By-Law or within the City-Wide DC By-Law. Financial commitments for the Development may be secured through the Subdivision Agreement and will be based on the City's latest available cost estimate for the required infrastructure improvements. ASCDs are in place for sanitary sewer improvements and SWM pond retrofit works but are under appeal. These ASCDs are under review given the updated servicing information being presented in the MESP. The City is working with the northwest and southwest VMC quadrant landowners to coordinate servicing and road improvement works with the objective of establishing a coordinated servicing strategy and cost-sharing agreement.

Environmental Site Assessment

The Owner submitted Phase One and Two Environmental Site Assessment ('ESA') reports for the Development, including an assessment of the road and park lands to be conveyed to the City. The ESA reports were reviewed by the DE Department and no environmental impacts were identified. The Owner is required to obtain a Ministry of the Environment, Conservation, and Parks ('MECP') Record of Site Condition ('RSC') for

the park block lands to be conveyed to the City. The DE Department is satisfied with the ESA reports submitted to date.

Geotechnical and Hydrogeological Report

The Owner shall update the submitted Geotechnical and Hydrogeological Investigation Report for the Development, as necessary. The Report shall recommend the ground water control measures that need to be implemented during the design and construction of the buildings and municipal services, and assessment of potential water quantity/quality effects due to dewatering activities on proposed and existing development. A condition to this effect is included in Attachment 1 of this report.

Servicing Allocation

Servicing capacity is available and will be recommended for allocation at the site plan approval stage through Site Development File DA.18.056 for a total of 1,082 residential units (685 apartment units plus 397 townhouse units = 2,729 persons equivalent) at a future Committee of the Whole meeting.

Energy Infrastructure

Policy 5.2 of the VMC Secondary Plan includes the provision for the implementation of a district energy system to serve public and public developments. This initiative and the infrastructure to support it have not been successfully pursued in the VMC. Therefore, the Owner has not proposed this energy infrastructure, which is acknowledged by the Development Engineering Department.

The DE Department has no objections to the Development and will continue to work with the Owner to finalize all plans and reports subject to the conditions identified in the Recommendations of this report, and the Conditions of Approval identified in Attachment 1 of this report.

The Parks Development Department has no objection to the approval of the Applications

Schedule "D", Major Parks and Open Spaces, in the VMC Secondary Plan, identifies the Millway Avenue Linear Park located between Regional Road 7 and Doughton Road within the southwest quadrant of the VMC. Additionally, a Public Square is identified at the southwest corner of Millway Avenue and Interchange Way. The Parks Development Department acknowledges the Development's predominate residential component and is amenable to the southerly extension of the Millway Avenue Linear Park from Interchange Way to Exchange Avenue (the 'Linear Park Extension') and the relocated Public Square to the northeast corner of Millway Avenue and Interchange Way, as shown on Attachment 3.

The proposed irregular wedged-shaped Linear Park Extension comprises of three blocks (Blocks 5, 6 and 7) that are flanked by Street B, being the extension of Millway Avenue. Conveyance of the Linear Park Extension is partially encumbered by the existing easement

in favour of the Toronto Transit Commission ('TTC') subway tunnel. The Linear Park Extension will remain in an interim condition until the property to the east (Teledyne Optech) redevelops and conveys additional land that would regularize it to have a consistent 25 m width from Interchange Way to Exchange Ave.

The amendment to the VMC Secondary Plan would facilitate a continuous linear park that provide residents with the seamless access to the planned open spaces in the VMC, subject to the following:

- a) the adjacent landowners' requirements have been satisfied
- b) the Linear Park Extension is comprehensively designed with the planned Millway Avenue Linear Park located north of Doughton Road on the west side of Millway Avenue
- c) the relocated Public Square and proposed Linear Park Extension complement and reinforce the function of the VMC open space network
- d) the Owner and the City have agreed in principle that the relocated Public Square land conveyance will maintain the same width (approximately 25 m wide and 0.2 ha in area) as the Linear Park Extension and shall connect Interchange Way to the planned east west Urban Park
- e) in response to the deputation by the landowners to the east (Teledyne Optech) considered at the December 5, 2018, Public Hearing, the Owner proposes to protect a 17 m wide public/vehicular access from Teledyne Optech to Millway Avenue, specifically Block 6 as shown on Attachment 4.

Parks Development supports the amendment of Schedule "D" to the VMC Secondary Plan for the relocation of the Public Square and the additional parkland conveyance of the Linear Park Extension are consistent with the Secondary Plan vision and would contribute to the delivery of 20 hectares of parkland in the VMC, subject to the conditions in Attachment 1.

The Urban Design and Cultural Heritage Division of the Development Planning Department supports the approval of the Development, subject to conditions

In areas that have been cleared of concern for archaeological resources, the Owner is advised that:

- a) Should archaeological resources be found on the Subject Lands during construction activities, all construction activity and work must cease, and the Owner shall notify the Ontario Ministry of Tourism, Culture and Sport and the City of Vaughan Development Planning Department, Urban Design and Cultural Heritage Division immediately
- b) If human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Regional Police Department, the Regional Coroner, the Registrar of the

Cemeteries and Crematoriums Regulation Unit of the Ministry of Consumer and Business Services, and the City of Vaughan Development Planning Department, Urban Design and Cultural Heritage Division.

Should Council approve the Applications, a condition to include the above clauses in the Site Plan Agreement will be included in the recommendations of the future report for Site Development File DA.18.056.

Office of the City Solicitor, Real Estate Department has provided comments

The Office of the City Solicitor, Real Estate Department has advised, “For high-density residential development, the Owner shall convey land at the rate of 1 hectare per 300 units and/or pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland at a rate of 1 ha per 500 units, or at a fixed rate, prior to the issuance of a Building Permit, in accordance with the *Planning Act* and the City’s Cash-in-Lieu Policy.”

The Environmental Services Department, Solid Waste Management Division, has no objection to the Development

The Environmental Services Department, Solid Waste Management Division has advised that upon a successfully completed application, site inspection and executed agreement as determined by the Vaughan Environmental Services Department, Solid Waste Management Division, the future condominium corporation(s) will be eligible for municipal waste collection services. Should the future condominium corporation(s) be deemed ineligible by the City or chose not to enter into an agreement with the City for municipal collection service, all waste collection services shall be privately administered and shall be the responsibility of the future condominium corporation(s). A condition to this effect is included in the Recommendations of this report.

The Toronto Transit Commission (‘TTC’) has no objection to the approval of the Applications

The Subject Lands are located within the development review zone of the Yonge-University Subway Line (Line 1) and is directly adjacent to the existing subway tunnel and an emergency exit building (Building 7), as shown on Attachment 5. The TTC is generally satisfied with the Applications. The TTC has provided conditions for Site Development File DA.18.056, which will be reported on in a future technical report to the Committee of the Whole.

The Canadian National (‘CN’) Railway has no objection the Development

The Subject Lands are within the review area of CN. CN has reviewed the Owner’s Noise and Vibration Feasibility Study. In a letter dated November 19, 2018, CN advised that they have no objection to the Development on March 6, 2019.

NavCanada and Bombardier Aerospace have no objection to the Development

NavCanada, a private sector, non-share Capital Corporation that owns and operates Canada's civil air navigation service and Bombardier Aerospace, owner and operator of the Toronto Downsview Airport, has advised in a letter dated February 26, 2019, of no objection to the Development.

The Ministry of Transportation Ontario has no objection to the Applications, subject to the Conditions of Draft Plan Approval

The Ministry of Transportation Ontario (the 'MTO') has indicated no objection to the Applications, subject to the conditions of draft plan approval, as shown on Attachment 1. The Development is located within the MTO permit control area. Therefore, the *Public Transportation and Highway Improvement Act* regulations apply.

The MTO requires that any new buildings or structures, including internal roads and detention ponds, above and below ground, be setback a minimum distance of 14 m from the Highway 407 property line. MTO permits are required for all buildings, infrastructures and roads located within 46 m from the Highway 407 property line and a radius of 396 m from the centreline of Highway 407 and Jane Street, prior to any construction being undertaken.

Canada Post has no objection to the Development

Canada Post has indicated that it is the Owner's responsibility to contact Canada Post to discuss a suitable mailbox/mailroom location and ensure that Canada Post specifications are met. The Owner is required to supply, install and maintain a centralized mailbox facility.

The School Boards have no objection to the Development

The York Catholic District School Board has advised that they will not require a public elementary school site within the Development. The York Region and the French School Boards have no comments or objections to the Development.

The various utilities have no objection to the Development

Alectra Utilities Corporation has indicated it has no objection to the approval of the Development. It is the Owner's responsibility to contact Alectra and discuss all aspects of the Development with respect to electrical supply, transformer locations, and temporary service requirements.

Enbridge Gas Inc. has no objection to the Development and has advised that it is the Owner's responsibility to contact Enbridge Gas Inc. with respect to the installation and clearance requirements for service and metering facilities.

Rogers Communication Inc. has no objection to the Development.

Bell Canada ('Bell') has no conditions or objections the Development. The Owner is required to contact Bell prior to commencing any work to confirm that enough wire-line communication/telecommunication infrastructure is available. If such infrastructure is unavailable, the Owner shall be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure.

Financial Impact

There are no requirements for new funding associated with these Applications.

Broader Regional Impacts/Considerations

The York Region Official Plan 2010 ('YROP 2010') designates the Subject Lands as "Urban Area" and located within a "Regional Centre" by "Map 1 - Regional Structure." York Region has advised, in the letter dated February 20, 2019, that the amendments to VOP 2010 are a routine matter of local significance and in accordance with Regional Official Plan policy 8.3.8, and that the proposed Amendment does not adversely affect Regional planning policies or interests.

York Region has indicated they have no objections to the Applications, subject to their comments and Conditions of Approval included in Attachment 1.

Conclusion.

The Development Planning Department has reviewed Official Plan and Zoning By-law Amendment Files OP.18.014 and Z.18.021, and Draft Plan of Subdivision File 19T-18V008 in consideration of the policies of the Provincial Policy Statement, the Growth Plan, the York Region and City Official Plan policies, the requirements of Zoning By-law 1-88, comments from City Departments, external public agencies, the public and the surrounding area context. The Development is consistent with the policies of the PPS, conforms to the Growth Plan and the York Region Official Plan, and implements the VMC Secondary Plan.

The Development Planning Department opines that the Applications, when considered comprehensively, are consistent with the Provincial Policy Statement, 2014, conforms to the Growth Plan for the Greater Golden Horseshoe, 2017, and the York Region Official Plan and that the Applications represent good planning. The Development Planning Department recommends that the Applications be approved. On this basis, the Development Planning Department can support the approval of the Applications subject to the Recommendations in this report, and the Conditions of Approval set out in Attachment 1.

For more information, please contact Stephen Lue, Senior Planner, Extension 8210.

Attachments

1. Conditions of Draft Plan Approval

2. Location Map
3. Proposed Amendments to Schedule “D”, Major Parks and Open Space, of the VMC Secondary Plan
4. Draft Plan of Subdivision File 19T-18V008 & Proposed Zoning
5. Conceptual Site Plan
6. Colour Perspective (Interchange Way and Street B)
7. Colour Perspective

Prepared by

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Christina Bruce, Director, VMC Program, extension 8231

/LG

ATTACHMENT 1

**CONDITIONS OF DRAFT APPROVAL
DRAFT PLAN OF SUBDIVISION 19T-18V008 ('THE PLAN')
2748355 CANADA INC. ('THE OWNER')
PART OF LOT 4, CONCESSION 5, CITY OF VAUGHAN**

THE CONDITIONS OF THE COUNCIL OF THE CITY OF VAUGHAN ('THE CITY') THAT SHALL BE SATISFIED PRIOR TO THE RELEASE FOR REGISTRATION OF THE PLAN, ARE AS FOLLOWS:

The Owner shall satisfy the following Conditions of Approval:

1. The Conditions of Approval of the City of Vaughan as set out on Attachment 1a.
2. The Conditions of Approval of York Region set out on Attachment 1b and dated September 26, 2018.
3. The Conditions of Approval of the Ministry of Transportation Ontario set out on Attachment 1c and dated February 26, 2019.

Clearances

1. The City shall advise that the Conditions on Attachment 1a have been satisfied and the clearance letter shall include a brief statement detailing how each condition has been met.
2. York Region shall advise that the Conditions on Attachment 1b have been satisfied and the clearance letter shall include a brief statement detailing how each condition has been met.
3. The Ministry of Transportation Ontario shall advise that the Conditions on Attachment 1c have been satisfied and the clearance letter shall include a brief statement detailing how each condition has been met.

ATTACHMENT 1A
CONDITIONS OF DRAFT APPROVAL

**DRAFT PLAN OF SUBDIVISION FILE 19T-18V008 ('THE PLAN')
2748355 CANADA INC. ('THE OWNER')
PART OF LOT 4, CONCESSION 5, CITY OF VAUGHAN
THE CONDITIONS OF THE COUNCIL OF THE CITY OF VAUGHAN ('CITY') THAT
SHALL BE SATISFIED PRIOR TO THE RELEASE FOR REGISTRATION OF THE
PLAN ARE AS FOLLOWS:**

City of Vaughan Conditions

1. The Plan shall relate to the Draft Plan of Subdivision, prepared by IBI GROUP, File No. 117698 and dated February 15, 2019.
2. The lands within this Plan shall be appropriately zoned by a Zoning By-law which has come into effect in accordance with the provisions of the *Planning Act*.
3. The Owner shall pay all outstanding application fees to the City's Development Planning Department, in accordance with the in-effect Tariff of Fees By-law.
4. The Owner shall enter into a Subdivision Agreement and Development Agreement, if necessary, with the City to satisfy all conditions, financial or otherwise of the City, regarding such matters as the City may consider necessary, including the payment of development charges, the provision of roads and municipal services, landscape, financial securities, and land conveyance. The said Agreement shall be registered against the lands to which it applies.
5. The road(s) allowances included within the Plan shall be dedicated as public highways without monetary consideration.
6. The road allowances included in the Plan shall be named to the satisfaction of the City and York Region.
7. The road allowances included in the Plan shall be designed in accordance with the City's standards for road and intersection design, temporary turning circles, daylighting triangles, and 0.3 m reserves, as required. The pattern of the streets and the layout of blocks shall be designed to correspond and coincide with the pattern and layout of abutting developments.
8. Any dead ends or open sides of road allowances created by the Plan shall be terminated in 0.3 m reserves, to be conveyed to the City without monetary consideration and free of all encumbrances, to be held by the City until required for future road allowances or development of adjacent lands.

9. Easements as may be required for utility, drainage or construction purposes shall be granted to the appropriate authority(ies), free of all charge and encumbrance.
10. The Owner shall agree in the Subdivision Agreement that no Building Permit(s) will be applied for or issued until the City is satisfied that adequate road access, municipal water supply, sanitary sewers, and storm drainage facilities are available to service the Development.
11. Prior to final approval of the Plan, the Owner shall pay its proportionate share of the cost of any external municipal services that have been designed and oversized by others to accommodate the Development. The City agrees to utilize its reasonable efforts to recover the Owner's costs of any external municipal services that have been designed and oversized by the Owner to accommodate any benefitting owners.
12. Prior to final approval of the Plan, the Owner shall submit a revised environmental noise assessment, prepared in accordance with MECP NPC-300 for review and approval by the City. The preparation of the revised environmental noise assessment shall include the ultimate traffic volumes associated with the surrounding road network and stationary noise sources on adjacent commercial/employment uses. The Owner shall agree in the Subdivision Agreement to carry out, or cause to carry out, the recommendations set out in the approved revised environmental noise assessment and include the necessary warning clauses in all Offers of Purchase and Sale or Lease, to the satisfaction of the City.
13. The following warning clauses shall be included in all Offers of Purchase and Sale or Lease for all Lots and/or Blocks within the Plan:
 - a) "Purchasers and/or tenants are advised that despite the inclusion of noise control features within the development area and within individual units, noise levels from construction activity may continue to be of concern occasionally interfering with some activities of the building occupants."
 - b) "Purchasers and/or tenants are hereby put on notice that the *Telecommunications Act* and the CRTC authorize telephone and telecommunication facilities and services to be provided by telecommunication carriers other than traditional carriers for such services and that purchasers and tenants are advised to satisfy themselves that such carriers servicing the lands provide sufficient service and facilities to meet their needs."

14. The Owner shall dedicate all roads, daylight triangles, and road widenings included within the Plan as public highways without monetary consideration and free of all encumbrances.
15. The Owner shall agree in the Subdivision Agreement that the construction access shall be provided only in a location approved by the City. Construction staging areas, staging and construction vehicle parking plans shall be approved by the City.
16. Prior to final approval of the Plan, the Owner shall convey all necessary easements as may be required for utility, drainage or construction purposes to the appropriate authority(ies), free of all charge and encumbrance.
17. Prior to final approval of the Plan, the Owner shall submit to the City for review and approval a detailed geotechnical report, hydrogeological report, and dewatering report, to the satisfaction of the Development Engineering Department, which shall address but not limited to the following:
 - a) a dewatering report/plan, necessary contingency plan, monitoring and reporting program during and after completion of the construction
 - b) assessment of the potential for impact to the existing building structures in vicinity of the proposed development due to dewatering operation
 - c) design considerations for municipal services and structures
 - d) the recommendations including pavement design structure for ideal and non-ideal conditions.
18. Prior to final approval of the Plan, the Owner shall prepare construction drawings for review and approval, details of the sewer and water system, plan and profile drawings within and along the development limit, intersection of Street B / Street A / Street C / Interchange Way. The Owner agrees to adjust the Block and road property limits on the final Plan based on the approved road alignment and right-of-way width, to the satisfaction of the City.
19. Prior to earlier of the initiation of any grading or registration of the Plan, the Owner shall submit to the City for review and approval a detailed engineering report that conforms with the VMC Master Servicing Strategy Study, to the satisfaction of the City. The detailed engineering report shall describe the storm drainage system for the Development within the Plan and include the following:
 - a) Plans illustrating how this drainage system will tie into surrounding drainage systems, and indicating whether it is part of an overall drainage

scheme, how external flows will be accommodated, and the design capacity of the receiving system

- b) the location and description of all outlets and other facilities
- c) storm water management techniques which may be required to control minor or major flows
- d) proposed methods of controlling or minimizing erosion and siltation onsite and in downstream areas during and after construction
- e) scope and timing of the existing Interchange stormwater management pond
- f) storm sewer improvements and Low Impact Development ('LID').

The Owner shall agree in the Subdivision Agreement to carry out, or cause to carry out, the recommendations set out in all the aforementioned reports to the satisfaction of the City.

- 20. The Owner shall relocate or decommission any existing municipal infrastructure or utilities, whether internal or external to the Plan to facilitate the Plan, at its own expense, to the satisfaction of the City.
- 21. The Owner shall agree in the Subdivision Agreement to design, purchase material and install a buried hydro distribution system for the LED street lighting system in the Plan in accordance with City Standards and specifications and the VMC requirements, to the satisfaction of the City.
- 22. The Owner shall agree in the Subdivision Agreement to maintain adequate chlorine residuals in the watermains within the Plan after successful testing and connection to the potable municipal water system and continue until determined by the City or until assumption of the Plan. To maintain adequate chlorine residuals, the Owner will be required to retain a licensed water operator to flush the water system and sample for chlorine residuals on a regular basis determined by the City. The Owner shall be responsible for the costs associated with these activities including the metered consumption of water used in the program.
- 23. Prior to final approval of the Plan, the Owner shall provide a copy of the fully executed Subdivision Agreement to:
 - a) Toronto and Region Conservation Authority ('TRCA')
 - b) York Region District School Board
 - c) York Catholic District School Board

- d) Canada Post
 - e) Canada National Railway ('CN')
 - f) Municipal Property Assessment Corporation ('MPAC')
 - g) Alectra Utilities Corporation
 - h) Enbridge Gas
 - i) the appropriate telecommunication provider
 - j) NavCanada
 - k) Bombardier Aerospace
 - l) Ministry of Transportation Ontario ('MTO')
 - m) York Region.
24. The Owner shall prepare, and the Development Engineering Department shall approve the final site servicing and grading plan, erosion control plan, functional servicing and stormwater management reports and drawings, site illumination plan, utility coordination plan, geotechnical and hydrogeological reports, Traffic Impact Study ('TIS'), and Transportation Demand Management ('TDM') Plans. Additional information and documents may be required. The Owner shall agree in the Subdivision Agreement to implement the recommendations of these reports and plans in the Plan to the satisfaction of the City.
 25. Prior to final approval of the Plan, the Owner shall submit, to the satisfaction of the City, a listing prepared by an Ontario Land Surveyor of all the Block areas, frontages and depths in accordance with the approved Zoning By-law for all Blocks within the Plan.
 26. Prior to final approval of the Plan, the Owner's Consultant shall certify that the roads and municipal services within the Plan have been designed to comply with the approved Functional Servicing Report, Master Servicing Strategy Study for the VMC, and Transportation Master Plan.
 27. Prior to final approval of the Plan, the Owner shall provide confirmation that satisfactory arrangements have been made with a suitable telecommunication provider(s) to provide their services, and if required within the municipal right-of-way at the approved locations and to the satisfaction of the City. The Owner shall provide a copy of the fully executed Subdivision Agreement to the appropriate telecommunication provider(s).
 28. Prior to final approval of the Plan, the Owner shall satisfy the following:

- a) provide a functional road/intersection analysis/design to address the right-of-way under ultimate development conditions. The required road allowances shall be designed in accordance with the City and York Region's standards for road and intersection design
 - b) provide a phasing and implementation plan, which includes details concerning such matters as the ultimate and interim traffic and transportation system, storm water management, and servicing to the satisfaction of the City and York Region and it should specify the required infrastructure improvements and development triggers to support the development of the subject lands
 - c) submit an updated detailed Traffic Impact Study addressing all the transportation related comments as detailed below to inform the detailed design of Streets A, B and C:
 - i) a signal warrant analysis for the intersection of Interchange Way and Millway Avenue for the interim conditions. If signalization is warranted for the interim condition at this intersection, the Owner shall design and construct an interim traffic signal at this location to the satisfaction of the City at the expense of the Owner
 - ii) A revised Transportation Demand Management (TDM) Plan to the satisfaction of the City of Vaughan's Development Engineering department and York Region. This shall include detailing the proposed TDM program including management and monitoring of the proposed TDM measures
 - d) submit engineering plans showing, as applicable, all sidewalk locations and YRT/Viva standing area and shelter pad subject to YRT/Viva approval, to the satisfaction of the City and York Region.
29. Prior to final approval of the Plan, the Owner shall confirm that the necessary provisions of the *Environmental Assessment Act* and Municipal Class Environmental Assessment for Municipal Roads, Water and Wastewater Works as they may apply to the proposed primary roads and related infrastructure matters have been met.
30. The Owner shall agree in the Subdivision Agreement to pay its proportionate share of the cost associated with implementing the recommendations of the approved VMC Master Servicing Plan to the satisfaction of the City. Financial commitments will be secured based on the City's latest available cost estimates for the required infrastructure improvements.

31. The Owner shall agree in the Subdivision Agreement to design and construct at no cost to the City the municipal services and storm water drainage infrastructure for the Plan, in accordance with the final recommendations and conclusions of the approved VMC Master Servicing Strategy and City standards, to the satisfaction of the City.
32. Prior to the earlier of either the final approval of the Plan, the conveyance of land, or any initiation of grading or construction, the Owner shall implement the following, to the satisfaction of the City:
 - a) submit a Phase One ESA report and, if required and as applicable, a Phase Two ESA, Remedial Action Plan ('RAP'), Phase Three ESA report in accordance with Ontario Regulation (O.Reg.) 153/04 (as amended) for the lands within the Plan. The sampling and analysis plan prepared as part of the Phase Two ESA, Phase Three ESA, and RAP shall be developed, implemented and completed in consultation with the City
 - b) for park/open space block(s) that are being conveyed to the City, submit a Phase Two ESA report in accordance with O.Reg. 153/04 (as amended) assessing all park/open space block(s) in the Plan for contaminants of concern to the satisfaction of the City. On-site sampling of the park/open space block(s) shall be conducted only after the City has certified the rough grading of the park/open space block(s), but prior to the placement of topsoil and landscaping. The sampling and analysis plan prepared as part of the Phase Two ESA shall be developed, implemented, and completed in consultation with the City
 - c) should a change to a more sensitive land use as defined under O. Reg. 153/04 (as amended) or remediation of any portions of lands within the Plan be required to meet the applicable Standards set out in the MOE document "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the *Environmental Protection Act*" (as amended), submit a complete copy of the satisfactory registration of the Record(s) of Site Condition ('RSC's) filed on the Environmental Site Registry including the acknowledgement letter from the MOE, covering all the lands within the Plan
 - d) submit a certificate letter prepared by the Owner's Qualified Person stating that the Owner covenants and agrees that all lands within the Plan and any lands and easements external to the Plan to be dedicated to the City and York Region were remediated in accordance with O. Reg. 153/04 (as amended) and the accepted RAP (if applicable), are suitable for the intended land use, and meet the applicable Standards set out in the MOE

document "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the *Environmental Protection Act*" (as amended)

- e) Reimburse the City for the cost of the peer review of the ESA reports and RAP, as may be applicable.
33. The following warning clause shall be included in all Offers of Purchase and Sale or Lease for Lots and Blocks on the Plan.
- a) Purchasers and/or tenants are advised that Street B will be extended northerly in the future in accordance with VMC Secondary Plan to facilitate development of adjacent lands without further notice."
 - b) "Purchasers and/or tenants are advised that Street A will be extended westerly in the future in accordance with VMC Secondary Plan to facilitate development of adjacent lands without further notice."
34. The following warning clauses shall be included in the Agreement of Purchase and Sale, Condominium Declarations, Condominium Agreement(s) and Subdivision Agreement:
- a) "Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasion interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the City and the Ministry of the Environment, Conservation, and Parks."
 - b) "This dwelling unit has been supplied with a central air conditioning system which will allow windows closed and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the City and the Ministry of the Environment, Conservation, and Parks."
 - c) "Purchasers/tenants are advised that due to the proximity of the nearby commercial/office/retail facilities, sound levels from these facilities may at times be audible."
 - d) "Purchasers are advised that due to the proximity of the nearby IKEA store and warehouse, sound levels from these facilities may at times be audible."
35. Prior to earlier of the initiation of any grading or construction on the Plan, the Owner shall install erosion and sediment control. The erosion and sediment control plan shall be designed and approved to the satisfaction of the City.

36. Prior to earlier of the registration of the Plan or commencement of construction on the lands, the Owner shall provide plans and designs for the grading of the lands, the roads, and municipal services to the satisfaction of the City.
37. Prior to commencement of construction, the Owner shall obtain necessary approvals from MECP for all sewage works that service the Development including, but not limited to, proposed stormwater management facilities (sewers, underground storm tank and oil and grit separator), sanitary sewers and watermain.
38. The Owner shall enter into an agreement with the adjacent landowner ('IKEA') to provide the necessary noise mitigation measures on the IKEA site, all to the satisfaction of the City.
39. The Owner shall agree in the Subdivision Agreement to design and construct Streets A and B, together with their associated services (including watermain, sanitary sewer, storm sewer), to the satisfaction of the City. Components of these road works are considered growth related and included in the 2018 City's Development Charges Background Study.
40. The Owner shall agree in the Subdivision Agreement to design, replace, and construct to the approved engineering drawings the necessary road improvements along Interchange Way, together with their associated services (including watermain, sanitary sewer and storm sewer), to the satisfaction of the City. Components of these road works are considered growth related and included in the 2018 City's Development Charges Background Study.
41. The Owner shall agree to enter into a Development Agreement / Subdivision Agreement to design, replace, and construct to the approved engineering drawings the sanitary sewer improvements along Interchange Way from Regional Road 7 to Street C, and along Street C from Interchange Way to Street A, and along Street A from Street C to Street B to service the Plan, in accordance to the VMC Master Servicing Strategy and updated MESP, all to the satisfaction of the City. ASDCs are in place for these sanitary sewer improvements but are under appeal.
42. The Owner shall design and construct the following streetscape works in accordance with City standards, the "City-wide Streetscape Implementation Manual" and "VMC Streetscape & Open Space Plan" (collectively, the "Streetscape Guidelines"), to the satisfaction of the City. The streetscape works shall also be designed and constructed to complement and be coordinated with the design and construction of the Millway Avenue boulevard works installed north of Regional Road 7, to the satisfaction of the City.

43. The Owner shall design and construct:
- a) the streetscape along the south side of Interchange Way from the local north-south road (Street C) to Millway Avenue (Street B) at a standard urban level of service to the satisfaction of the City (the 'South Interchange Way Works')
 - b) the streetscape along both the west and east sides of Millway Avenue (Street B) from Interchange Way to Exchange Avenue (Street A) at a premium level of service to the satisfaction of the City (the 'Millway Avenue Works')
 - c) the streetscape along both the west and east sides of Street C from Interchange Way to Street A at a standard urban level of service to the satisfaction of the City (the 'local road Works'). The Owner shall provide additional plantings and landscape treatment along the west side of the local road to provide increased visual and noise buffering from the adjacent property, to the satisfaction of the City
 - d) the streetscape along the north side of Street A from Street C to Street B at an enhanced urban level of service to the satisfaction of the City (the 'Exchange Avenue Works')
 - e) the streetscape within the pedestrian mews from Street C to Street B at an enhanced level of service to the satisfaction of the City (the 'Mews Works'). The Owner shall provide a seamlessly designed landscape that is coordinated with the adjacent streetscapes and surrounding private realm open space, to the satisfaction of the City.

The South Interchange Way Works, Millway Avenue Works, north-south local road Works, Exchange Avenue Works, and Mews Works are collectively referred to herein as the 'Streetscape Works.'

44. The Owner shall agree to design and construct both street lighting and pedestrian scale lighting to the satisfaction of the City. The streetlight system shall use LED luminaire, pole type and type of fixtures (or equivalent) in accordance with the City Standards and Specification and the City's Streetscape/Open Space Master Plan.
45. Prior to final approval of the Plan, the Owner shall prepare detailed streetscape and open space construction drawings as part of the subdivision construction drawing package based on the Streetscape and Open Space Plan, to the satisfaction of the City. Streetscape cost estimates shall be submitted to the

satisfaction of the City. Securities will be taken based on the full cost of the works.

46. In the event that there is additional work or increases in the cost of the Streetscape Works attributable to unforeseen circumstances or other problems encountered during construction by the Owner, the Owner shall notify the City but the Owner shall not be obligated to obtain the City's consent to authorize such additional work or increase in the cost of the Streetscape Works, except for major changes that exceed ten percent (10%) of the original cost of any one item in the construction contract for the project, in which case the City's consent shall be required. As construction proceeds, the Owner shall produce, if requested, copies of all supplementary contracts and change orders to the City for information.
47. Components of the South Interchange Way, Street B and Street A urbanization are included as City-wide Development Charge Projects in the 2018 Development Charges By-Law as required to service growth within the VMC Secondary Plan Area. In accordance with this section, the Owner may be entitled to a Development Charge reimbursement for a portion of its costs related to the design and construction of the South Interchange Way, Millway Avenue and Exchange Avenue Works, as described as Area "C" in Schedule "P4".
48. When the construction of the Streetscape Works has been substantially completed to the satisfaction of the City, the Owner shall provide the City with the following information:
 - a) a certification from a registered consulting engineer and a registered landscape architect that confirms that the Streetscape Works have been constructed in accordance with the approved Construction Drawings, City standards and specifications, sound engineering practices, and the Streetscape Guidelines
 - b) a detailed breakdown of the final as-constructed costs of the Streetscape Works certified by a professional consulting engineer to the satisfaction of the City
 - c) a Statutory Declaration from the Owner confirming that all accounts in connection with the design and construction of the Streetscape Works have been paid in full and that there are no outstanding claims related to the subject works
 - d) a complete set of 'As Constructed' Construction Drawings for the Streetscape Works to the satisfaction of the City

- e) copies of all final executed construction contracts, approved contract extras and change orders related to the construction of the Streetscape Works to the satisfaction of the City
 - f) copies of all quality assurance test results, supplementary geotechnical reports and construction related reports.
49. Upon completion of the South Interchange Way, Millway Avenue and Exchange Avenue Works and receipt of final actual cost certified by the consultant, the City shall reimburse the Owner the lesser of fifty percent (50%) of the final actual certified cost of the South Interchange Way (\$95,645.00) and Millway Avenue and Exchange Avenue Works or total of \$624,258.50.00 when funds for the South Interchange Way, Millway Avenue (\$241,956.00) and Exchange Avenue (\$286,657.50) Works are available and included in an approved capital project.
50. The Owner shall indemnify and save harmless the City and/or their employees from all actions, causes of actions, suits, claims and demands whatsoever which may arise directly or indirectly by reason Streetscape Works or service provided under the Subdivision Agreement.
51. Prior to final approval of the Plan, the Owner shall submit an analysis of tree soil volumes demonstrating that each tree planted has met the minimum requirement of 20 cubic meters of growing medium in a shared tree pit or 30 cubic meters of growing medium in a stand-alone tree pit. to encourage the growth of large caliper shade trees, to the satisfaction of the City.
52. Prior to final approval of the Plan, the Owner shall provide a tree preservation study to the satisfaction of the City. The study shall include an inventory of all existing trees, assessment of significant trees to be preserved and proposed methods of tree preservation. The Owner shall not remove trees without written approval by the City.
53. The Owner shall agree in the Subdivision Agreement to convey a public access easement to the City free of cost and encumbrances over the pedestrian mews, registered on title. The Owner shall indemnify and save harmless the City and/or their employees from all actions, causes of actions, suits, claims and demands whatsoever which may arise directly or indirectly by reason of the pedestrian mews or service provided under this Agreement.
54. Parkland shall be dedicated in accordance with By-Law 139-90, as amended by By-law 205-2012 and the policies outlined in Section 7.3.3 of VOP 2010, Parkland Dedication, to the satisfaction of the City.

55. The Owner shall dedicate parkland and/or pay to the City by way of certified cheque, cash-in-lieu of the dedication of parkland at a rate of 1 ha per 500 units, or at a fixed rate, prior to the issuance of a Building permit, in accordance with the *Planning Act* and the City's cash-in-lieu Policy. Parkland credit calculation will be affected by any existing and/or proposed land encumbrances. Real Estate department will assess the credits based on any present easements and/or other type of encumbrances.
56. The Owner shall provide boundaries of proposed Linear Park dedication and the total size of individual blocks in a chart format. The parkland dedication chart shall provide sufficient information and as determined by the City to be used for valuating, determining, and identifying the total amount of the final Linear Park conveyance or payment representing the cash-in-lieu of parkland dedication to the City.
57. The Owner shall consult with the TTC to confirm the design opportunities and constraints within the portions of land that are affected by the York Region/TTC Subway tunnel easement(s) and design the park accordingly, to the satisfaction of the City.
58. Prior to the final approval of the Plan, the Owner shall agree to develop the base requirements for Park Blocks 5, 6 and 7 (the Linear Park), to the satisfaction of the City.
59. Given the interim condition of the Linear Park, the City shall only contribute Development Charges for the supply and installation of the proposed playground facility, which can be relocated in the future, once the Linear Park is constructed to its final condition. The City growth related budget included in the approved 2018 Development Charges Background Study is an upset limit of \$310,000 (plus applicable taxes) and may be only spent on playground facility items that are not temporary in nature. As such any of the following works, but not limited to, are excluded:
 - a) playground surfacing and/or drainage
 - b) tree planting
 - c) softscape and hardscape.

Supporting payment information will be required by the City upon the Owner's request for payment for the playground facility (after Substantial Performance has been issued and subject to no outstanding deficiencies).

60. Any additional park improvement works proposed by the Owner, shall be planned, designed and constructed to the satisfaction of the City, and at no cost to the City.
61. Prior to the final approval of the Plan, the Owner shall complete the Linear Park planning, design, permits and approvals tasks, to the satisfaction of the City. The tasks include, but are not limited to:
- a) the finalization of the detailed design drawings and construction documents prepared in consultation with and approved by the City. The plans are to be completed, to the satisfaction of the City, by a registered Landscape Architect, certified engineers and any other certified design specialty, and are required to provide enough information to be adequately constructed and conveyed to the City for its operation and maintenance
 - b) the preparation of a cost estimate identifying park design elements prior to Issuing for Tender
 - c) the preparation and submission of a construction schedule with clear milestones including, but not limited to, the following construction tasks:
 - i) base works
 - ii) specialized works
 - iii) landscape works (softscape, planting and hardscape)
 - iv) park facilities installation
 - v) substantial performance
 - vi) opening date
 - vii) conveyance to City
 - viii) final inspection prior to assumption and warranty period (two years for hardscape, furnishing and park facilities, and two growing seasons for all planting material).
62. It is the intent of the City that development of the Linear Park shall be coordinated with residential development to provide park facilities to the residents in a timely manner. The timing of these works shall be completed by no later than occupancy of Phase 1 so that the Linear Park is open to the public at this time.
63. The following warning clause shall be included in the Agreement of Purchase and Sale, Condominium Declarations, Condominium Agreement(s) and Subdivision Agreement:

“Purchasers and/or tenants are advised that the parkland may not be fully developed at the time of occupancy. The timing of development, phasing and programming of parkland is at the discretion of the City.”

64. Prior to final approval of the Plan, for open space block(s) that are being conveyed to the City, the Owner shall implement and/or deliver the following, to the satisfaction of the City:
- a) submit a Phase Two ESA report in accordance with O. Reg. 153/04 (as amended) assessing all park/open space block(s) in the Plan for contaminants of concern to the satisfaction of the City. On-site sampling of the park/open space block(s) shall be conducted only after the City has certified the rough grading of the park/open space block(s), but prior to the placement of topsoil and landscaping. The sampling and analysis plan prepared as part of the Phase Two ESA shall be developed, implemented, and completed in consultation with the City
 - b) ensure compliance with the updated Engineering Design Criteria and Standard Drawings Manual. A minimum of 3 boreholes are required for Park Block 5, 1 borehole for Park Block 6, and 3 boreholes for Park Block 7. Boreholes are to be taken at regular intervals along the full length of the Park Blocks. Borehole reports will indicate soil type, water content, and density (general compaction). All samples are to be tested in a laboratory to determine their physical properties, including levels of various chemical elements and contaminants. Should additional fill be placed to meet required grading levels, the results of the Phase Two Investigation shall be supplemented with a letter report addressed to the City the Owner’s environmental consultant that includes: confirmation of the area where fill has been placed and details regarding dates, sources, volumes, and certification that the placed fill material meets the applicable MECP Site Condition Standards and compacted to the standard
 - c) should remediation of any portions of the park/open space block(s) within the Plan be required to meet the applicable Standards set out in the MECP document “Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act” (as amended), submit a Remedial Action Plan (‘RAP’) and a complete copy of the satisfactory registration of the Record(s) of Site Condition (‘RSC’s) filed on the Environmental Site Registry including the acknowledgement letter from the MECP, covering the remediated park/open space block(s) within the Plan

- d) submit a certificate letter prepared by the Owner's Qualified Person stating that the Owner covenants and agrees that the park/open space block(s) to be dedicated to the City were remediated in accordance with O. Reg. 153/04 (as amended) and the accepted RAP (if applicable), are suitable for the intended land use, and meet the applicable Standards set out in the MOE document "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act" (as amended)
 - e) the Owner shall reimburse the City for the cost of the peer review of the ESA reports and RAP, as may be applicable
 - f) prepare and submit Geotechnical Report recommendations for pavement design, retaining structures, park facilities, site furnishing, fences, pipe bedding, etc. to the satisfaction of the City
 - g) Archaeological Assessment; Stage I and II is required to determine limits of park/open space block(s). Proposed public park lands are to be clear of all historically significant heritage features
 - h) a complete inventory and analysis report of existing vegetation completed by a Certified Arborist for all existing trees within the park/open space block(s). Drawings shall indicate the location of all existing trees, including limit of drip line, trees to be removed and trees to be maintained within the park blocks. No grading work is permitted within the drip line of existing trees that are to be preserved. All dead, damaged and hazardous trees are to be removed and disposed of off-site
 - i) any tree or similar vegetation in accordance with the tree preservation plan shall be retained on the park/open space block(s)
 - j) the Owner shall submit a Storm Water Management Report and Plan to the satisfaction of the City, which shows how storm water will be controlled and conveyed on City Property into the existing storm water system based on the proposed works. The Owner is to prepare an overall site drainage and grading plan, satisfactory to the City for the affected park block area, prior to any grading on the site.
65. Prior to Final Approval of the Plan, the Owner is to provide the City representative with a Park Maintenance and Warranty Letter of Credit up to 10% of the value of the Park works which include: the base park works, playground facilities and any other Park improvements that the Owner may construct at its own cost. The City may draw from the Letter of Credit to cover any repairs and warranty claims that are not resolved by the Owner in a timely manner.

66. Prior to commencement of the site works on the Linear Park:
- a) the Owner shall submit construction details that have been based on the Geotechnical Report recommendations for pavement design, retaining structures and pipe bedding, etc. and to the satisfaction of the City
 - b) the Owner shall obtain all approvals and permits required, so that the proposed Park works can be constructed upon all final detailed design drawings and construction documents are reviewed and approved to the satisfaction of the City
 - c) the Owner shall be responsible to award all contracts and shall supervise all construction and provide all necessary certification by its consultants that these works have been completed as per the approved drawings and specification and to the satisfaction of the City
 - d) the Owner agrees that no construction work, including but not limited to, tree cutting, grading or filling, will occur on City property until the Owner has obtained written permission from the City
 - e) the Owner is to construct, install and maintain erosion and sediment control facilities, satisfactory to the City, prior to any grading or construction on City property in accordance with the plans that have been submitted to and approved by the City.



Corporate Services

March 21, 2019

Mr. Mauro Peverini
Director of Development Planning
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Attention: Stephen Lue, M.C.I.P., R.P.P.

**RE: Draft Plan of Subdivision 19T-18V008 (SUBP.18.V.0044)
30 Interchange Way
(2748355 Canada Inc.)
City of Vaughan**

Further to the Region's letter dated February 20, 2019, a revised Transportation Impact Study (TIS), prepared by BA Group, dated March 13, 2019 was received and is currently being reviewed. Previously, the issuance of the Region's conditions of draft approval was subject to a revised TIS to the satisfaction Regional Transportation and Infrastructure Planning staff. However, this requirement has now been deferred as a condition of draft approval.

The subject site is located at 30 Interchange Way, west of Jane Street and south of Highway 7, in the City of Vaughan. The proposed development consists of two 15-storey residential buildings with 169m² of grade-level retail, one 9-storey mid-rise residential building, 22 townhouse blocks, a 15 metre wide pedestrian mews and a linear park.

Sanitary Sewage and Water Supply

Residential development requires servicing capacity allocation prior to final approval. If the City of Vaughan does not grant this development allocation from the existing capacity assignments to date, the development may require additional Regional infrastructure based on conditions of future capacity assignment, which may include:

- Duffin Creek WPCP Outfall Modification – 2021 pending the outcome of the Class EA, and
- Other projects as may be identified in future studies.

The timing of the above infrastructure is the current estimate and may change as each infrastructure project progresses and is provided for information purposes only.

Municipal Wastewater and Water Servicing

The Functional Servicing Report (FSR) indicates that the wastewater and water servicing for the subject development is by way of connection to City of Vaughan wastewater and water services in the Vaughan Metropolitan Centre area.

The Infrastructure Asset Management Branch advises that the FSR is to be sealed and signed by a Professional Engineer. Should there be any change in the proposed servicing scheme, the Owner shall forward the revised plan to the Region for review and record.

Transportation

The Regional Transportation and Infrastructure Planning Branch have reviewed the Transportation Impact Study (TIS), prepared by BA Group, dated July 2018 and technical comments are attached. Regional staff are in the process of reviewing the revised TIS prepared by BA Group, dated March 13, 2019.

Lapsing Provision

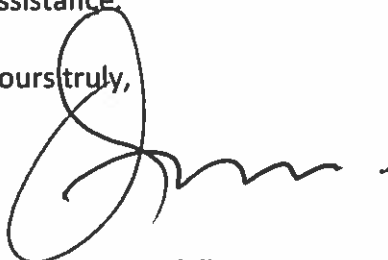
York Region requests that the City of Vaughan apply a lapsing provision to the draft plan, pursuant to Section 51(32) of the *Ontario Planning Act*, and that York Region be provided an opportunity to comment on any proposed extensions of the approval.

Summary

York Region has no objection to draft plan approval of the plan of subdivision subject to the attached Schedule of Conditions. We request a copy of the notice of decision, draft approved plan, and the conditions of draft approval should the plan be approved.

Should you have any questions regarding the above, please contact Justin Wong, Planner, at 1-877-464-9675 ext. 71577 or by email at Justin.Wong@york.ca should you require further assistance.

Yours truly,



Duncan MacAskill, M.C.I.P., R.P.P.
Manager, Development Planning

JW/

Attachments (2) Schedule of Conditions for Draft Plan of Subdivision
 Technical Comments

YORK-#9307057-v1-19T-18V008_-_Regional_Condition_Letter

**Schedule of Conditions
19T-18V008 (SUBP.18.V.0044)
30 Interchange Way
(2748355 Canada Inc.)
City of Vaughan**

Re: IBI Group, File No. 0965, dated July 25, 2018

Conditions to be Included in the Subdivision Agreement

1. The Owner shall save harmless York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
2. The Owner shall agree to implement the Vaughan Metropolitan Centre Secondary Plan proposed street network, to the satisfaction of the Region.

Conditions to be Satisfied Prior to Final Approval

3. York Region shall confirm that adequate water supply and sewage capacity are available and have been allocated by the City of Vaughan for the development proposed within this draft plan of subdivision or any phase thereof.
4. The Owner shall provide an electronic set of the final engineering drawings showing the watermains and sewers for the proposed development to the Community Planning and Development Services division and the Infrastructure Asset Management Branch for record.
5. The Owner shall provide a revised Transportation Impact Study, to the satisfaction of the Region.
6. The Owner shall provide direct shared pedestrian/cycling facilities and connections from the proposed development to boundary roadways to support active transportation and public transit, where appropriate. A drawing shall be provided to illustrate the layout of active transportation facilities within the proposed development and connections to the Regional roads, to the satisfaction of the Region.
7. The Owner shall implement all recommendations, including TDM measures, as recommended in the Transportation Impact Study, prepared by BA Group, to the satisfaction of the Region.
8. The Owner shall provide a copy of the Subdivision Agreement to the Corporate Service Department, outlining all requirements of the Corporate Service Department.

9. The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable in accordance with Regional Development Charges By-law in effect at the time that Regional development charges, or any part thereof, are payable.
10. The Regional Corporate Services Department shall advise that Conditions 1 to 9 inclusive, have been satisfied.

**MEMORANDUM – PRELIMINARY TECHNICAL COMMENTS**

RE: Draft Plan of Subdivision 19T-18V008 (SUBP.18.V.0044)
30 Interchange Way
(2748355 Canada Inc.)
City of Vaughan

Regional Transportation and Infrastructure Planning staff have reviewed the above noted draft plan of subdivision application, as well as the supporting documents and offer the following comments for these applications and any subsequent development applications. These comments are not an approval and are subject to modification. It is intended to provide information to the applicant regarding the Regional requirements that have been identified to date.

Transportation and Infrastructure Planning

The Traffic Impact Study, prepared by BA Group, dated July 2018, shall be revised to address the following:

- a) The proposed conceptual site plan shall reflect the proposed street network identified in the Vaughan Metropolitan Centre Secondary Plan (VMCSP). The proposed east-west road through the development shall be provided as a public road, as identified in the VMCSP.
- b) Table-8 provides Trip Generation Rates for proxy sites in the GTA and estimates an average trip rate. However, trip rates used for the subject development are significantly lower than the average trip rates or the ITE Land use trip rates. The Region will only accept the trip rates for the proxy sites that are located within the general area, with York Region context and characteristics.
- c) The study area does not include any intersection on Highway 7, even though the majority of vehicles will use Highway 7 to and from Highway 400. Similarly, the majority of pedestrians will also cross Highway 7 to and from VMC subway station. The Study shall provide rationale/justification for not including the Highway 7 intersections in the study area.
- d) Additional comments will be provided on the revised TIS prepared by BA Group, dated March 13, 2019.

From: Mikolajczak, Margaret (MTO)
To: [Lue, Stephen](#)
Cc: [Mazzotta, Rob \(MTO\)](#); [Della Mora, Dan \(MTO\)](#)
Subject: Hwy 407 and Jane Street, Applications: OP.18.014; Z.18.021 and 19T-18V008
Date: Tuesday, February 26, 2019 3:52:49 PM

Hi Stephen, we have reviewed the above mentioned applications and have following comments:

OP. 18.014 and Z. 18.021

We have no comments to the proposed OP and Zoning By-Law.

Draft Plan of Subdivision 19T-18V008

- The proposed Draft Plan of Subdivision is located within Ministry permit control area therefore the Public Transportation and Highway Improvement Act regulations apply.

Ministry requires that any new buildings/structures (including internal roads and detention ponds) above and below ground, be setback a minimum distance of 14 m from the Highway 407 property line. **Ministry permits are required for all buildings, infrastructures, roads etc. located within 46m from Highway 407 property line and a radius of 396m from the centrepont of Highway 407 and Jane Street, prior to any construction being undertaken.** Permit Applications are available on our web site at:
www.mto.gov.on.ca/english/engineering/management/corridor

As the Conditions of Ministry approval, we will require the following:

-
1. Prior to final approval, the owner/proponent must submit to the Ministry of Transportation for review and approval a copy of Stormwater Management Report, Site Grading and Servicing Plan, addressing the intended treatment of the calculated runoff.
 2. Prior to final approval, the owner/proponent must submit to the Ministry of Transportation for review and approval a copy of a detailed Traffic Impact Study (TIS) addressing the anticipated traffic volumes and their impact on Highway 407. Traffic Consultant must be RAQS approved by Ministry and familiar with our requirements. TIS report must be prepared as per the our guidelines published on the MTO website: www.mto.gov.on.ca/english/engineering/management/corridor . TIS report must also clearly address the phasing of development if any, including Phasing Plan, indicating the boundary of each phase.
 3. Prior to final approval, the owner/proponent must submit to the Ministry of Transportation for review and approval, a copy of the proposed site Lighting Design and Calculations in the isometric format, using AGI-32 and Auto-Lux.
 4. Once all the Ministry conditions are addressed to the MTO satisfaction, I will issue a clearance letter to the City of Vaughan and the Draft Plan of Subdivision can be registered. Copy of the M-Plan, must be forwarded to the Ministry, for our file.

All subsequent submissions must be send to MTO and 407 ETR, for our review and approvals.

Please forward a copy of this email to the proponent.

If you have any questions or require further clarification, please contact me at the number listed below at your earliest convenience.

NOTE: Draft Plan of Subdivision must be reviewed and approved before the Site Plan application can be dealt with.

Thank you

Margaret Mikolajczak, C.E.T.

Senior Project Manager

Ministry of Transportation

Corridor Management Section

159 Sir William Hearst Avenue, 7th Floor

Downsview, Ontario M3M 0B7

Phone: 416-235-4269

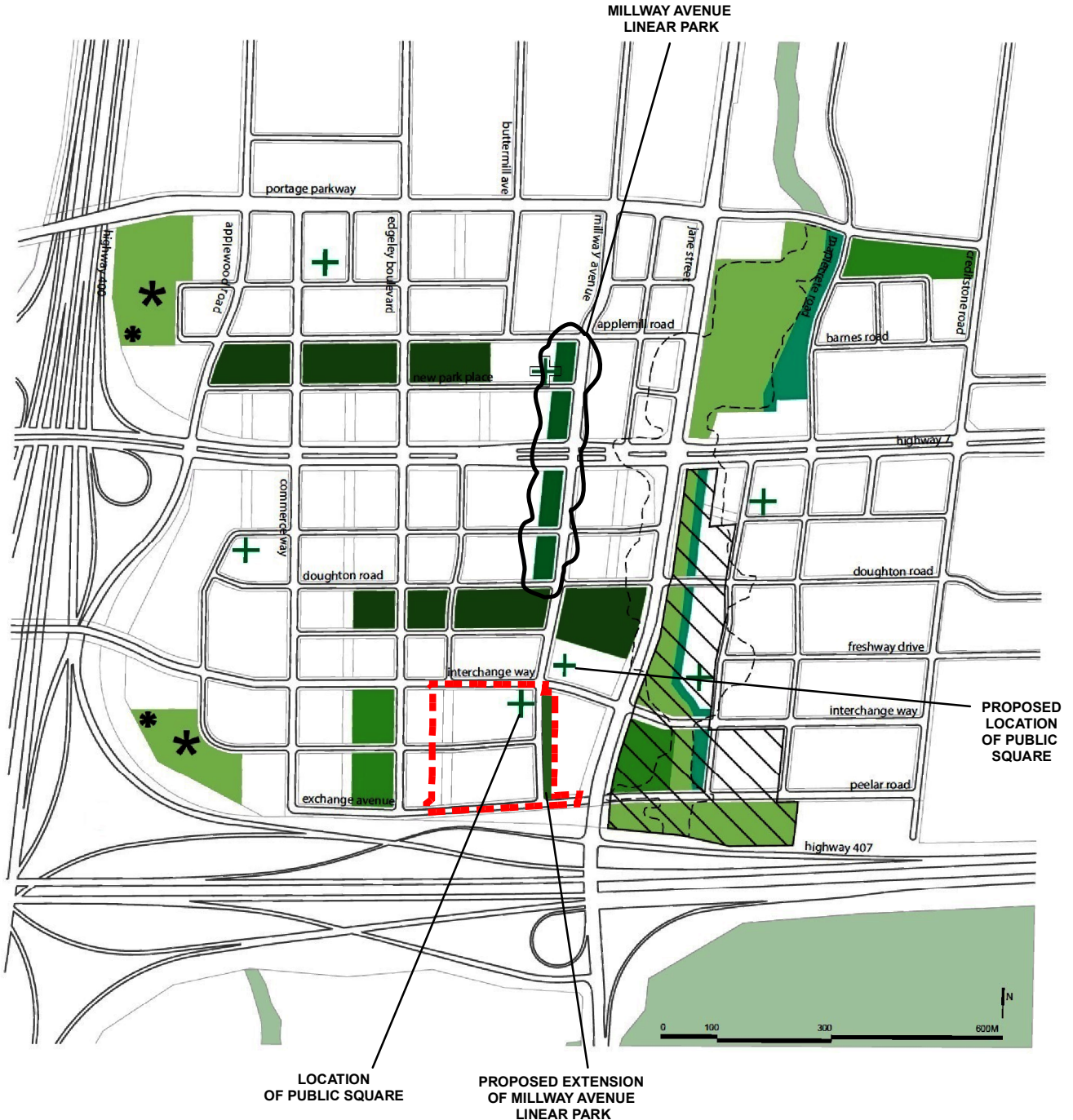
Fax: 416-265-4267

LEGEND

- environmental open spaces
- urban parks
- neighbourhood parks
- millway avenue linear park
- black creek greenway

- + public squares (see Policies 6.2.4.-6.2.5.)
- + transit Square
- * parkland associated with environmental spaces
- * see policy 6.3.2

final configuration of parks and open spaces within this area are subject to the results of the VMC Black Creek Renewal EA (Stages 3 & 4) and the detailed design of the Black Creek Corridor



Proposed Amendments to Schedule "D", Major Parks and Open Space, of the VMC Secondary Plan

LOCATION:
Part Lot 4, Concession 5

APPLICANT:
2748355 Canada Inc.



Colour Perspective - View of Buildings 1, 2 & 3 Looking South From Interchange Way

LOCATION:
Part Lot 4, Concession 5

APPLICANT:
2748355 Canada Inc.

Document Path: N:\GIS_Archive\Attachments\OP\OP.18.014\OP.18.014_CW_PerspectivesBuildings.mxd

Building 1



Colour Perspective - View of Townhouse Block 2 Looking South-East From Street 'C'

LOCATION:
Part Lot 4, Concession 5

APPLICANT:
2748355 Canada Inc.

Document Path: N:\GIS_Archive\Attachments\OP\OP.18.014\OP.18.014_CW_PerspectivesTownhouses.mxd

Item:



Committee of the Whole Report

DATE: Tuesday, April 02, 2019

WARD: 4

**TITLE: ZONING BY-LAW AMENDMENT FILE Z.17.039
SITE DEVELOPMENT FILE DA.16.061
RIVERS OF LIFE FELLOWSHIP ASSOCIATION
VICINITY OF KEELE STREET AND GANTNER GATE**

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Zoning By-law Amendment File Z.17.039 and Site Development File DA.16.061 for the Subject Lands shown on Attachment 1, to permit a master-planned two-storey 6,856 m² place of worship with accessory uses that is proposed to be developed in multiple phases, as shown on Attachments 2 to 6.

Report Highlights

- The Owner proposes a master-planned, two-storey 6,854 m² Place of Worship as shown on Attachments 2 and 3.
- Zoning By-law Amendment and Site Development applications are required to permit the development.
- The development is planned in phases. Site Development File DA.16.061 has been submitted to permit Phase 1 for a 3,605 m² two-storey Place of Worship. A future Site Development Application(s) is required for future phases.
- The Development Planning Department supports the approval of the Zoning By-law Amendment and Site Development Applications, subject to the Recommendations in this report, as they permit a development that is consistent with the *Provincial Policy Statement 2014*, conforms to the Growth Plan 2017, the York Region Official Plan 2010, Vaughan Official Plan 2010, and is compatible with the existing and planned land uses in the surrounding area.

Recommendations

1. THAT Zoning By-law Amendment File Z.17.039 (Rivers of Life Fellowship Association) BE APPROVED, to amend Zoning By-law 1-88, specifically to rezone the Subject Lands from “A Agricultural Zone” and “EM1 Prestige Employment Area Zone”, as shown on Attachment 1, to “A Agricultural Zone” and “OS5 Open Space Environmental Protection Zone”, in the manner shown on Attachment 2, together with the site-specific zoning exceptions on Table 1, to permit a master-planned, 6,856 m² two-storey place of worship, as shown on Attachments 2 and 3.
2. THAT Site Development Application DA.16.061 (Rivers of Life Fellowship Association) BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS, to the satisfaction of the Development Planning Department, to permit a 3,605 m², two-storey Place of Worship as shown on Attachments 4 to 6, that represents Phase 1 of the master-planned Place of Worship shown on Attachments 2 to 3:
 - a. Prior to the execution of the Site Plan Agreement:
 - i) The Development Planning Department shall approve the final site plan, building elevations, landscape plan, landscape cost estimate and lighting plan;
 - ii) The Development Engineering Department shall approve the final site servicing and grading plan, erosion and sediment control plan, and servicing and stormwater management report;
 - iii) The Owner shall pay the Development Engineering Department’s Site Plan fee pursuant to the Fees and Charges By-law, as amended;
 - iv) The Owner shall consolidate and register the Subject Lands as one lot;
 - v) The Owner shall convey the lands zoned “OS5 Open Space Environmental Protection Zone” into public ownership (i.e. the Toronto and Region Conservation Authority or the City), free of all costs and encumbrances;
 - vi) The Owner shall enter into a Tree Protection Agreement with the City in accordance with the Council adopted Tree By-law 052-2018, and upon finalization of the landscape plan, shall quantify the value of tree replacements using the Urban Design Tree Replacement Valuation outlined in the City’s Tree Protection Protocol. The Owner shall not remove trees without written approval by the City;

- vii) the Owner shall satisfy all requirements of the Environmental Services Department, Solid Waste Division;
 - viii) The Owner shall satisfy all requirements of York Region; and
 - ix) The Owner shall satisfy all requirements of the Toronto and Region Conservation Authority.
- b. The Site Plan Agreement shall include the following clauses:
- i) “The Owner shall pay to the City applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, Region of York, York Region District School Board and York Catholic District School Board.”
 - ii) “The Owner acknowledges that the City has Species at Risk within its jurisdiction which are protected under the *Endangered Species Act*. 2007. The Owner is required to comply with Ministry of Natural Resources and Forestry regulations and guidelines to protect these species at risk and their habitat. The Owner acknowledges that, notwithstanding any approvals made or provided by the City in respect to the Plan or the related Site Plan Agreement, the Owner must comply with the provisions of the *Act*.”
3. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands comes into effect, to permit minor adjustments to the implementing Zoning By-law.

Background

The Subject Lands (‘Subject Lands’) are located on the southeast corner of Keele Street and Gantner Gate, and are described as 9111 Keele Street and Blocks 14 and 15 on Registered Plan 65M-3077, shown as “Subject Lands” on Attachment 1. The Subject Lands consist of three separate parcels that are zoned “A Agricultural Zone” (9111 Keele Street) and “EM1 Prestige Employment Area Zone” (Blocks 14 and 15, Registered Plan 65M-3077) as shown on Attachment 1. The surrounding land uses are shown on Attachment 1.

Zoning By-law Amendment and Site Development Applications have been submitted to permit the proposed development

The Owner has submitted the following applications (the ‘Applications’) to permit a master-planned, 6,856 m² two-storey place of worship with accessory uses, including a retail store, eating establishment, multimedia centre and pastor accommodation suites (the ‘Development’), as shown on Attachments 2 and 3, for the Subject Lands shown on Attachment 1:

1. Zoning By-law Amendment File Z.17.039 to rezone the Subject Lands from “A Agricultural Zone” and “EM1 Prestige Employment Area Zone”, to “A Agricultural Zone” and “OS5 Open Space Environmental Protection Zone”, in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified in Table 1 of this report.
2. Site Development File DA.16.061 to permit Phase 1 of the Development, being a 3,605 m², two-storey Place of Worship with accessory uses including a retail store, eating establishment, multimedia centre and pastor accommodation suites, as shown on Attachments 4 to 6.

Public Notice was provided in accordance with the Planning Act and Council’s Notification Protocol

On February 9, 2018, the City circulated a Notice of Public Hearing (the “Notice”) to all property owners within 150 m of the Subject Lands. A copy of the Notice was also posted on the City’s website at www.vaughan.ca and notice signs were installed along the Keele Street, Gantner Gate and Jacob Keffer Parkway frontages of the Subject Lands in accordance with the City’s Notice Signs Procedures and Protocols.

Vaughan Council on March 20, 2018, ratified the recommendation of the Committee of the Whole to receive the Public Hearing report of March 6, 2018, and to forward a comprehensive technical report to a future Committee of the Whole meeting. No written submissions regarding the Applications were received by the Development Planning Department, and no individuals made deputations regarding the Applications at the Public Hearing on March 6, 2018.

Previous Reports/Authority

[Item 3, Report 11, Committee of the Whole \(Public Hearing\), March 6, 2018](#)

Analysis and Options

Land Use Policies and Planning Considerations

The Development Planning Department has reviewed the Development in consideration of the following policies:

The Development is consistent with the Provincial Policy Statement (“PPS”) 2014

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario "shall be consistent" with the Provincial Policy Statement, 2014 ('PPS'). The PPS provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all

Ontarians. Key policy objectives include: building strong, healthy communities; wise use and management of resources; and protecting public health and safety.

The PPS recognizes that local context and character is important. Policies are outcome oriented, and some policies provide flexibility in their implementation provided that Provincial interests are upheld. Vaughan Council's planning decisions are required by the *Planning Act* to be consistent with the PPS. The Development Planning Department has reviewed the Development in consideration of the policies of the PPS and is of the opinion that the Development is consistent with Provincial interests, specifically:

- Section 1.1.1 - promote efficient development and accommodate an appropriate range of residential, employment, institutional, recreation, park and open space uses
- Sections 1.1.3 and 1.1.3.2 - settlement areas being the focus of development based on densities and land uses which efficiently use land, resources and infrastructure, and are transit-supportive
- Section 1.3 - provide for an appropriate mix and range of employment and institutional uses to meet long term needs, and encourage mixed-use development that incorporates compatible employment uses to support liveable and resilient communities
- Section 1.6.6 - accommodate growth that promotes the efficient use of existing municipal sewage and water services
- Section 2.1.1 - natural features and areas shall be protected for the long term
- Section 2.1.2 - the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved

The Subject Lands are located within a "Settlement Area", as defined by the PPS, that are serviced by existing municipal water and wastewater systems. The Development provides for institutional and open space uses that are compatible with the surrounding Employment Area required by Section 2.2.1.1 b) of OPA #450, the in-effect Official Plan regarding Places of Worship for the Subject Lands. The proposed Place of Worship operates primarily during non-peak times when the surrounding employment land uses are least intensive.

The Subject Lands abut Keele Street, a major arterial road, and are located in proximity to GO Transit and York Regional Transit ('YRT'). The Rutherford GO Station is located within 500 m of the Subject Lands and a bus stop for YRT Bus Route 107 abuts the Subject Lands on Keele Street.

The Subject Lands contain natural features including a significant woodlot and valleyland. The Development ensures the long-term protection of natural features by rezoning portions of the Subject Lands "OS5 Open Space Environmental Protection Zone", as identified in the Recommendations section of this report. Natural heritage features will be conveyed to a public body (Sections 2.1.1 and 2.1.2).

The Development provides a land use within a settlement area that will contribute to accommodating a range of land uses in the area vicinity (Section 1.1.1), efficiently uses existing resources and infrastructure, is transit-supportive (Sections 1.1.3 and 1.6.6) and contributes to liveable and resilient communities (Section 1.3). The Development is consistent with the PPS.

The Development conforms to the Growth Plan for the Greater Golden Horseshoe, 2017 (“Growth Plan”)

The Provincial Growth Plan for the Greater Golden Horseshoe (‘Growth Plan’) is intended to guide decisions on a wide range of issues, including economic development, land use planning, urban form, and housing. The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe, including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. Vaughan Council’s planning decisions are required by the *Planning Act* to conform, or not conflict with, the Growth Plan.

The Development is consistent with the policy framework of the Growth Plan as it optimizes the use of existing land supply and makes efficient use of existing infrastructure, specifically:

- Section 2.2.1 - directing growth to settlement areas with municipal water and wastewater systems, public service facilities, and public transit to support the achievement of complete communities
- Section 2.2.5.1 - making more efficient use of existing employment areas and vacant and underutilized employment lands
- Section 4.2.2 - new development shall demonstrate that there are no negative impacts on key natural heritage features (‘KNHF’), and incorporating KNHF into the design and planning of new development

The Subject Lands are located within a “Settlement Area”, as defined by the Growth Plan, that are serviced by existing municipal water and wastewater systems. The Subject Lands abut Keele Street, a major arterial road, and are located in proximity to YRT and GO Transit.

The Subject Lands are located within an “Employment Area” as identified on Schedule 1 “Urban Structure” of VOP 2010 and contain KNHFs that include a significant woodlot and valleyland. The Development makes more efficient use of an underutilized employment lot while ensuring the long-term protection of KNHFs by rezoning portions of the Subject Lands “OS5 Open Space Environmental Protection Zone” and conveying these lands to a public body, as identified in the Recommendations section of this report.

The Development will contribute to providing a liveable and resilient community within a Settlement Area (Section 2.2.1) and is consistent with the policy framework of the Growth Plan by making more efficient use of an underutilized employment lot (Section

2.2.5.1) and ensuring no negative impacts to KNHFs (Section 4.2.2). The Development conforms to the Growth Plan.

The Development conforms to the York Region Official Plan 2010 (“YROP”)

The York Region Official Plan 2010 (the ‘YROP’) guides economic, environmental and community building decisions across York Region. The Subject Lands are designated “Urban Area” on Map 1, “Regional Structure”, with the southwest portion of the Subject Lands designated “Greenlands System” on Map 2 “Regional Greenlands System” of the YROP.

Urban Areas Policies

Section 5.0 of the YROP states that “intensification within the Urban Area will accommodate a significant portion of the planned growth in the Region.” Section 5.2.9 of the YROP encourages institutional structures to be carefully designed in a compact form and be pedestrian-oriented, transit-supportive, and multi-storey where appropriate.

Keele Street is identified as a “Regional Transit Priority Network” on Map 11 “Transit Network” of the YROP. Section 7.2.24 of the YROP directs the construction of high-occupancy vehicle lanes, dedicated transit lanes, with transit signal priority and other transit priority measures within a Regional Transit Priority Network.

The Development includes a two-storey Place of Worship with direct pedestrian access from Keele Street. The Development is transit supportive given the Subject Lands proximity to existing YRT and GO Transit services, and to Keele Street, a Regional Transit Priority Network identified in the YROP. The Development conforms to the Urban Area policies of the YROP.

Regional Greenlands System Policies

Section 2.1.7 of the YROP states that refinements to the boundaries of the Regional Greenlands System may occur through approved planning applications supported by appropriate technical studies (e.g. an environmental impact study), without amendment to the YROP. Further, Section 2.2.3 of the YROP states that key natural heritage features shall be precisely delineated on a site-by-site basis through the approval of *Planning Act* applications supported by appropriate technical studies such as an environmental impact study.

The Owner has submitted an Environmental Impact Study (‘EIS’) and EIS Addendum prepared by WSP, dated May 2016 and November 2018, respectively. The EIS and EIS Addendum appropriately delineate the extent of the KNHF and associated buffers located on the Subject Lands. The portion of the Subject Lands that contain KNHF and associated buffers are proposed to be zoned “OS5 Open Space Environmental Protection Zone”, as shown on Attachment 2, and conveyed to a public body. On this basis, the Development proposes minor refinements to the YROP Greenlands System

in accordance with Sections 2.1.7 and 2.2.3 of the YROP. The Development conforms to the Greenland System policies of the YROP.

The Development conforms to Vaughan Official Plan 2010 (“VOP 2010”) and OPA #450, the in-effect Official Plan for Places of Worship for the Subject Lands

The Subject Lands are located within an “Employment Area” and “Natural Areas” by Schedule 1 “Urban Structure” of VOP 2010, and are designated “General Employment”, “Prestige Employment” and “Natural Areas” by Schedule 13 “Land Use” of VOP 2010.

Proposed Place of Worship

Section 9.2.1.10 of VOP 2010 states that “policies existing prior to the adoption of VOP 2010 remain in effect as they apply to Places of Worship, until such time as any new policies are approved.” To date, new policies for Places of Worship have not been approved. A development application for a Place of Worship in the employment area is assessed against Section 2.2.1 (1b) of OPA #450 (the Employment Area Plan), which permits a use that is not specifically identified in OPA #450 without the requirement of an Official Plan Amendment, subject to satisfying the following criteria:

- a) the use must be functionally compatible with those uses in the same or neighbouring designation
- b) the use must be physically compatible with adjacent uses and the resulting built form and the land use will not conflict with the urban design or streetscape character of the area
- c) the operation of the use must not result in a nuisance or adverse effect on neighbouring uses through the emission of noise, dust, odour or other contaminants

The Subject Lands have frontage on Keele Street and are located in proximity to commercial and retail uses to the north, natural areas to the south, existing residential uses and natural areas on the west side of Keele Street, and employment uses to the east.

The Development is functionally and physically compatible with neighbouring uses given the diverse mix of land uses located in the area vicinity. The Development will not result in adverse effects on neighbouring sites with respect to noise, dust, odour or other contaminants. The proposed Place of Worship will primarily operate during non-peak times (i.e. evenings and weekends) when the employment uses to the east are least intensive. On this basis, the Development conforms to the Official Plan in consideration of the criteria of Section 2.2.1 (1b) of OPA #450.

Natural Areas and Core Features

The southern portion of the Subject Lands are identified as “Core Features” on Schedule 2 “Natural Heritage Network” of VOP 2010. The EIS and EIS Addendum submitted in support of the Applications identifies a valley feature and naturally occurring woodlot on the southern portion of the Subject Lands that are considered “Core Features” under Section 3.2.3.4 of VOP 2010.

On June 4, 2015, the Toronto and Region Conservation Authority (‘TRCA’) staked the limit of the natural heritage features on the Subject Lands, as shown on Attachment 2. The western portion of the staked area closest to Keele Street is proposed to be developed for parking to serve the Development, as shown on Attachment 2. These lands do not form part of the “Core Features” as identified on Schedule 2 of VOP 2010, but form part of the staked feature limit identified by the TRCA. The Owner is required to provide appropriate monetary compensation to the TRCA as required by the TRCA’s Guideline for Determining Ecosystem Compensation (2018).

Section 3.2.3.11 of VOP 2010 permits minor modifications to the boundaries and alignment of Core Features as part of the development application process, provided that justification in the form of an EIS is submitted that provides appropriate rationale.

The 0.4 ha southeastern portion of the Subject Lands contain vegetation that does not form part of the valley corridor staked by the TRCA and is partially located within the “Core Features” designation. The EIS identifies the vegetation as having limited ecological function, and that removal of the vegetation will not impact the ecological function of the significant woodlot and valley land staked by the TRCA, given that the area is largely disturbed and contains a high proportion of non-native species. The EIS further states that:

“the area has not been identified as a significant habitat for Species at Risk, or globally or provincially rare plants, animals or communities, do not provide linkages to other Core Features, and are not located within the Regional Greenlands System of the YROP, and are not located within 30 m of a wetland, lake, or permanent or intermittent stream. Furthermore, the removal of these areas will not affect the designation of the remaining woodland as Significant under provincial or regional policies, and negative impacts to the function of that woodland are not anticipated.”

On this basis, the minor modification to the “Core Features” designation through removal of the existing vegetation will not impact the ecological function of the valley feature and woodlot staked by the TRCA, and will maintain the intent of the “Core Feature” policies.

The Owner is required to convey the lands proposed to be zoned “OS5 Open Space Environmental Protection Zone”, as shown on Attachment 2, to a public authority in

accordance with Section 3.2.3.10 of VOP 2010. A condition to this effect is included in the Recommendations section of this report.

The Owner is also required to enter into a Tree Protection Agreement with the City in accordance with the City's Tree By-law 052-2018, and upon finalization of the landscape plan, shall quantify the value of tree replacements using the Urban Design Tree Replacement Valuation outlined in the City's Tree Protection Protocol, as further described in the Urban Design section of this Report. The Development conforms to the Official Plan.

The proposed rezoning and site-specific zoning exceptions identified in Table 1 would permit the Development, which is compatible with existing development in the community

The Subject Lands are zoned "A Agricultural Zone" and "EM1 Prestige Employment Area Zone" by Zoning By-law 1-88, as shown on Attachment 1. The portion of the Subject Lands that are zoned "A Agricultural Zone" permit a Church (Place of Worship) in Zoning By-law 1-88 as-of-right. The Owner is proposing to rezone the portions of the Subject Lands zoned "EM1 Prestige Employment Area Zone" to "A Agricultural Zone" and "OS5 Open Space Environmental Protection Zone" in the manner shown on Attachment 2, together with the following site-specific zoning exceptions to the "A Agricultural Zone" in order to permit the master planned Place of Worship shown on Attachments 2 and 3:

Table 1:

	Zoning By-law 1-88 Standard	Requirements of the A Agricultural Zone	Proposed Exceptions to the A Agricultural Zone
a.	Permitted Uses	<ul style="list-style-type: none"> • Agricultural Use • Veterinary Clinic • Single Family Dwelling • Home Occupation • Church • Community Centre • Day Nursery • Public Library • Public or Private Hospital • School • Bowling Green • Curling Rink • Swimming Pool • Skating Rink 	<p>Permit a Church (Place of Worship) with the following accessory uses:</p> <ul style="list-style-type: none"> • Eating Establishment (Café) to serve members, guests and employees of the Place of Worship • Retail Store (Bookstore and Library) for the sale of reading and audio/visual material • Multimedia Centre, meaning an area for the production of audio-visual material • Pastor Accommodation Suites, meaning an area for

	Zoning By-law 1-88 Standard	Requirements of the A Agricultural Zone	Proposed Exceptions to the A Agricultural Zone
		<ul style="list-style-type: none"> • Tennis Court • Cottage Industries • Wayside Pit/Quarry 	the full-time accommodation for the pastor and temporary accommodation for guests of the Place of Worship
b.	Minimum South Interior Side Yard Setback to the OS5 Zone	15 m	14 m
c.	Minimum Rear Yard Setback (Jacob Keffer Parkway)	15 m	4 m
d.	Maximum Building Height	11 m	15.2 m
e.	Maximum Lot Coverage	20 %	22.2 %
f.	Minimum Landscape Strip Width Abutting a Street Line (Gantner Gate and Jacob Keffer Parkway)	6 m	2 m
g.	Minimum Landscape Strip Width Abutting Lands Zoned Open Space	2.4 m	1 m

	Zoning By-law 1-88 Standard	Requirements of the A Agricultural Zone	Proposed Exceptions to the A Agricultural Zone
h.	Minimum Parking Requirements	6,856 m ² @ 11 spaces / 100 m ² = 755 spaces	209 spaces

The Development Planning Department supports the proposed site-specific zoning exceptions for the following reasons:

a) Permitted Uses

The proposed Place of Worship is permitted as-of-right for the portion of the Subject Lands zoned “A Agricultural Zone”. The proposed rezoning of the portion of the Subject Lands that are zoned “EM1 Prestige Employment Area Zone” to permit the Place of Worship is consistent with the criteria established in Section 2.2.1 (1b) of OPA #450. The proposed accessory uses total 400 m² of floor area and are ancillary to, and compatible with, the proposed Place of Worship. The proposed Eating Establishment and Retail Store will only operate during services for the Place of Worship.

b) Minimum Building Setbacks

The reductions to the minimum rear and interior side yard setback will have minimal impact on adjacent land uses and will facilitate an attractive public realm along Gantner Gate and Jacob Keffer Parkway. The proposed reduced interior side yard setback of 14 m to lands zoned “OS5 Open Space Environmental Protection Zone” is minor in nature.

c) Maximum Building Height and Lot Coverage

The building elevations shown on Attachments 3 and 6 consist of an atypical roof design that provides building variation and articulation, with portions of the roof exceeding 11 m in height. The increase in maximum building height and lot coverage will have limited visual impact on adjacent properties.

d) Minimum Landscape Strip

The proposed 2 m wide landscape strip proposed for a portion of Gantner Gate and Jacob Keffer Parkway is for the portion of the Development adjacent to the proposed parking area and will consist of a mix of shrubs and deciduous trees. The landscape strip adjacent to the proposed building measures approximately 4.5 m. The proposed landscape strip width of 1 m for lands abutting the proposed “OS5 Open Space

Environmental Protection Zone” is appropriate as the existing woodlot and appropriate buffers have been established by the TRCA and the City.

e) Minimum Parking

A total of 209 parking spaces are proposed, inclusive of seven (7) barrier-free parking spaces. Zoning By-law 1-88 requires a minimum of 755 parking spaces for the Development. Additional reference for minimum required parking is relied on “Review of Parking Standards Contained within the City of Vaughan’s Comprehensive Zoning By-law” prepared by IBI Group in 2010 (‘IBI Study’), which would require 350 spaces. Due to a significant parking reduction in comparison with both Zoning By-law 1-88 and the IBI Study, the Owner has submitted a Parking Study prepared by LMM Engineering dated June 2016 and revised on January 25, 2019. The survey analysis of the Parking Study outlines a minimum requirement of 0.21 spaces per seat (i.e. 209 spaces) for similar sites. The Development Engineering Department finds the parking supply rate of 0.21 spaces per seat (i.e., 209 spaces), adequate to accommodate the proposed Place of Worship.

The Planning Act permits Vaughan Council to pass a resolution to permit a landowner to apply for a future Minor Variance application(s), if required, within 2 years of a Zoning By-law coming into full force and effect

Section 29(2) of the *Planning Act* restricts a landowner from applying for a Minor Variance Application to the Committee of Adjustment within two years of the day on which a Zoning By-law comes into effect. The *Planning Act* also permits Council to pass a resolution to allow an applicant to apply for a minor variance(s) within 2 years of the passing of a bylaw.

Should Council approve Zoning By-law Amendment File Z.17.039, the Development Planning Department has included a Recommendation to permit the Owner to apply for a Minor Variance application(s), if required, prior to the two-year moratorium in order to address minor zoning deficiencies that may arise through the finalization and construction of the Development.

The Development Planning Department has no objection to the approval of the Site Plan for Phase 1 of the Development, subject to the recommendations in this report

The proposed development shown on Attachments 4 to 6 represent Phase 1 of the Development and consists of a 3,605 m² two-storey Place of Worship with 209 parking spaces, inclusive of seven (7) barrier-free parking spaces (“Phase 1 Development”).

Vehicular access is proposed from Gantner Gate and Jacob Keffer Parkway. Pedestrian connections are proposed from Keele Street, Gantner Gate and Jacob Keffer Parkway via concrete walkways, with the proposed connection from Keele Street extending to the main entrance of the building.

The landscape plan (Phase 1) shown on Attachment 5 consists of a mix of deciduous and coniferous trees, shrubs and perennials located around the perimeter of the Subject Lands. Tree, shrub and groundcover plantings are also proposed within the lands zoned “OS5 Open Space Open Space Environmental Protection Zone” to enhance the existing woodland and valley feature. Urban Design Staff recommend incorporating landscape consisting of small ornamental or multi-stemmed trees to enhance the walkway from Keele Street to the main entrance of the building. The areas of the proposed building additions that are subject to future phases of development will be planted with sod. Bicycle racks are proposed in proximity to the western entrance of the building.

Building Elevations for the Phase 1 Development are shown on Attachment 6 and consist of blue spandrel glazing, stone veneer, dark blue Hardieboard and metal cladding. Urban Design Staff recommend the use of Hardieboard and stone veneer in a vertical fashion that is in keeping with the tall windows on the east elevation, given its exposure to Jacob Keffer Parkway.

The final site plan, building elevations, landscape plan and landscape cost estimate for the Phase 1 Development must be approved to the satisfaction of the Development Planning Department. A condition to this effect is included in the Recommendations of this report.

A Future Site Development Application(s) is required for future phases

The master site plan and building elevations shown on Attachments 2 and 3 reflect the Development upon full build out and consists of a 6,856 m² two-storey Place of Worship. The Owner intends to develop the master site plan in phases, and consists of three building additions shown as “future building phases” on Attachment 4. The Owner is required to submit a future Site Development Application(s) for any future phases of the Development.

The Owner is required to consolidate and register the Subject Lands as one lot

The Subject Lands consist of three separate parcels of land described as 9111 Keele Street and Blocks 14 and 15 on Registered Plan 65M-3077. The Owner is required to consolidate and register the Subject Lands as one lot prior to the execution of the Site Plan Agreement in order to comply with Zoning By-law 1-88 and permit the issuance of a Building Permit. A condition to this effect is included in the Recommendation of this report.

The TRCA has no objection to the Development, subject to Conditions of Approval

The southern portion of the Subject Lands are located within the TRCA regulatory area and subject to Ontario Regulation 166/06. The TRCA has reviewed the EIS and EIS

Addendum submitted in support of the Applications and has no objection to the proposed staked boundary of the natural feature, as shown on Attachment 2.

The Owner is required to provide appropriate monetary compensation to the TRCA as required by the TRCA's Guideline for Determining Ecosystem Compensation (2018) for the feature removal shown on Attachment 2. The TRCA requests that the lands proposed to be zoned "OS5 Open Space Environmental Protection Zone" be conveyed into public ownership. A condition to this effect is included in the Recommendation of this report.

The Subject Lands are located within the Well Head Protection Area source water protection area ('WHPA-Q'), that requires post to pre-development water balance to be demonstrated for the Development. The Owner has submitted a Water Balance Assessment prepared by Reinders and Reider and dated November 18, 2018. The TRCA has reviewed the Water Balance Assessment and accepts the proposed mitigation strategy, subject to minor refinements. The final Water Balance Assessment shall be approved by the TRCA.

The Owner is required to satisfy all conditions of the TRCA prior to finalizing the Site Plan Agreement and must obtain a TRCA Permit in accordance with Ontario Regulation 166/06. A condition to this effect is included in the Recommendations of this report.

The Development Planning Department, Urban Design and Cultural Heritage Division has no objection to the approval of the Development, subject to Conditions of Approval

The Urban Design and Cultural Heritage Division has no objection to the Applications subject to the Owner providing additional landscape to enhance the walkway from Keele Street to the main entrance of the building, and providing Hardieboard and stone veneer siding in a vertical fashion for the east elevation adjacent to Jacob Keffer Parkway.

The Owner has submitted an Arborist Report and Tree Preservation Plan ('Arborist Report') prepared by WSP and dated November 2018. The Arborist Report identifies 124 trees located on the Subject Lands, of which 51 trees are located within the TRCA staked natural feature. Of the remaining 73 trees, 68 trees are proposed for removal to permit the Development, which results in 101 replacement trees through compensation planting on-site and a cash-in-lieu contribution, as required by the City of Vaughan's 'Replacement Tree Requirements'.

The Owner shall enter into a Tree Protection Agreement with the City prior to finalizing the site plan agreement in accordance with the City's Tree By-law 052-2018. Upon finalization of the landscape plan, the Owner shall quantify the value of tree replacements using the Urban Design Tree Replacement Valuation outlined in the City's Tree Protection Protocol. The Owner shall not remove trees without written approval by the City. A condition to this effect is included in the Recommendation of this report.

The Policy Planning and Environmental Sustainability ('PPES') Department has no objection to the approval of the Development, subject to Conditions of Approval

The PPES Department has no objections to the Applications and agree with the development limits and buffers to the natural features established by the TRCA. Bird friendly treatments should be incorporated into the design of the building.

The Owner acknowledges that the City has Species at Risk within its jurisdiction which are protected under the *Endangered Species Act* 2007. The Owner is required to comply with Ministry of Natural Resources and Forestry regulations and guidelines to protect these species at risk and their habitat. The Owner acknowledges that, notwithstanding any approvals made or provided by the City in respect to the Plan or the related Site Plan Agreement, the Owner must comply with the provisions of the *Endangered Species Act*. 2007. A condition to this effect is included in the Recommendation of this report.

The Development Engineering ('DE') Department has no objection to the Development, subject to Conditions of Approval

The Development Engineering ('DE') Department has reviewed the Applications and provides the following comments:

a) Site Servicing and Stormwater Management

The Owner has submitted a Site Servicing and Stormwater Management Report prepared by Reinders and Rieder Ltd. and dated November 2018 ('Servicing Report'). The Servicing report identifies the following:

i) Water Servicing

An existing water service connection is present for the Development from Jacob Keffer Parkway, complete with an existing valve for the domestic line (50 mm diameter) and a valve in chamber for the fire line (150 mm diameter). The Owner proposes to construct a 100 mm diameter domestic line service and a 200 mm diameter fire service line to the building.

ii) Sanitary Servicing

The Development is proposed to be serviced for sanitary drainage via an existing sanitary manhole located at the end of an existing 200 mm diameter service connection. This is connected to an existing 200 mm

diameter sanitary sewer on Jacob Keffer Parkway. The Owner proposes to construct a 200 mm diameter sanitary sewer with manholes internal to the property to service the Development.

iii) Stormwater Management

The Owner proposes to construct private storm sewers, catchbasins and manholes to drain the Subject Lands to two existing outlets located on Gantner Gate and Jacob Keffer Parkway via on-site grading measures. Underground storage tanks are proposed to meet the stormwater storage quantity and to provide the infiltration requirement for the Subject Lands, in accordance with TRCA regulations.

The final Servicing Report shall include a comprehensive stormwater, sanitary and water network analysis of the Development's systems, and shall demonstrate that adequate stormwater management measures, sanitary discharge and water supply for fire flow demands are available for the Subject Lands.

b) Environmental Engineering

The Owner has submitted a Phase One Environmental Site Assessment ('ESA') prepared by EXP Services Inc. and dated July 26, 2018. The ESA includes some minor soil sampling and chemical analysis of fill piles onsite. The ESA has been reviewed by the DE Department and the findings of the ESA indicate the soil analyzed met applicable Ministry of Environment, Conservation and Parks standards, and no further ESA work was recommended. The DE Department is satisfied with the findings.

c) Transportation Engineering

The DE Department has requested a parking study for the Applications due to a parking reduction of more than 10% from the requirements of Zoning By-law 1-88. The Parking Study reviews the minimum parking requirements in consideration of City standards in comparison with the provided parking. A detailed analysis of the parking requirements for each use has been provided in addition to parking surveys of similar sites. Several updates to the number of seats and floor area uses have been applied through consultation with City staff to meet City requirements. The updated worship area plan contains 1,008 seats and a total of 209 parking spaces inclusive of seven (7) barrier-free parking spaces.

The Parking Study concludes that the Development would generate a peak parking demand of 97 to 110 spaces during normal operations, and 162 to 183 spaces during special events such as Easter and Christmas. The Subject Lands are also located in an industrial area which diminishes the concerns regarding

on-street parking. The available on-street parking is 75 spaces within 230 m walking distance of the Subject Lands.

It is the goal of the City to move towards managing parking in a responsible manner to ensure that an appropriate supply of parking is provided in order to strengthen the efficient use of land, promote sustainable forms of development and encourage alternative forms of transportation. The DE Department finds the parking supply rate of 0.21 spaces per seat (i.e. 209 spaces), suggested as a result of the similar site survey analysis, adequate to accommodate the Development.

The final site servicing and grading plan, erosion and sediment control plan, and servicing and stormwater management report must be approved to the satisfaction of the Development Planning Department. A condition to this effect is included in the Recommendations of this report.

The Environmental Services Department, Solid Waste Management Division, has no Objection to the Development, subject to Conditions of Approval

The Development includes two deep collection waste containers ('Moloks') located next to the proposed loading area on the south side of the building. The Environmental Services Department, Solid Waste Management Division has no objections to the proposed Molok system. The Owner must satisfy all requirements of the Environmental Services Department, Solid Waste Management Division. A condition to this effect is included in the Recommendation of this report.

The Financial Planning and Development Finance Department has no objection to the Development, subject to Conditions of Approval

The Owner is required to pay to the City applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, Region of York, York Region District School Board and York Catholic District School Board. A condition to this effect is included in the Recommendations of this report.

Canada Post has no objection to the Development

Canada Post has no objection to the Development, as provisions are already in place for mail delivery to the Subject Lands.

Enbridge Gas Distribution Inc. and Alectra Utilities Corporation have no objection to the Development

Enbridge Gas Inc. and Alectra Utilities Corporation (formerly PowerStream Inc.) have no objections to the Applications.

Financial Impact

Not Applicable.

Broader Regional Impacts/Considerations

The Subject Lands are located adjacent to Keele Street, an arterial road under the jurisdiction of York Region. The Applications were circulated to the York Region Community Planning and Development Services Department for review and comment.

The Owner is required to satisfy the following requirements of York Region: conveying a 15 m by 15 m daylight triangle at the corner of Keele Street and Gantner Gate, as shown on Attachment 4; obtaining an encroachment permit to facilitate unit pavers within the Regional right-of-way (Keele Street) for the pedestrian connection from Keele Street to the proposed building; and, entering into a bi-party site plan agreement with York Region. A condition to this effect is included in the Recommendations of this report.

Conclusion

Zoning By-law Amendment File Z.17.039 and Site Development File DA.16.061 have been reviewed in accordance with the applicable Provincial policies, YROP and VOP 2010 Official Plan policies, the requirements of Zoning By-law 1-88 and comments from City departments and external public agencies. The proposal to develop the Subject Lands with a two-storey Place of Worship is consistent with the PPS, conforms to the Growth Plan, the YROP and VOP 2010, and the proposed rezoning of the Subject Lands will result in a development that is compatible with the surrounding land uses.

Accordingly, the Development Planning Department supports the approval of the Applications, subject to the conditions in the Recommendation section of this report.

For more information, please contact: Mark Antoine, Senior Planner, Development Planning Department, Extension 8212.

Attachments

1. Location Map
2. Master Site Plan and Proposed Zoning
3. Building Elevations - Full Build Out
4. Site Plan - Phase 1
5. Landscape Plan - Phase 1
6. Building Elevations - Phase 1

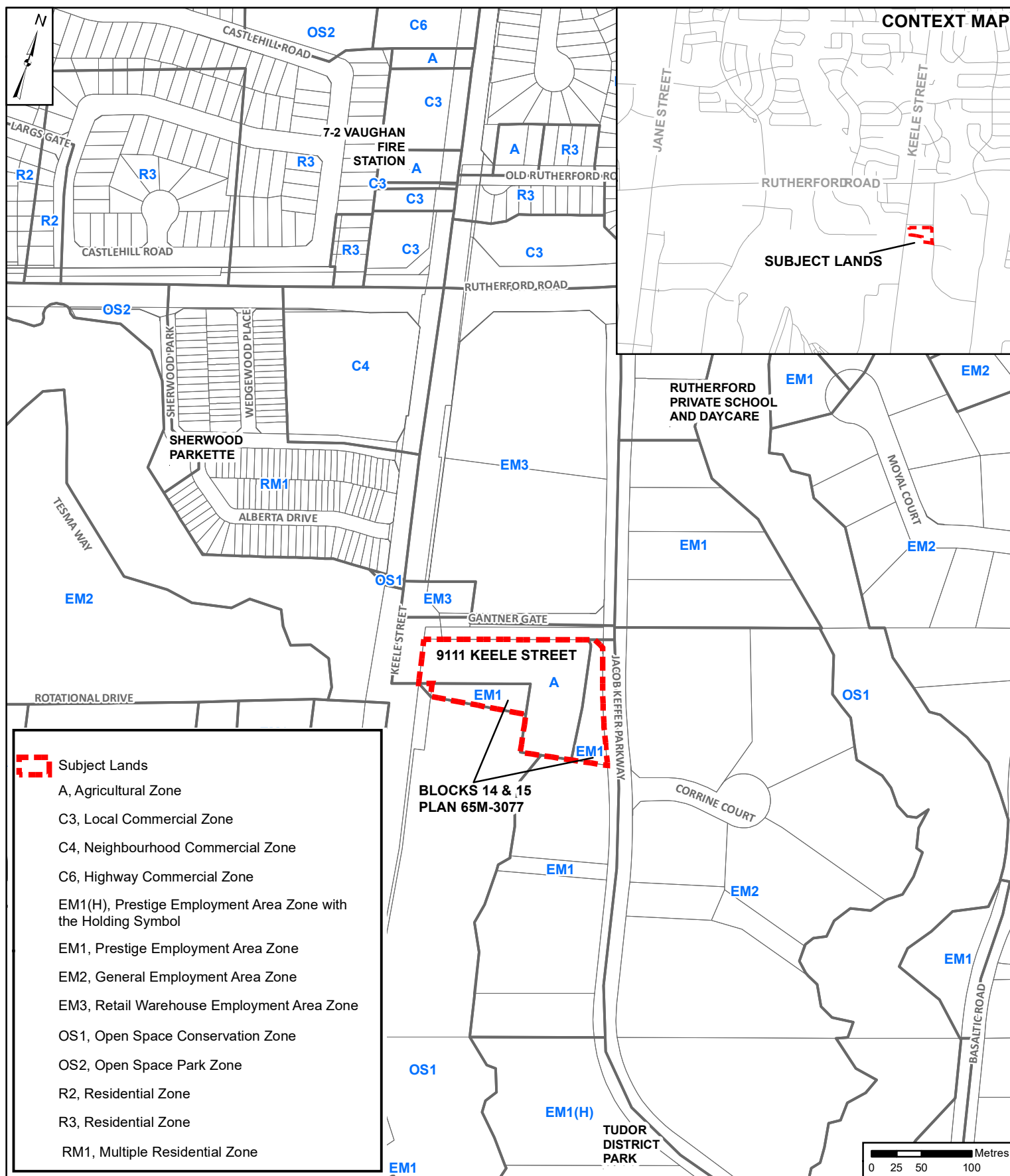
Prepared by

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Nancy Tuckett, Senior Manager of Development Planning, ext. 8529

Mauro Peverini, Director of Development Planning, ext. 8407

/LG



Location Map

LOCATION:
Part Lot 14, Concession 3

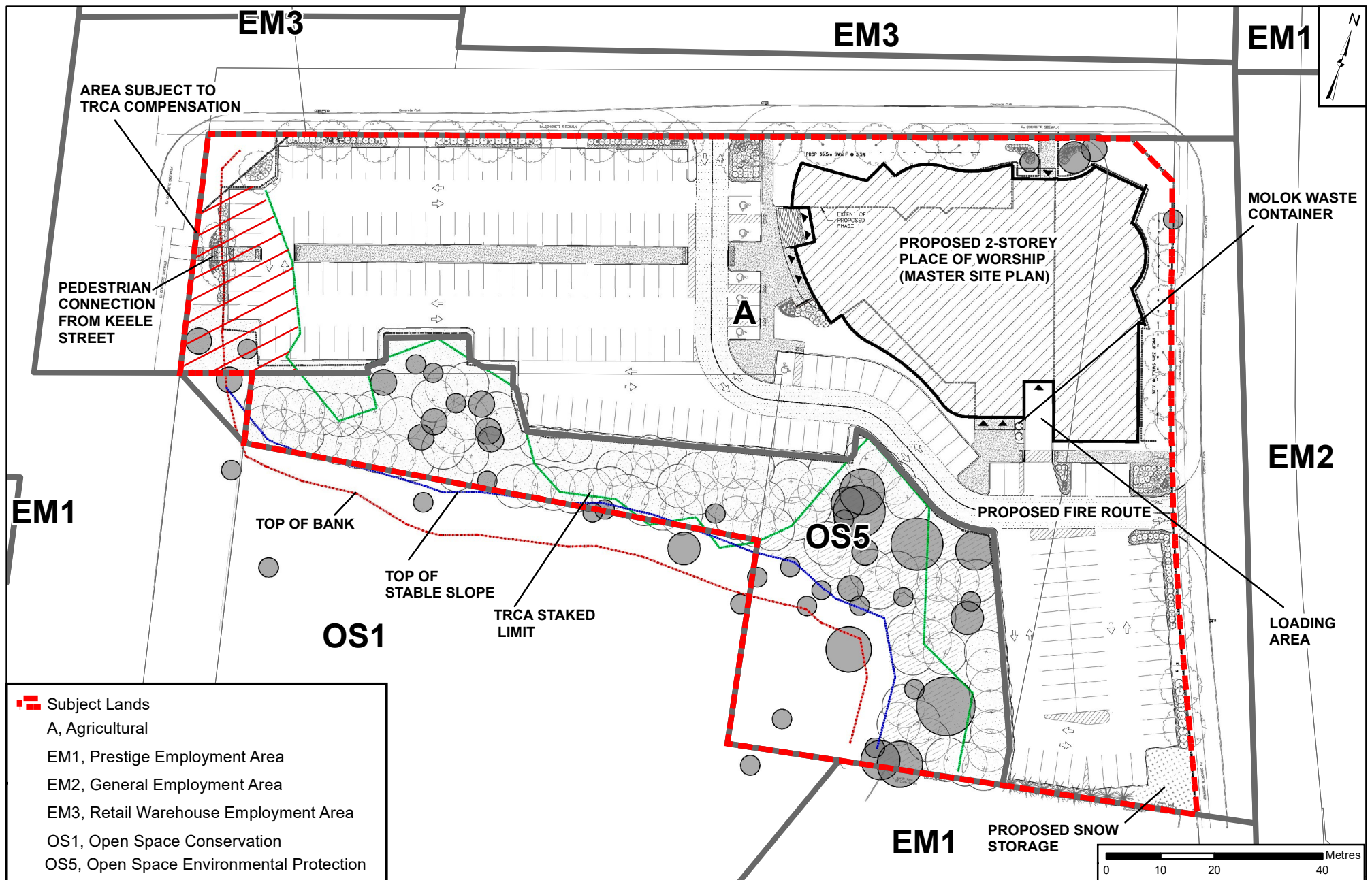
APPLICANT:
Rivers of Life Fellowship Association



Attachment

FILES:
Z.17.039, DA.16.061

DATE:
April 2, 2019



Master Site Plan and Proposed Zoning

LOCATION:
Part Lot 14, Concession 3

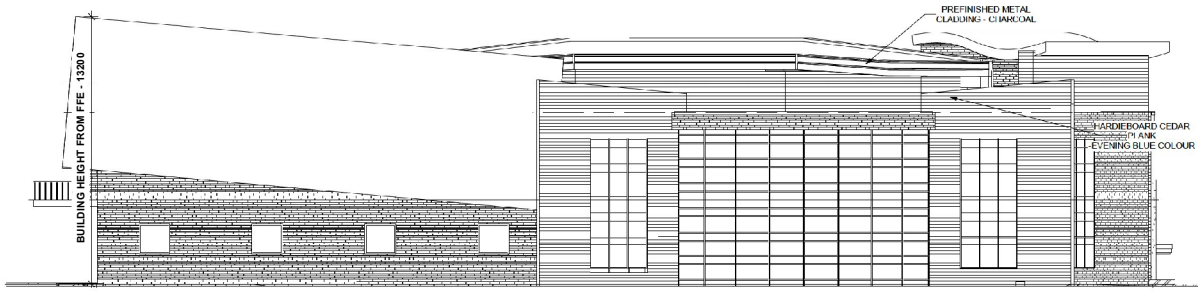
APPLICANT:
Rivers of Life Fellowship Association

Attachment

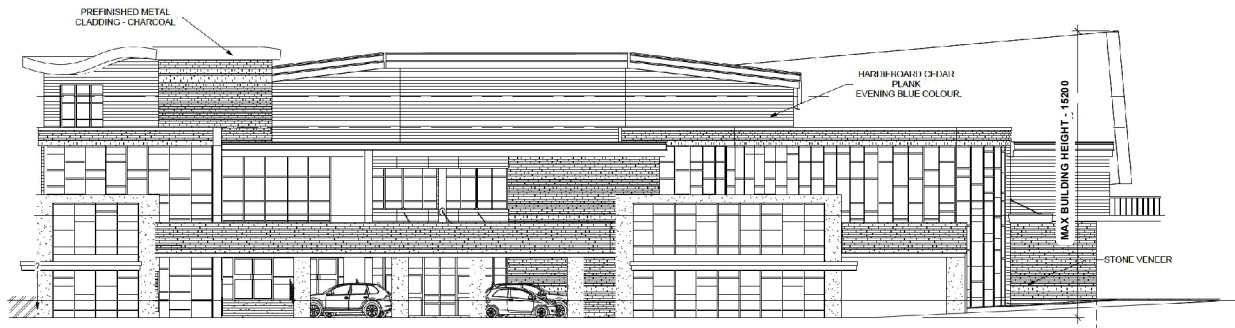
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DATE:
April 2, 2019

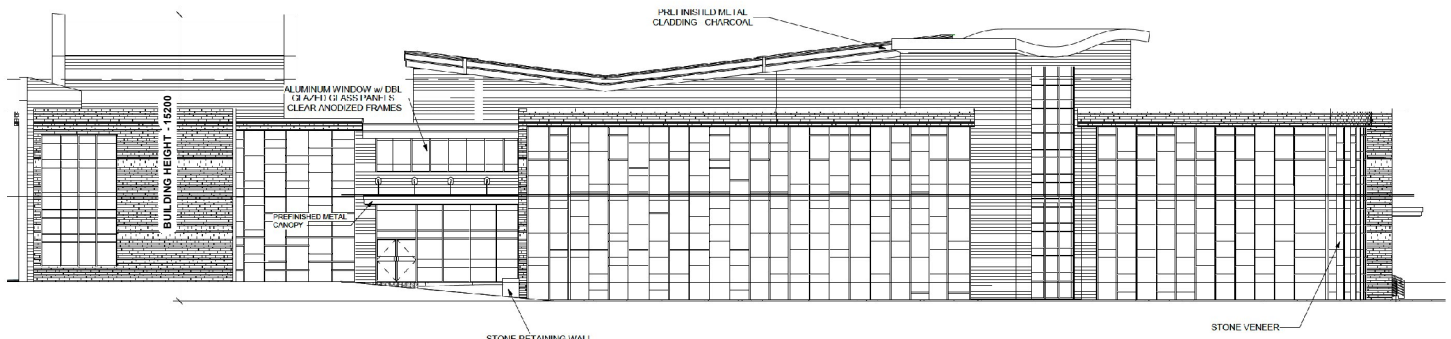
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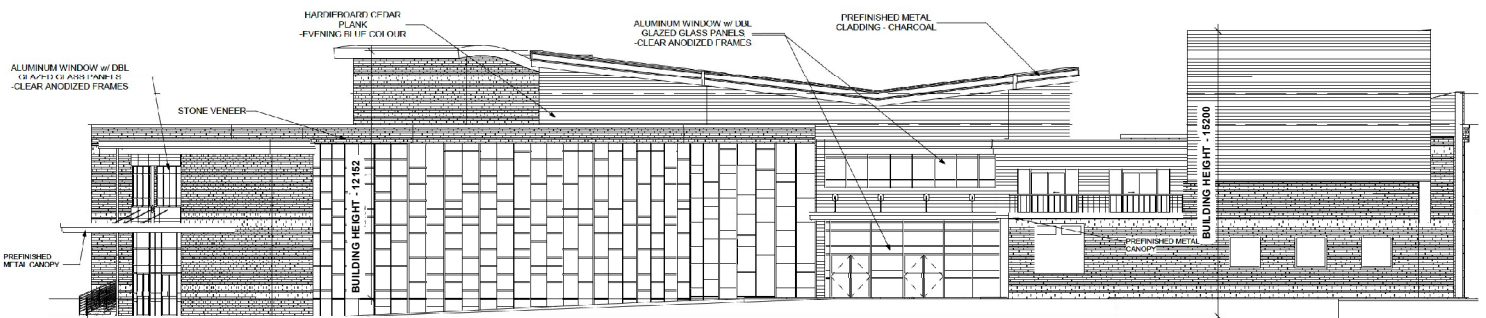
EAST ELEVATION (FACING JACOB KEFFER PARKWAY)



WEST ELEVATION (FACING KEELE STREET)



NORTH ELEVATION (FACING GANTNER GATE)



SOUTH ELEVATION

Not to Scale

Building Elevations - Full Build Out

LOCATION:
Part Lot 14, Concession 3

APPLICANT:
Rivers of Life Fellowship Association



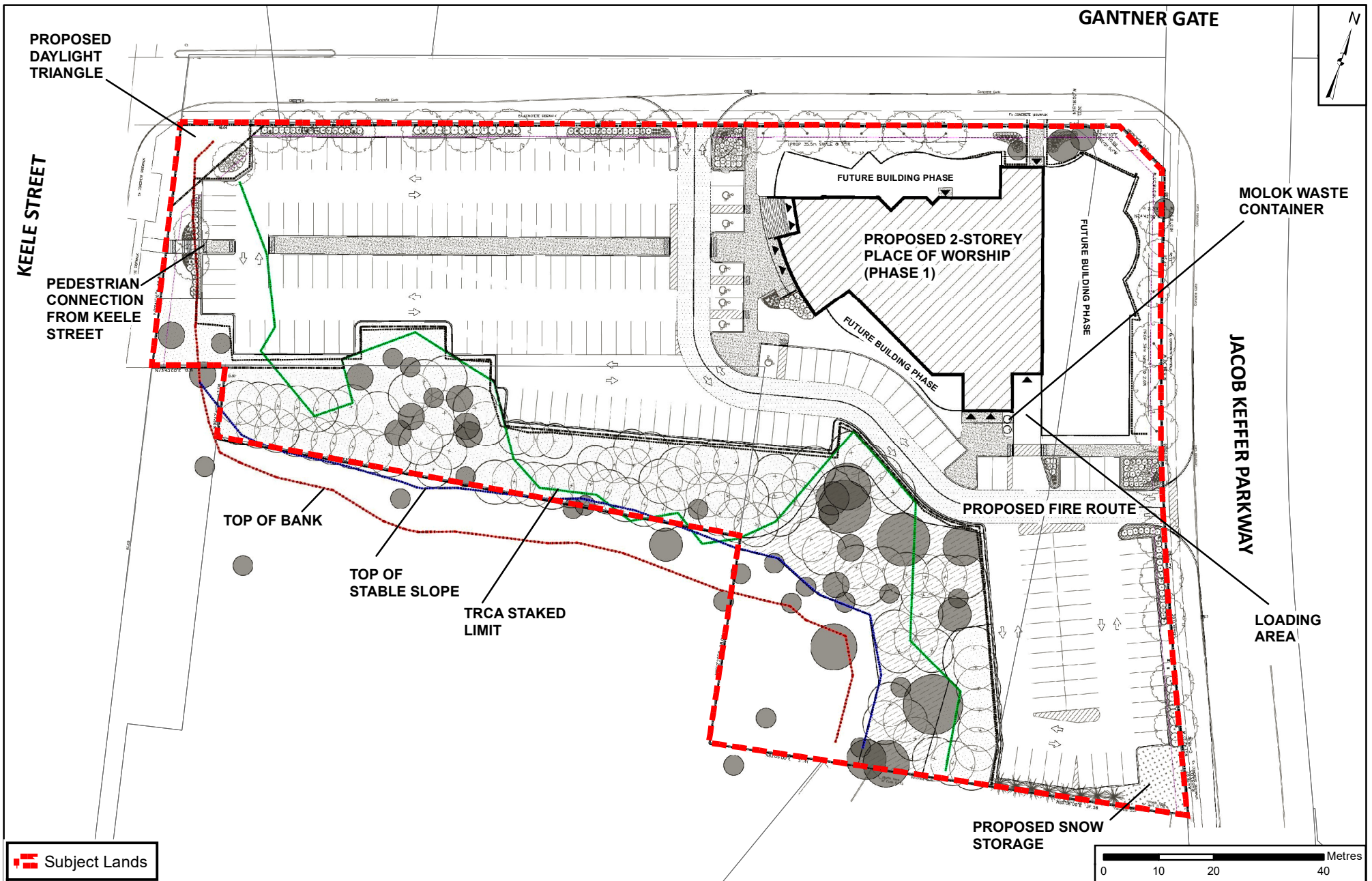
Page 132

Attachment

FILES:
Z.17.039, DA.16.061

DATE:
April 2, 2019

3



Site Plan - Phase 1

LOCATION:
Part Lot 14, Concession 3

APPLICANT:
Rivers of Life Fellowship Association

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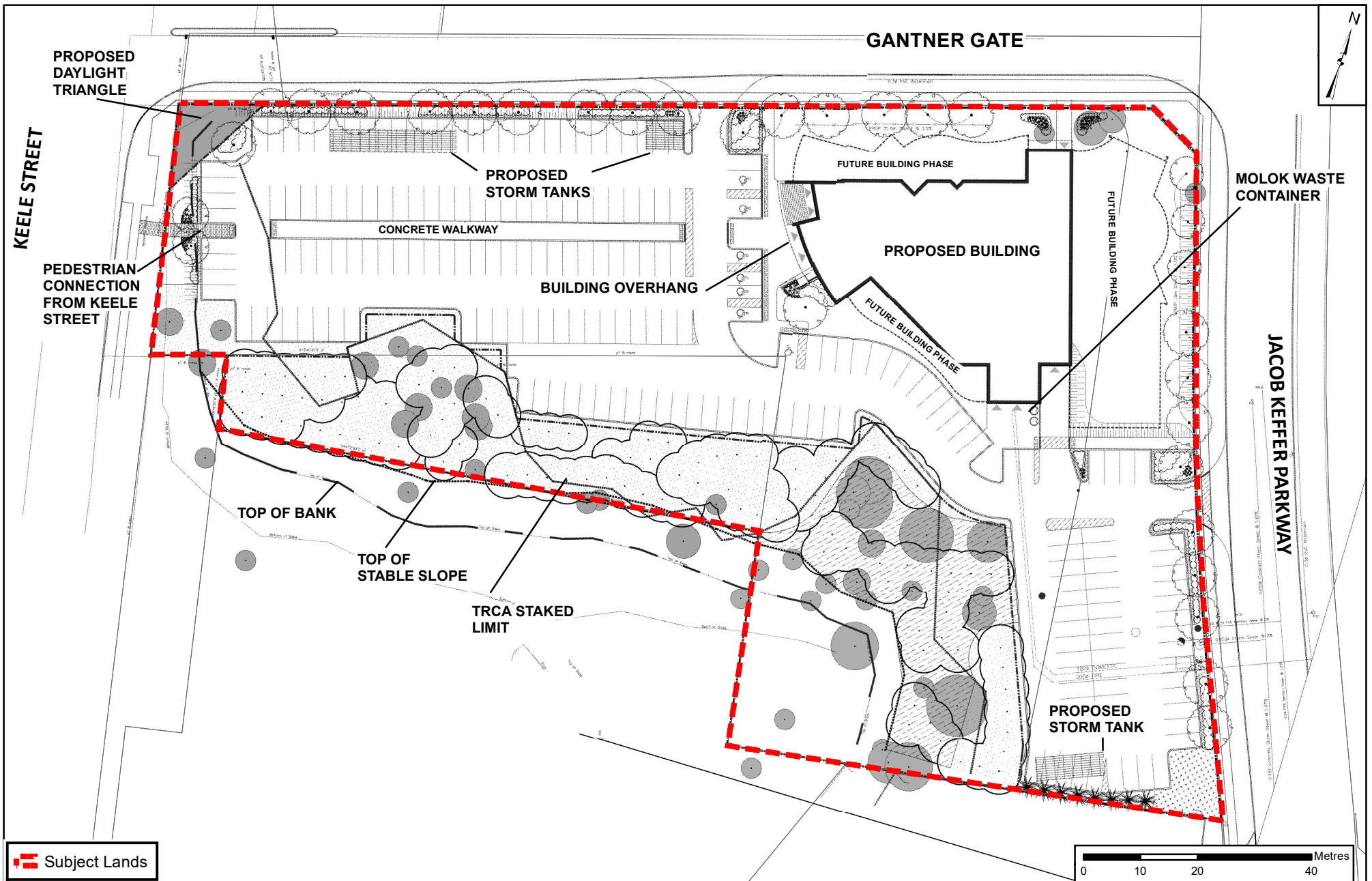
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Z.17.039, DA.16.061

DATE:
April 2, 2019

Created on: 3/1/2019

4



Landscape Plan - Phase 1

LOCATION:
Part Lot 14, Concession 3

APPLICANT:
Rivers of Life Fellowship Association

Document Path: N:\GIS_Archive\Attachments\DA\DA.16.061\Z.17.039_DA.16.061_CW_LandscapePlan.mxd

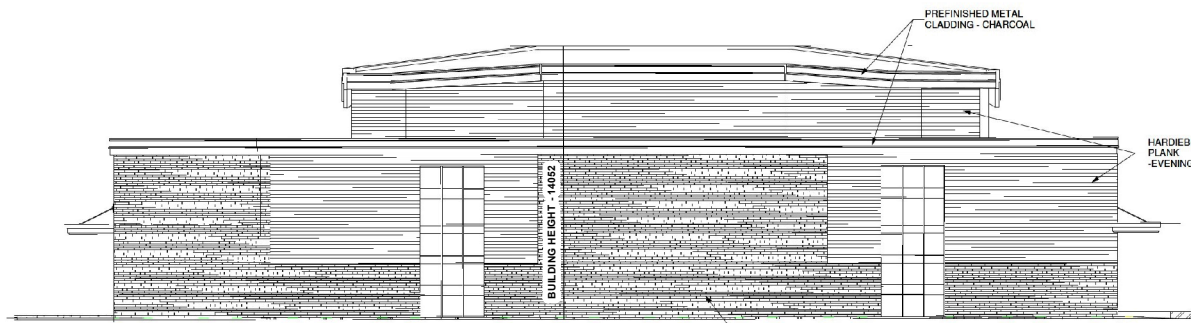
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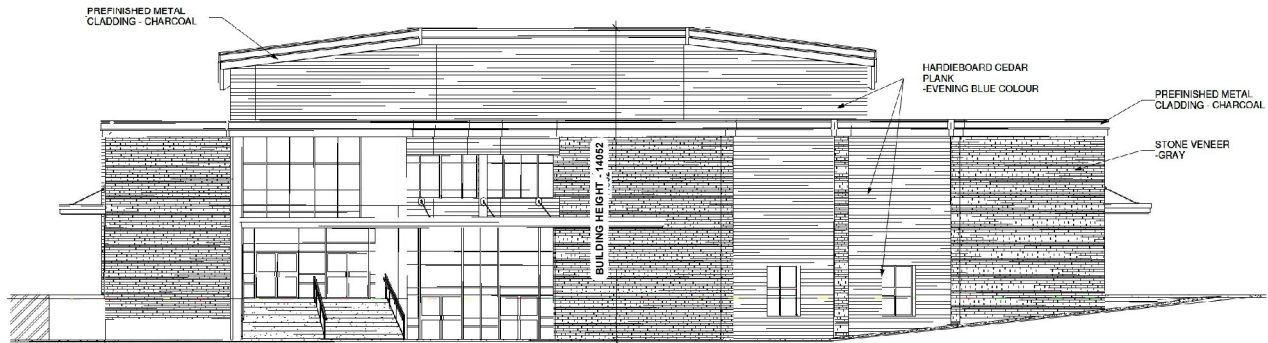
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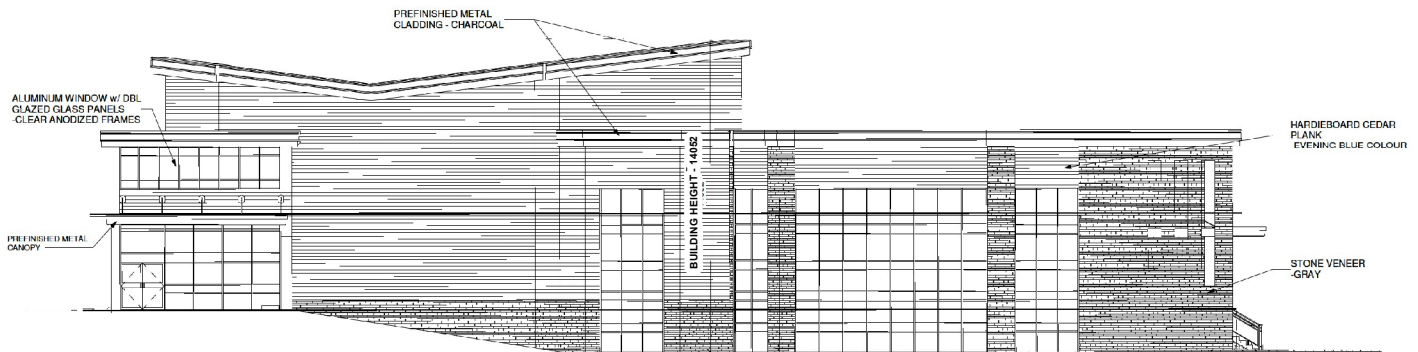
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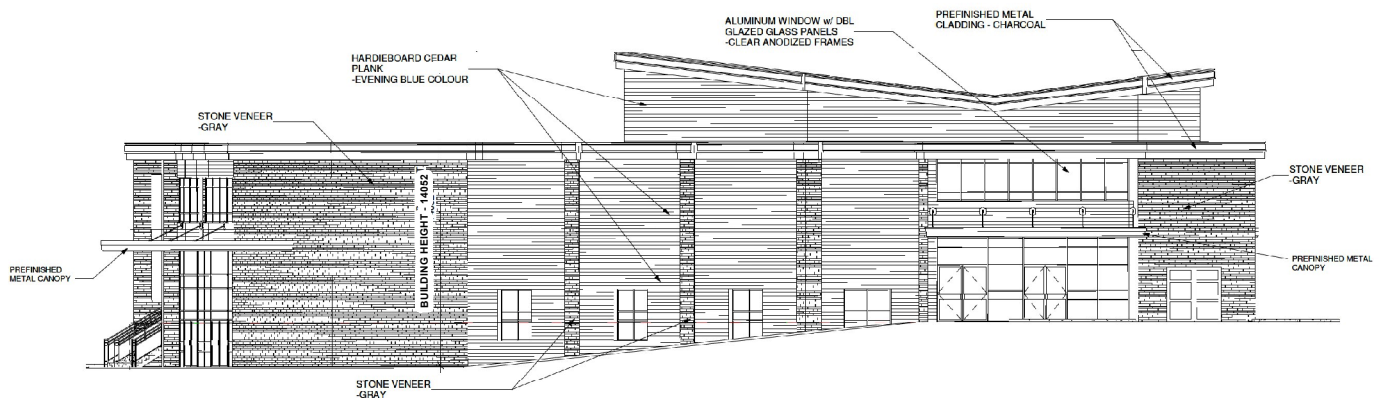
EAST ELEVATION (FACING JACOB KEEFER PARKWAY)



WEST ELEVATION (FACING KEELE STREET)



NORTH ELEVATION (FACING GANTNER GATE)



SOUTH ELEVATION

Not to Scale

Building Elevations - Phase 1

LOCATION:
Part Lot 14, Concession 3

APPLICANT:
Rivers of Life Fellowship Association



Page 135

Attachment

FILES:
Z.17.039, DA.16.061

DATE:
April 2, 2019

6

Committee of the Whole Report

DATE: Tuesday, April 02, 2019

WARD: 4

**TITLE: SITE DEVELOPMENT FILE DA.18.048
616 APPLEWOOD INC.
VICINITY OF APPLEWOOD CRESCENT AND PORTAGE
PARKWAY**

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Site Development File DA.18.048 for the Subject Lands shown on Attachment 1, to permit the development of a 7-storey 11,464 m² hotel (Hilton Garden Inn and Hampton Inn) consisting of 204 suites, an eating establishment with an outdoor patio, 28 surface parking spaces and 2-levels of underground parking containing 180 spaces, as shown on Attachments 2 to 5.

Report Highlights

- The Owner seeks approval for a 7-storey hotel with 204 suites.
- The Development Planning Department supports approval of the development, subject to the Recommendations in this report, as it conforms with the Official Plan, is a permitted use in Zoning By-law 1-88, and is compatible with the existing and planned uses in the surrounding area.
- The Owner must obtain approval from the Committee of Adjustment for the necessary exceptions to Zoning By-law 1-88 identified in Table 1 of this report to permit the Development.

Recommendations

1. THAT Site Development File DA.18.048 (616 Applewood Inc.) BE DRAFT APPROVED SUBJECT TO THE FOLLOWING CONDITIONS, to the satisfaction of the Development Planning Department, to permit the development of a 7-storey, 11,464 m² hotel (Hilton Garden Inn and Hampton Inn) consisting of 204 suites, an eating establishment with an outdoor patio, 28 surface parking spaces and 2-levels of underground parking containing 180 spaces, as shown on Attachments 2 to 5:
 - a) prior to the execution of the Letter of Undertaking:
 - i) the Development Planning Department shall approve the final site plan, building elevations including bird-friendly design treatments, landscape plan, landscape cost estimate, signage details, and lighting plan;
 - ii) the Development Engineering Department shall approve the final site servicing plan, site grading plan, parking level plan, Traffic Impact and Justification Study, geotechnical report, erosion and sediment control plan, Functional Servicing and Stormwater Management Report;
 - iii) the Owner shall execute an Encroachment Agreement with the City to the satisfaction of the Development Engineering Department;
 - iv) the Owner shall successfully obtain approval of a Minor Variance Application for the required exceptions to Zoning By-law 1-88, as identified in Table 1 of this report, and a Consent Application(s) for the required easements from the Committee of Adjustment. The Committee's decision for the Minor Variance and Consent Applications shall be final and binding, and the Owner shall satisfy any conditions of approval imposed by the Committee;
 - v) the Owner shall satisfy all requirements and obtain all necessary approvals from York Region; and
 - vi) the Owner shall satisfy all requirements and obtain all necessary approvals from Ministry of Transportation ('MTO').
 - b) that prior to the issuance of a Building Permit, the Owner agrees to pay all applicable Development Charges in accordance with the City of Vaughan, York Region, York Region District School Board and York Catholic District School Board Development Charge By-laws at the time of the issuance of a Building Permit.

Background

The subject lands (the 'Subject Lands') shown on Attachment 1, are located on the west side of Applewood Crescent and north of Portage Parkway, comprise 5,011 m² and are vacant. The surrounding land uses are shown on Attachment 1.

A Site Development Application has been submitted to permit the Development

The Owner has submitted Site Development File DA.18.048 ('the Application') on the Subject Lands shown on Attachment 1, to permit the development of a 7-storey 11,464m² hotel (Hilton Garden Inn and Hampton Inn) consisting of 204 suites, an eating establishment with an outdoor patio, 28 surface parking spaces and 2-levels of underground parking containing 180 spaces (the 'Development'), as shown on Attachments 2 to 5.

Previous Reports/Authority

Not applicable.

Analysis and Options

The Development conforms to the policies of Vaughan Official Plan 2010 ("VOP 2010")

The Subject Lands are designated "Prestige Employment" by Vaughan Official Plan 2010 ("VOP 2010"), which permits a wide range of employment uses including manufacturing, warehousing, processing and distribution uses, located within wholly enclosed buildings and which do not require outside storage. A hotel is not a permitted use within the "Prestige Employment" designation, however, the Subject Lands are zoned EM1 Prestige Employment Zone, which permits a hotel as-of-right. The "Prestige Employment" designation permits a variety of building types, including "Mid-Rise Buildings", which is described in VOP 2010 as a building that is generally over 5-storeys in height up to a maximum 12-storeys in height.

Amendments to Zoning By-law 1-88 required to permit the Development

The Subject Lands are zoned "EM1 Prestige Employment Area Zone" by Zoning By-law 1-88 (as shown on Attachment 2), subject to site-specific Exception 9(1109), which permits a hotel. The following exceptions to Zoning By-law 1-88, specifically to the "EM1 Prestige Employment Area Zone", are required to permit the hotel:

Table 1

	Zoning By-law 1-88 Standard	EM1 Prestige Employment Zone Requirements, subject to Site- Specific Exception 9(1109)	Proposed Exceptions to the EM1 Prestige Employment Zone Requirements, subject to Site-Specific Exception 9(1109)
a.	Minimum Front Yard Setback	6 m	5.8 m (Applewood Crescent)
b.	Minimum Rear Yard Setback	12 m	0.2 m (West property line)
c.	Minimum Interior Yard Setback	6 m	2.2 m (South property line)
d.	Maximum Permitted Building Height	15 m	23.4 m
e.	Parking Requirements	270 spaces (204 suites @ 1 parking spaces per suite + 66 for the eating establishment and outdoor patio)	208 spaces
f.	Loading Space Requirements	Loading spaces shall be provided and maintained on the lot on which the building is erected	Loading space (including but not limited to access and aisle) required for the Subject Lands shall be provided and maintained on the adjacent lot (Homewood Suites by Hilton - Attachment 1)

The Development Planning Department can support the variances being sought. The proposed building setbacks and height are appropriate for the hotel use, provide an appropriate built form and are similar to those previously approved on the adjacent hotel sites.

The Owner has submitted a Traffic Impact and Parking Justification Study (November, 2018) and an addendum letter (January, 2019) which has been reviewed by the Transportation Division of the Development Engineering Department that concludes 208 parking spaces are adequate to accommodate the Development.

The Owner is required to successfully obtain approval of a Minor Variance Application for the required site-specific exceptions identified in Table 1 from the Committee of the Adjustment. The Owner must also successfully obtain approval for a Consent Application from Vaughan Committee of Adjustment to grant the necessary easements for the proposed loading space over the adjacent site (Homewood Suites by Hilton, Attachment 2). The Committee's decision regarding the Minor Variance and Consent Applications shall be final and binding. Should the Site Development application be approved, the Owner shall satisfy any conditions of approval imposed by the Committee prior to the execution of the implementing Letter of Undertaking.

A condition to this effect is included in the Recommendations of this report.

The Development Planning Department supports the Development, subject to the Recommendations in this report

Site Plan

The Development shown on Attachments 2 to 5 includes a 7-storey, 11,464 m² hotel building (Hilton Garden Inn and Hampton Inn) consisting of 204 suites, a 308.9m² eating establishment with a 96 m² outdoor patio with 2 level of underground parking on the Subject Lands. The ground floor of the hotel includes an eating establishment and various amenities such as meeting rooms, an exercise room, a pool and a breakfast area. No suites are proposed on the ground level. The Development will be served by 208 parking spaces of which, 180 spaces will be located underground and the remaining 28 spaces will be surface parking located at the north end of the building, shown on Attachment 2.

The Development will be located on a vacant parcel of land adjacent to existing hotels (Attachment 1) with two access points from Applewood Crescent. The north access is shared with the 6-storey office building to the north and with the Homewood Suites by Hilton located west of the Development. The loading space for the Subject Lands is located on the adjacent site (Homewood Suites by Hilton, Attachment 2). Easements must be registered on title for the proposed shared access and the loading space. A condition to this effect is included in the Recommendations of this report.

Landscape Plan

The proposed landscape plan includes pre-cast unit pavers, concrete planters containing a variety of deciduous tree and shrub species, at-grade plantings which include a variety of coniferous shrub species, pedestrian benches and bike racks, as shown on Attachment 3.

Building Elevations

The proposed building elevations are modern and contain a mix of white metal panels contrasting with dark masonry at the lower levels, charcoal precast panels and dark cherry longboards, as shown on Attachments 4 and 5.

Signage

A monument sign is proposed at the north end of the main entrance into the site (Attachment 2) with a height of 3.17 m as shown on Attachment 5.

The Development Planning Department is satisfied with the Development shown on Attachments 3 to 5. The final site plan, building elevations, landscape plan, landscape cost estimate, signage details and lighting plan must be approved prior to the execution of the Letter of Undertaking. A condition to this effect is included in the Recommendations of this report.

There are no Cultural Heritage concerns with the Development

Cultural Heritage staff have advised there are no cultural heritage concerns respecting the Subject Lands.

The Policy Planning and Environmental Sustainability Department has no objection to the Development, subject to the building providing a bird-friendly treatment condition

The Policy Planning and Environmental Sustainability ('PPES') Department advise that they have no objection to the Development, subject to the Owner providing bird-friendly treatments consistent with the Council-approved City-Wide Urban Design Guidelines and the Sustainability Performance Metrics Program. A condition to this effect is included in the Recommendations of this report.

The Development Engineering Department has no objection to the Development, subject to the conditions in this report

The Development Engineering ('DE') Department advise they have no objection to the Development subject to the conditions in the Recommendations section of this report. The DE Department has identified the following matters to be addressed prior to final approval and the execution of a Letter of Undertaking:

Development Engineering

The Owner proposes to utilize the existing water and sanitary service connections. A new storm service connection will replace the existing connection as it conflicts with the underground parking structure. The final servicing drawings must be to the satisfaction of the DE Department.

Environmental Site Assessment

The Owner submitted a Phase I Environmental Site Assessment ('ESA') report for the Subject Lands. The report indicates there are no significant environmental concerns and no further ESA work is required, which is acceptable to the City.

Transportation

The Owner is to ensure that there are internal pedestrian connections within the site to the satisfaction of the Transportation section of the DE Department.

Additional Comments

The Owner will be required to make an application for the following:

- a) Any temporary and permanent dewatering system that is required for the Development and enter into an agreement and/or permit to discharge groundwater as required by the City;
- b) Excavation and shoring that is required for the Development and enter into an agreement and/or permit as required by the City, including an Encroachment Agreement/permit and payment of the associated fees; and
- c) The installation of any proposed services within the City's right-of-way after the approval of a site servicing plan.

Development Charges are applicable for the Development

The Financial Planning and Development Finance Department has advised that the Owner shall pay applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, York Region, York Region District School Board, and York Catholic District School Board. A clause to this effect will be included in the Letter of Undertaking, as indicated in the Recommendations of this report.

Cash-in-Lieu of the dedication of parkland is not required

The Office of the City Solicitor, Real Estate Department and the Parks Development Department have confirmed that cash-in-lieu of the dedication of parkland is not

Required as this requirement was previously satisfied through Registered Plan 65M-3606.

The Environmental Services Department, Waste Management Division has no objection to the Development

The Environmental Services Department, Waste Management Division has reviewed the Application and advise they have no objection to its approval.

The Fire and Rescue Services Department have no objection to the Development

The Fire and Rescue Services Department have no objection to the Development, but advise that adequate provisions for fire safety and protection must be provided in accordance with the Ontario Building Code.

The Ministry of Transportation Ontario have no objection to the Development, subject to the conditions in this report

The Development is located outside of Ministry of Transportation ('MTO') Permit Control Area for building land use and construction however, the site is located within an MTO Permit Control Area for proposed signage. The Owner is required to obtain all necessary approvals. A condition to this effect is included in the Recommendations of this report.

Canada Post has no objection to the Development

Canada Post has no objection to the approval of the Development. The Development is considered an institution by Canada Post therefore, mail for this building will be delivered to the reception area of the building. It will be the responsibility of the building management to have the mail distributed to all the residents/guests, other departments or retail stores, if any. A centralized mail facility will not be required for the above noted project.

NavCanada and Bombardier have no objection to the Development

NavCanada and Bombardier advise that they have no object to the Development.

The various utilities have no objection to the Development

Hydro One, Enbridge Gas, Alectra Utilities Corporation, Bell Canada and Rogers Communications Inc. have no objection to the Development, subject to the Owner coordinating servicing, connections, easements and locates with the above noted utilities prior to the commencement of any site works.

Financial Impact

N/A

Broader Regional Impacts/Considerations

York Region has no objection to the Development, subject to conditions

York Region have no objection to the Development, subject to the Owner satisfying the following conditions:

- a) The Owner is advised that high groundwater levels and confined aquifer conditions have been identified in the general vicinity of the Subject Lands. Appropriate precautions should be taken to prevent impacts to the Development.
- b) The Owner agrees to provide a pre-loaded Presto card of \$50.00 to all full-time employees.
- c) The Owner agrees to provide proof of membership to the Smart Commute - North Toronto, Vaughan.
- d) The Owner agrees to implement the Transportation Demand Management measures and incentives as recommended by the revised Transportation Impact and Parking Justification Study by Cole Engineering Group Ltd. dated November 2018.

The Owner must satisfy all requirements of York Region. A Condition to this effect is included in the Recommendations of this report.

Conclusion

Site Development File DA.18.048 has been reviewed in consideration of the policies of the VOP 2010, the development standards in Zoning By-law 1-88, comments from City Departments and external public agencies, and the surrounding area context. The hotel Development shown on Attachments 3 to 5, is a permitted use in Zoning By-law 1-88, and is appropriate and compatible with the existing and permitted uses in the surrounding area. Accordingly, the Development Planning Department supports the approval of Site Development File DA.18.048, subject to the Recommendations in this report.

For more information, please contact: Margaret Holyday, Planner, at extension 8216.

Attachments

- 1. Location Map
- 2. Site Plan and Zoning
- 3. Landscape Plan
- 4. Building Elevations - East & North

5. Building Elevations - West & South and Monument Sign

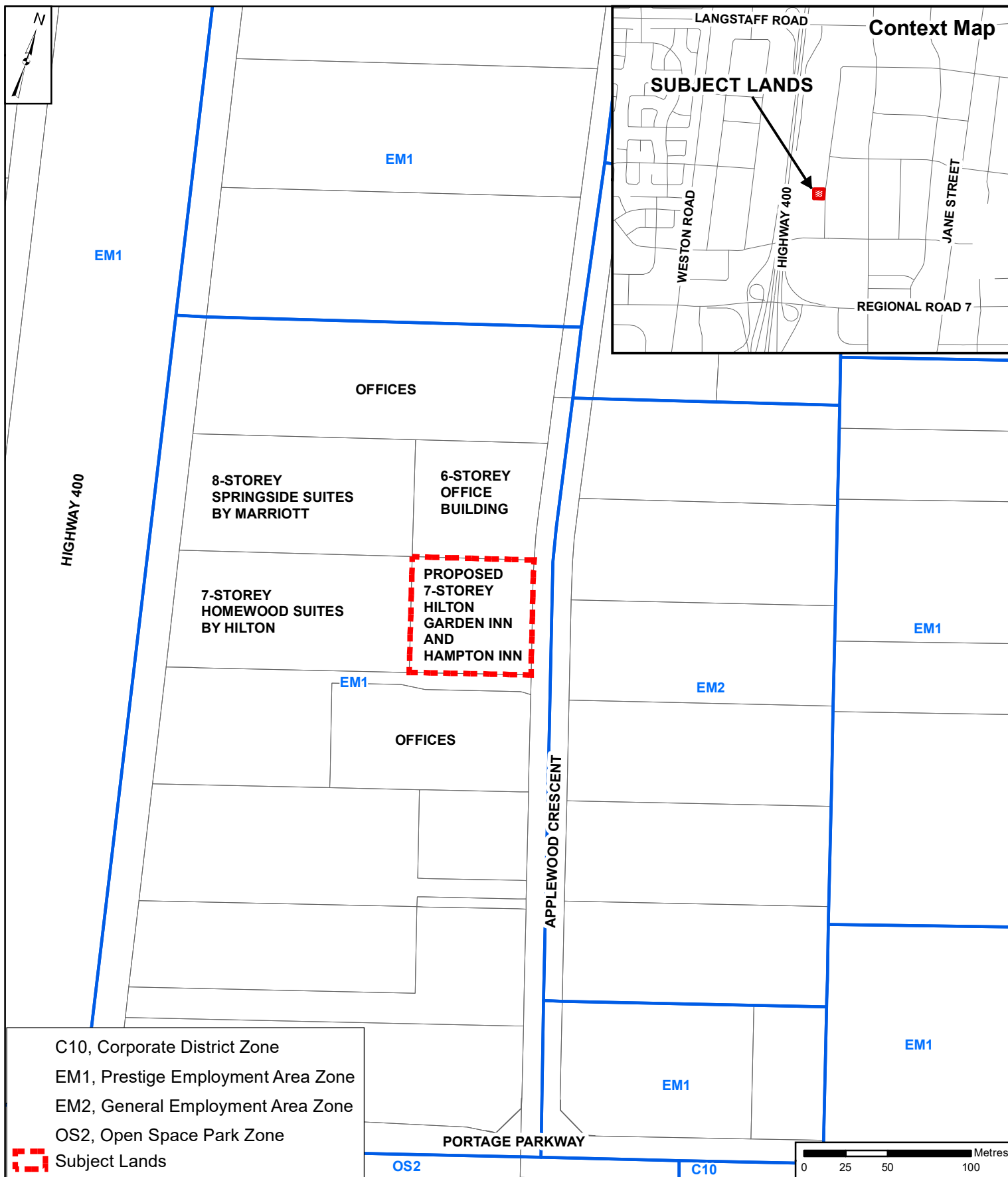
Prepared by

Margaret Holyday, Planner, ext. 8216

Nancy Tuckett, Senior Manager of Development Planning, ext. 8529

Mauro Peverini, Director of Development Planning, ext. 8407

/CM



Location Map

LOCATION:
Part Lots 7 & 8, Concession 5

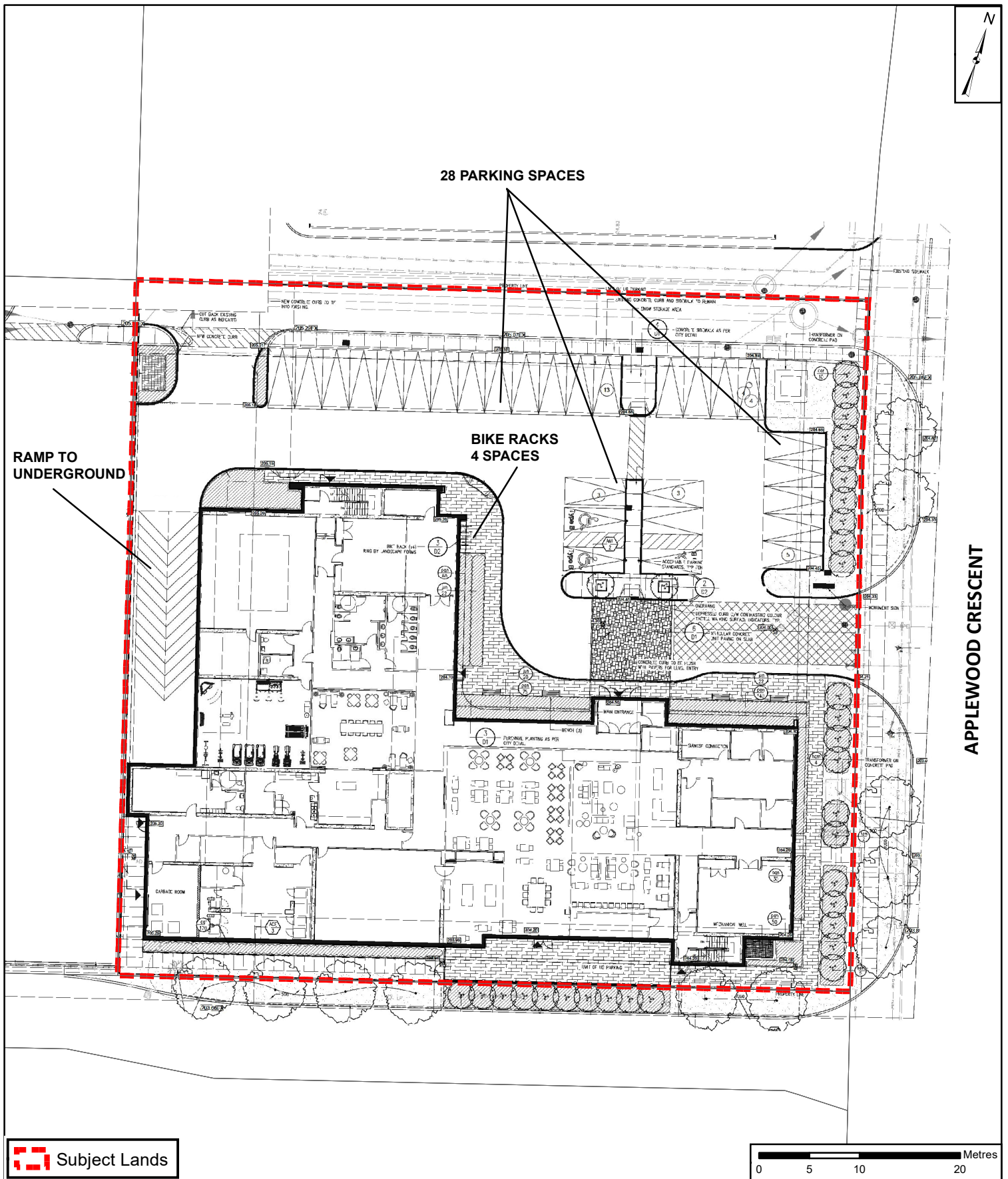
APPLICANT:
616 Applewood Inc,

Attachment

FILE:
DA.18.048

DATE:
April 2, 2019

1



Landscape Plan

LOCATION:
Part Lots 7 & 8, Concession 5

APPLICANT:
616 Applewood Inc,

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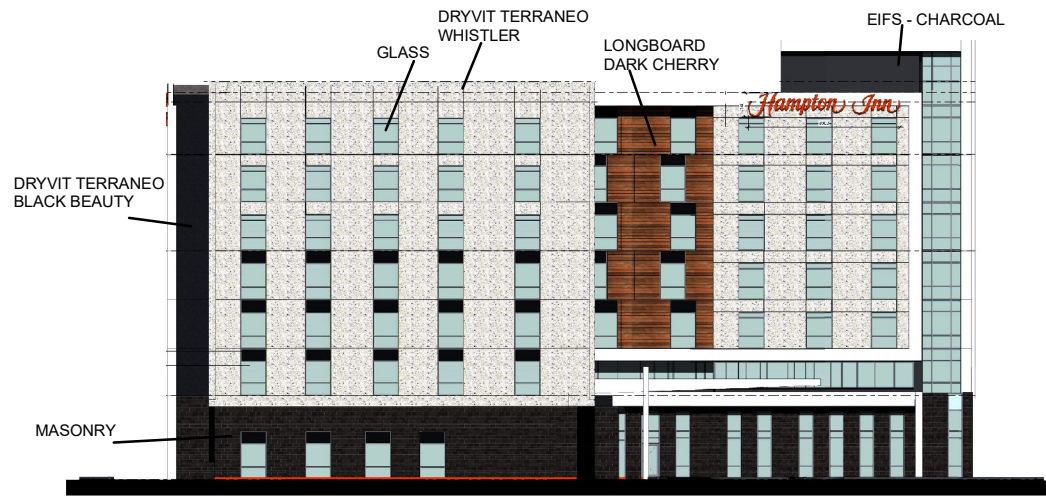
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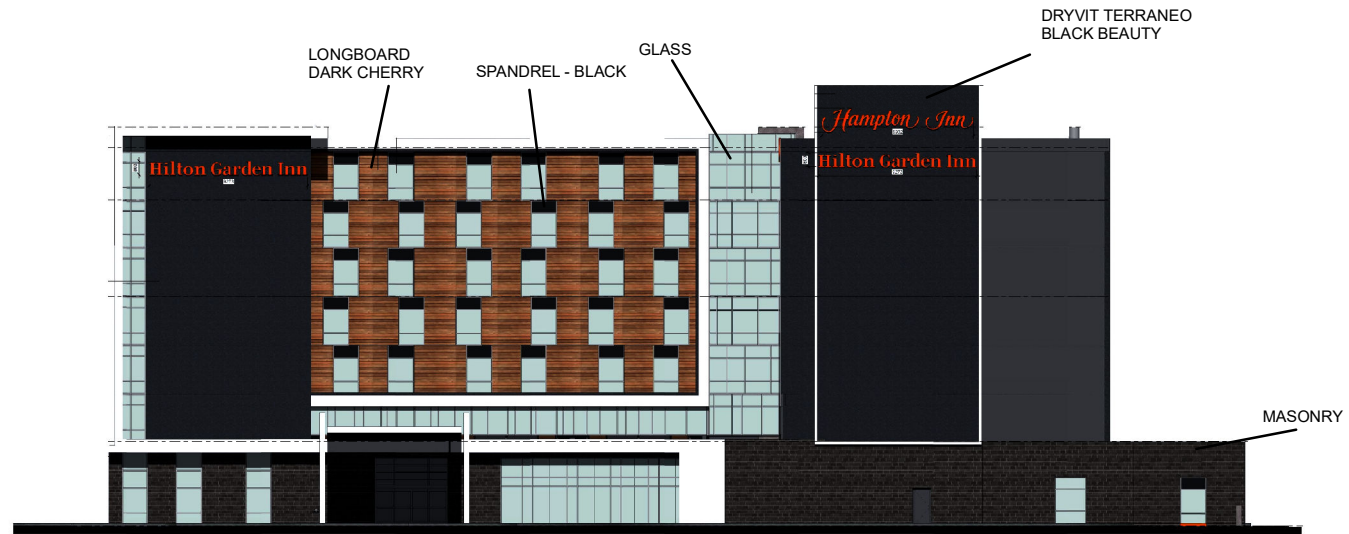
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April 2, 2019

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Printed on: 2/25/2019



EAST ELEVATION (FACING APPLEWOOD CRESCENT)



NORTH ELEVATION

Not to Scale

Building Elevations - East & North

LOCATION:
Part Lots 7 & 8, Concession 5

APPLICANT:
616 Applewood Inc,

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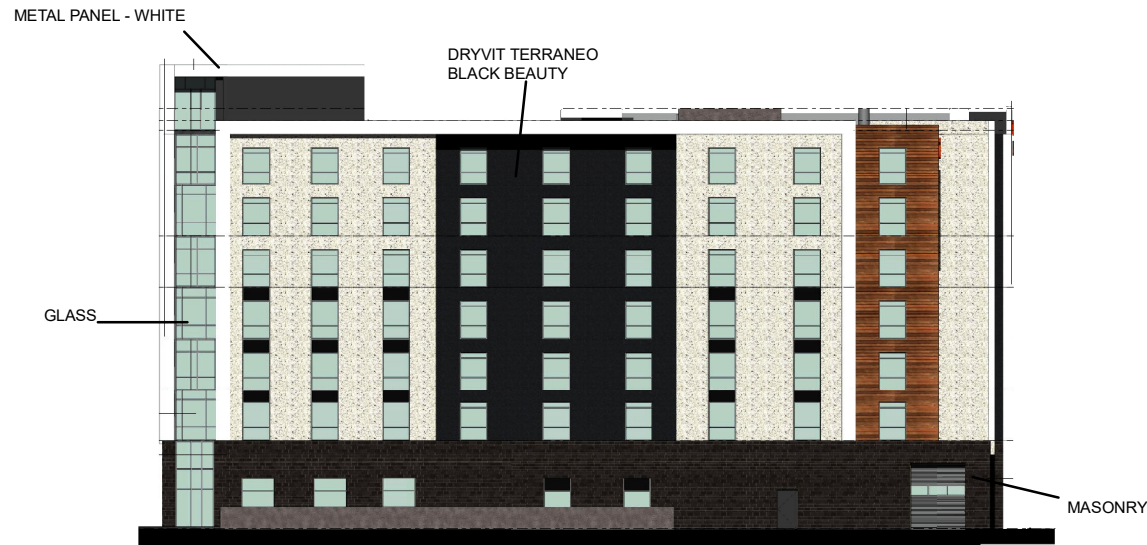
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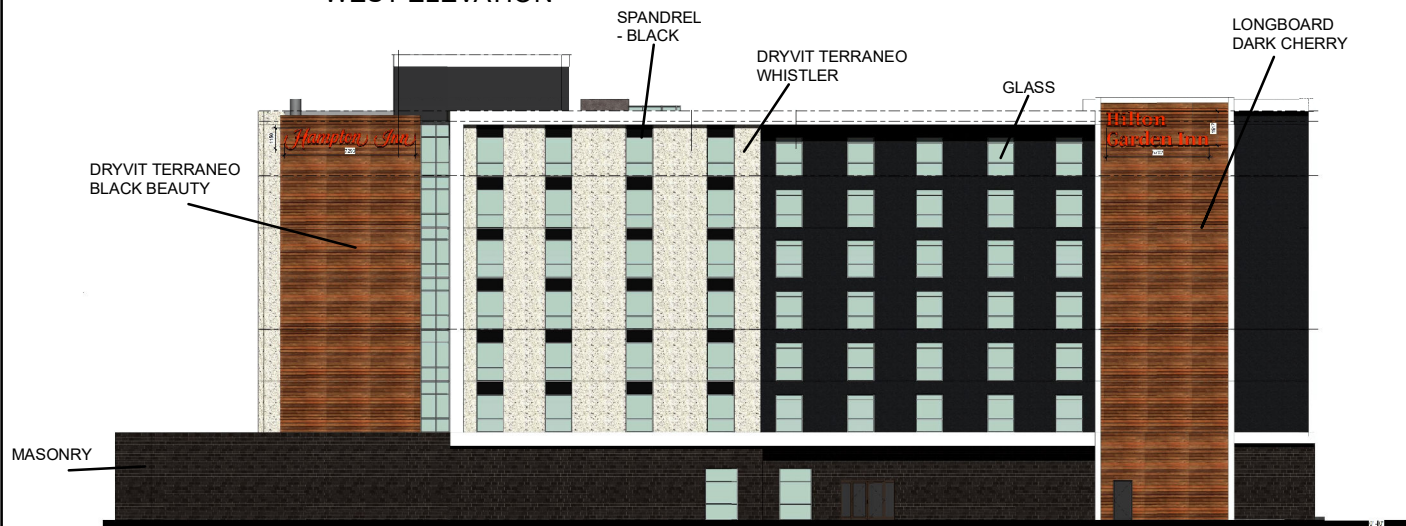
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April 2, 2019

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Printed on: 2/21/2019



WEST ELEVATION



SOUTH ELEVATION



MONUMENT SIGN

Not to Scale

Building Elevations - West & South and Monument Sign

LOCATION:
Part Lots 7 & 8, Concession 5

APPLICANT:
616 Applewood Inc,



Page 150

Attachment

FILES:
DA.18.048

DATE:
April 2, 2019

5

Committee of the Whole Report

DATE: Tuesday, April 02, 2019

WARD(S): 4

**TITLE: ALL-WAY STOP CONTROL REVIEW AT CARRIER CRESCENT
AND OBERFRICK AVENUE**

FROM:

Zoran Postic, Interim Deputy City Manager, Public Works

ACTION: DECISION

Purpose

This report seeks Council approval to implement an all-way stop control at the intersection of Carrier Crescent and Oberfrick Avenue to improve traffic operations.

Report Highlights

- A traffic study was undertaken, and the existing traffic volumes at the subject intersection exceed the Provincial Warrant for all-way stop controls.
- All-way stop controls would benefit vehicular and pedestrian movements in the area.
- It is recommended that an all-way stop control be implemented at the subject intersection.

Recommendations

1. That the implementation of an all-way stop control at the intersection of Carrier Crescent and Oberfrick Avenue be approved;
2. That a By-law be enacted to amend By-law 284-94, the Consolidated Traffic By-law, to add an all-way stop control at the intersection of Carrier Crescent and Oberfrick Avenue; and
3. That the City Clerk forward a copy of this report to York Regional Police.

Background

A review of traffic operations was conducted at the intersection of Carrier Crescent and Oberfrick Avenue to assess the need for additional traffic control measures.

Carrier Crescent and Oberfrick Avenue form a four-legged intersection, with two travel lanes per leg (one lane per direction). Both roadways are designated as local roadways with a pavement width of 8.0 metres, and right-of-way width of 17.5 metres.

Carrier Crescent is oriented east-west and does not currently require vehicles to stop at the intersection with Oberfrick Avenue. Vehicles traveling on Oberfrick Avenue, which is oriented north-south, are required to stop at Carrier Crescent. There are sidewalks along the south side of Carrier Crescent, and along the east side of Oberfrick Avenue.

Staff have noted that there are several pedestrian generators/destinations located within this community, including Dr. Roberta Bondar Public School (on the northeast corner of Grand Trunk Avenue and Sir Sanford Fleming Way) and St. Cecilia Catholic Elementary School (on the southeast corner of Peter Rupert Avenue and Golden Forest Road).

Previous Reports/Authority

[Consolidated Traffic By-Law 284-94](#)

Analysis and Options

An all-way stop control is recommended at the intersection of Carrier Crescent and Oberfrick Avenue to improve traffic operations and facilitate pedestrian and vehicle traffic.

The City's all-way stop control warrant analysis takes into consideration the minimum vehicular volumes required, accident hazards, and sight restrictions at the intersection. This warrant analysis is generally based on the thresholds established in Book 5 of the Ontario Traffic Manual. The study results are summarized in Table 1.

As shown in the Table, observed traffic volumes at that intersection are 105 percent of the minimum required to meet the Provincial Warrant for all-way stop controls. Traffic volume data is based on turning movement counts collected on Tuesday, October 30, 2018, at the intersection of Carrier Crescent and Oberfrick Avenue. The study was conducted during the peak traffic periods of 7:00 a.m. to 9:00 a.m., 11:00 a.m. to 2:00 p.m. and 3:00 p.m. to 6:00 p.m.

Table 1: All Way Stop Warrant Analysis at Carrier Crescent and Oberfrick Avenue

Warrant #	Warrant Description	Study Results
Warrant 1	Minimum Vehicular Volumes	105%
Warrant 2	Accident Hazards	0%
Warrant 3	Sight Restrictions	0%

The Table also shows that Warrant 2, based on accident hazards, was not met. Specifically, collision data from York Regional Police indicate that there have been no reported collisions at this intersection during the three-year period from June, 2015 to June, 2018.

In addition, Warrant 3, based on sight restrictions, was not met. Specifically, the sightline assessment found that pedestrian and motorist sightlines are unobstructed at this intersection. Moreover, the intersection geometry does not pose any issues, with both streets at level grade and intersecting at 90 degrees.

All-way stop controls are recommended when one of the above warrants meets or exceeds 100 percent. Given that Warrant 1, based on traffic volumes, is met, and due to the proximity of this intersection to Dr. Roberta Bondar Public School and St. Cecilia Catholic Elementary School, it is recommended that all-way stop controls be installed to improve vehicular and pedestrian movements.

Financial Impact

The capital cost associated with the installation of the all-way stop signs is estimated to be \$700 and has been included in the approved 2019 Operating Budget. The on-going cost to maintain the signs and pavement markings (stop bars) is estimated to be \$200 per annum and will be incorporated in future year Operating Budgets.

Broader Regional Impacts/Considerations

York Regional Police will be responsible for enforcing compliance with the recommended all-way stop at Carrier Crescent and Oberfrick Avenue. As such, a copy of this report will be forwarded to them upon approval of the recommendations by Council.

Conclusion

An all-way stop control is recommended at the intersection of Carrier Crescent and Oberfrick Avenue to improve traffic operations.

For more information, please contact:

Zoran Postic, Director, Transportation Services Parks and Forestry Operations and
Interim Deputy City Manager of Public Works, or

Margie Chung, Manager of Traffic Engineering.

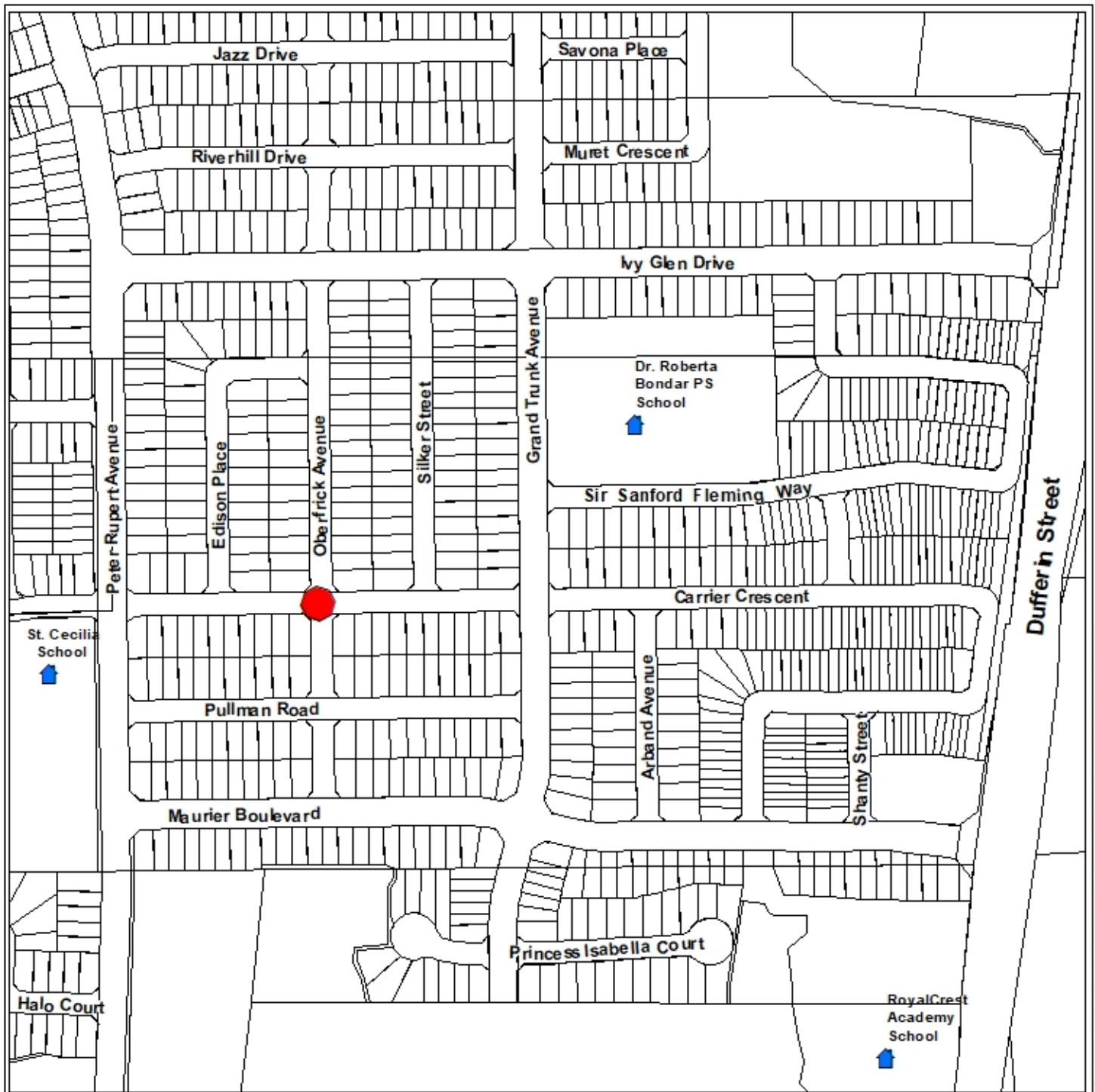
Attachments

1. Location Map

Prepared by



Peter Trinh, Traffic Analyst, Ext 6157

ATTACHMENT No. 1



ALL-WAY STOP REVIEW CARRIER CRESCENT AND OBERFRICK AVENUE WARD 4

LEGEND

-  PROPOSED ALL-WAY STOP
-  SCHOOL



NOT TO SCALE

Committee of the Whole Report

DATE: Tuesday, April 02, 2019

WARD(S): 1

**TITLE: ALL-WAY STOP CONTROL REVIEW AT PINE VALLEY DRIVE
AND KIRBY ROAD SOUTH INTERSECTION**

FROM:

Zoran Postic, Interim Deputy City Manager, Public Works

ACTION: DECISION

Purpose

This report seeks Council approval to implement an all-way stop control at the south intersection of Pine Valley Drive and Kirby Road to improve traffic operations.

Report Highlights

- A traffic study was undertaken, and the existing traffic volumes at the subject intersection exceed the Provincial Warrant for all-way stop controls.
- All-way stop controls would benefit traffic operations in the area.
- It is recommended that an all-way stop control be implemented at the subject intersection.

Recommendations

1. That the implementation of an all-way stop control at the south intersection of Pine Valley Drive and Kirby Road be approved;
2. That a By-law be enacted to amend By-law 284-94, the Consolidated Traffic By-law to add an all-way stop control at the south intersection of Pine Valley Drive and Kirby Road; and
3. That the City Clerk forward a copy of this report to York Regional Police.

Background

A review of traffic operations was conducted at the two offset intersections of Pine Valley Drive with Kirby Road to assess the need for additional traffic control measures.

Pine Valley Drive is a two-lane north-south minor arterial roadway with a 28.5 metres right-of-way (6.5 metres pavement width) and 1.0 metres gravel shoulder on both sides. Kirby Road is a two-lane east-west minor arterial roadway with a 28.5 metres right-of-way (6.5 metres pavement width) and 1.0 metres gravel shoulder on both sides.

At Pine Valley Drive, Kirby Road is offset, such that the westerly leg of Kirby Road meets Pine Valley Drive at a three-legged intersection approximately 65 metres south of where its easterly leg meets Pine Valley Drive, forming a separate three-legged intersection. Each of these three-legged intersections is stop-controlled on Kirby Road. There are no plans in the foreseeable future to align the westerly and easterly legs of Kirby Road.

The area is currently illuminated by two street light poles on the east side of Pine Valley Drive, specifically, one at each of the three-legged intersections. Pavement markings are present on both roadways, including edge lines on both sides of the roadway and a yellow centerline.

Previous Reports/Authority

[Consolidated Traffic By-Law 284-94](#)

Analysis and Options

An all-way stop control is recommended at the south intersection of Pine Valley Drive and Kirby Road, to improve traffic operations. No additional traffic controls are recommended at this time for the north intersection (Pine Valley Drive and Kirby Road toward the east).

The City's all-way stop control warrant analysis takes into consideration the minimum vehicular volumes required, accident hazards, and sight restrictions at the intersection. This warrant analysis is generally based on the thresholds established in Book 5 of the Ontario Traffic Manual. The study results are summarized in Table 1.

As shown in the Table, traffic volumes at the south intersection of Pine Valley Drive and Kirby Road are 166 percent of the minimum required to meet the Provincial Warrant for all-way stop controls, while at the north intersection, traffic volumes are only 68 percent of the minimum required. Traffic volume data is based on turning movement counts collected on Wednesday, November 14, 2018 during the peak traffic periods of 7:00 a.m. to 9:00 a.m., 11:00 a.m. to 2:00 p.m. and 3:00 p.m. to 6:00 p.m.

Table 1: All-Way Stop Warrant Analysis at Pine Valley Drive and Kirby Road

Warrant #	Warrant Description	Study Results	
		North intersection	South intersection
Warrant 1	Minimum Vehicular Volumes	68%	166%
Warrant 2	Accident Hazard	0%	0%
Warrant 3	Sight Restriction	0%	0%

The Table also shows that Warrant 2, based on accident hazards, was not met at either intersection. Specifically, collision data from York Regional Police indicate that there have been no reported collisions at either intersection during the three-year period from June 2015 to June 2018.

In addition, Warrant 3, based on sight restrictions, was not met at either intersection. Specifically, the sightline assessment found that sightlines are unobstructed at both intersections. Moreover, the intersection geometries do not pose any issues, with both streets being at level grade and intersecting at 90 degrees.

All-way stop controls are recommended when one of the above warrants meets or exceeds 100 per cent. As show in Table 1, the existing volumes at the south intersection of Pine Valley Drive and Kirby Road exceed the Minimum Vehicular Warrant No. requirements. As such, an all-way stop control is recommended at this location. However, at the north intersection none of the warrants are met, therefore all-way stop control is not recommended there.

Staff will continue to monitor the traffic conditions at this location and assess the need for improvements, as required.

Financial Impact

The capital cost associated with the installation of the all-way stop signs is estimated to be \$700 and has been included in the approved 2019 Operating Budget. The on-going cost to maintain the signs and pavement markings (stop bars) is estimated to be \$200 per annum and will be incorporated in future year Operating Budgets.

Broader Regional Impacts/Considerations

York Regional Police will be responsible for enforcing compliance with the recommended all-way stop at the south intersection of Pine Valley Drive and Kirby Road. As such, a copy of this report will be forwarded to them upon approval of the recommendations by Council.

Conclusion

An all-way stop control is recommended at the south intersection of Pine Valley Drive and Kirby Road toward the west, to improve traffic operations. No additional traffic controls are recommended at this time for the north intersection (Pine Valley Drive and Kirby Road toward the east).

For more information, please contact:

Zoran Postic, Director, Transportation Services Parks and Forestry Operations and
Interim Deputy City Manager of Public Works, or

Margie Chung, Manager of Traffic Engineering.

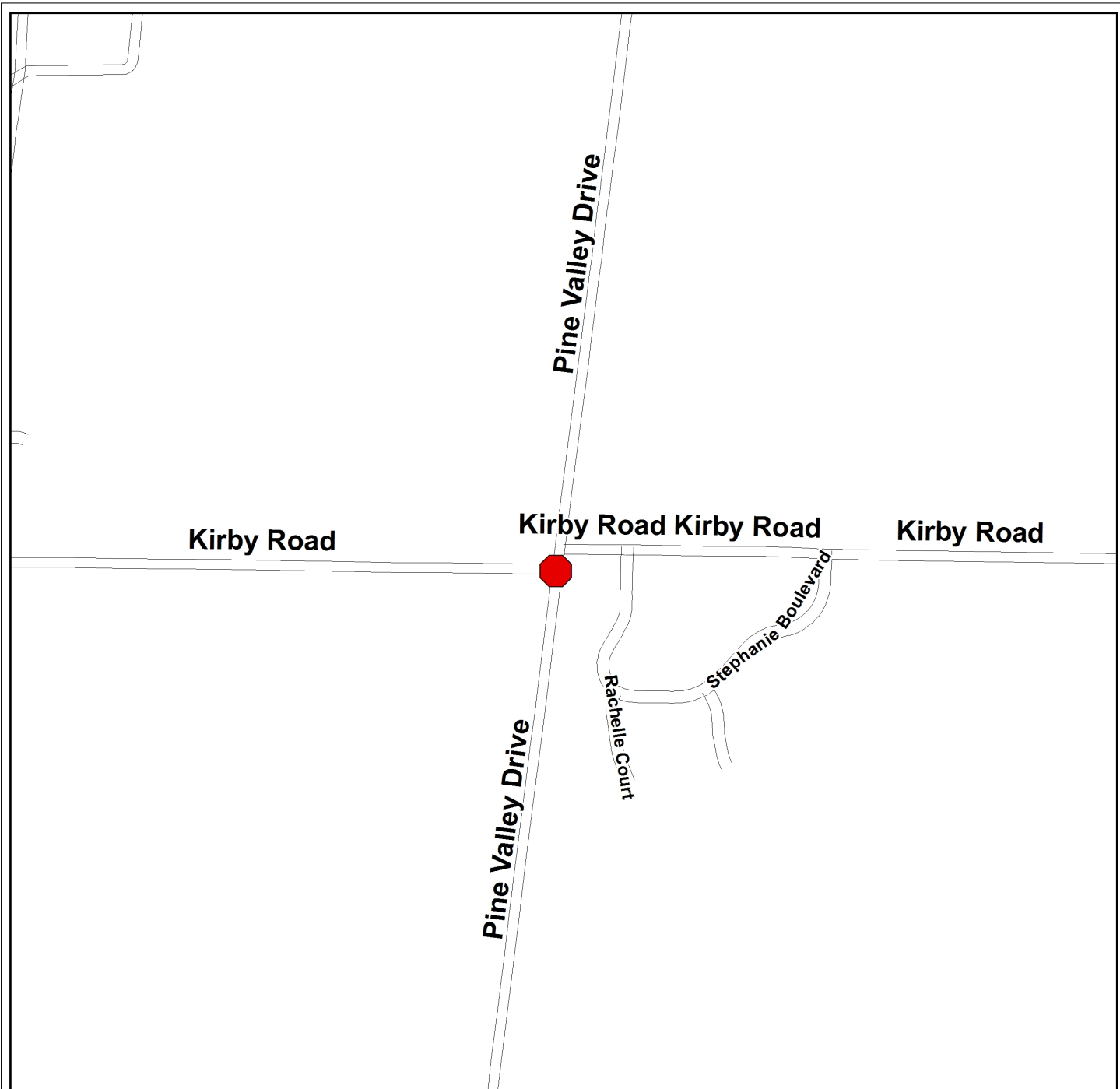
Attachments

1. Location Map

Prepared by

David Fan, Traffic Analyst, Ext 6148

ATTACHMENT No.1



ALL-WAY STOP CONTROL REVIEW PINE VALLEY DRIVE AND KIRBY ROAD (S) WARD 1

LEGEND



PROPOSED ALL-WAY STOP



NOT TO SCALE

Committee of the Whole Report

DATE: Tuesday, April 02, 2019

WARD(S): ALL

**TITLE: REGULATION OF NOT-FOR-PROFIT LOBBYING ACTIVITIES
UNDER THE CITY OF VAUGHAN LOBBYING BY-LAW**

FROM:

Suzanne Craig, Integrity Commissioner and Lobbyist Registrar

ACTION: DECISION

Purpose

The purpose of this Report is to respond to the need for clarification observed by the Lobbyist Registrar regarding the application of the mandatory Lobbyist Registry rules. The Lobbyist Registrar recommends that Vaughan City Council adopt the changes to the Lobbying By-Law (No.165-2017) set out in Attachment #1 which defines what constitutes a not-for-profit group or organization under the By-Law and clarifies when not-for-profit groups or organizations will be required to register in the Lobbyist Registry.

Report Highlights

- A healthy democracy requires open and fully transparent communication between the government and the public
- A well-functioning government also needs strong and fair relationships which are facilitated by clearly defined roles, responsibilities and definitions
- Not-For-Profits are a vital part of the community and should not be burdened by excessive administrative requirements to register
- However, where the activities of a not-for-profit operate to benefit private or for-profit interests and are not **ancillary or incidental** to the purpose or operation of the not-for-profit, the group or organization will be subject to the lobbyist registration rules

Recommendation

1. That Council approve the amended By-Law substantially in the form of Attachment #1.

2. That Council approve the definition of Not-For-Profit as:
A group or organization organized and operated exclusively for social welfare, civic improvement, or for any other purpose except profit, no part of the income of which was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof.
3. That Council approve the addition in Attachment #1 of the provisions that:
 - a) The lobbying activities undertaken by the not-for-profit must be ancillary or incidental to the purpose or operation of the not-for-profit for the organization to be exempted from the lobbyist registration rules; and
 - b) Any lobbying activities on behalf of the not-for-profit must be performed by a voluntary unpaid lobbyist for the organization to be exempted from the lobbyist registration rules.

Background

Lobbying conducted by interested parties is in many respects a positive contributor to debate and is an important part of the governing process. The lobbying of Members of Council and staff on municipal issues can enhance the deliberative process by providing the perspective of stakeholders that might otherwise be lost. Greater transparency of that process, however, will enhance the public's perception that decisions are being made in an accountable way.

A strong accountability and transparency framework contributes to effective governance by ensuring that the City is accountable to the public for its actions, and by clearly defining the manner in which its governance practices will be made transparent to the public.

Statutory Authority to Establish Lobbyist Registry

The *Municipal Act, 2001* (the "Act") authorizes municipalities to establish lobbyist registries and appoint lobbyist registrars. The City of Toronto is obliged to establish a registry, but it is optional for other municipalities.

In particular, Section 223.9(1) of the Act allows for a municipality "to establish and maintain a registry in which shall be kept such returns as may be required by the municipality that are filed by persons who lobby public office holders."

Establishment of Mandatory Lobbyist Registry at the City of Vaughan

At the Council meeting of June 7th, 2016, Council approved the recommendation of the City Clerk [Item 9, Report No. 26, Committee of the Whole (Working Session)] to enact a by-law to establish a voluntary Lobbyist Registry for the City of Vaughan. By-Law 105-2016 was passed on June 28th, 2016 and came into effect on January 1st, 2017. In approving this recommendation, Council also directed that specific mechanisms for the establishment of a mandatory lobbyist registry be developed for implementation in 2018.

After general positive feedback from the lobbyists who have used the system and business stakeholders in the community, on December 11, 2017, City of Vaughan Council passed By-Law 165-2017 to establish a mandatory lobbyist registry. The mandatory regime came into effect on January 1, 2018.

What led up to the Lobbyist Registrar recommending changes to the Lobbying By-Law at this time?

In the first year that the mandatory lobbyist registry was in force (2018) the Office of the Lobbyist Registrar fielded many questions from the business community and City of Vaughan staff with respect to what communications were captured by the Lobbying By-Law and who was required to register their communications.

It became evident that there was a need for this Office to clarify who had to register as a lobbyist under the Lobbying By-Law. With a view to obtaining an understanding of how the new mandatory regime was being implemented “on the ground”, and how best to ensure the spirit and letter of the By-Law, this Office met with several City senior staff to receive suggestions on what content was needed to provide greater clarity. The meetings involved a full and frank discussion of the problems the community sector was experiencing in understanding the registration requirements under the mandatory regime.

Early in the Fall of 2018, this Office developed an Information Bulletin the purpose of which was:

- (i) to provide the Registrar’s interpretation of what constitutes a not-for-profit group or organization under the Lobbying By-Law (No. 165-2017), and,
- (ii) identify when not-for-profit groups or organizations may have to register in the Lobbyist Registry.

Previous Reports/Authority

[Voluntary Lobbyist Registry By-Law 105-2016](#)

[Implementation of the Mandatory Lobbyist Registry](#)

Analysis and Options

“Lobbyist” under the Lobbyist By-Law – Current definitions

Currently, section 1 (e) of the Lobbying By-Law states that “lobbyist: means

- **Consultant Lobbyist** - an individual who lobbies for payment on behalf of a client (another individual, company, partnership or organization). If the consultant lobbyist arranges for a meeting between a public office holder and a third party, that is lobbying.
- **In-House Lobbyist** - an individual who is an employee, partner or sole proprietor and who lobbies on behalf of their own employer, business or organization. If the in-house lobbyist arranges for a meeting between a public office holder and a third party, that is lobbying.
- **Voluntary Unpaid Lobbyist** - an individual who lobbies without payment on behalf of an individual, business or other organization for the benefit of the interests of

the individual, business or other organization. If the voluntary unpaid lobbyist arranges a meeting between a public office holder and a third party, that is lobbying.

The distinction between the different types of lobbyists is important when determining what lobbying activities may be exempt from the reporting requirements of the registry. However, it has become evident in the year during which the mandatory regime has been in force, that there is a need to clarify what constitutes a not-for-profit for the purposes of apply the rules of the Lobbying By-Law.

What changes are being recommended by the Lobbyist Registrar?

Section 4 of the Lobbying By-Law identifies various activities to which the provisions do not apply. Section 4(xii) confirms the By-Law does not apply where “communication is by a voluntary unpaid lobbyist on behalf of a not-for-profit group or organization”. During 2018, many individuals in the community and staff at the City have queried the Office of the Lobbyist Registrar to obtain clarification on what constitutes a not-for-profit that is exempted from the rules of the Lobbying By-law.

In order to provide clarity to the public and City staff, the Lobbyist Registrar is recommending that a change be made to the Lobbying By-Law that:

- a) Includes a definition of a Not-For-Profit, and
- b) Sets out that in order for the Not-For-Profit exemption to apply, all of the following three conditions must be met:
 - A. The group or organization must be a **not-for-profit** group or organization as defined by the By-Law;
 - B. The lobbying activities undertaken by the not-for-profit must be **ancillary or incidental** to the purpose or operation of the not-for-profit; and
 - C. Any lobbying activities on behalf of the not-for-profit must be performed by a **voluntary unpaid lobbyist**.

The Lobbyist Registrar is recommending a change to the Lobbying By-Law so that if any of the above conditions are not met, the not-for-profit exemption would not apply.

With the recommended change to the Lobbying By-Law, when will the Not-For-Profit exemption apply?

A. The group or organization must be a not-for-profit group or organization

The term **not-for-profit** will be defined to mean the following:

A group or organization organized and operated exclusively for social welfare, civic improvement, or for any other purpose except profit, no part of the income of which was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof.

Not-for-profit groups or organizations include, without limitation, ratepayers' associations, charities, and public interest groups, so long as the above definition is met. If a group or

organization operates to benefit private or for-profit interests, the group or organization does not qualify as a not-for-profit for the purposes of the By-Law, and the not-for-profit exemption does not apply.

B. The lobbying activities undertaken by the not-for-profit must be ancillary or incidental to the purpose or operation of the not-for-profit

For lobbying to be **ancillary or incidental** to the purpose or operation of the not-for-profit, the lobbying must provide necessary support for the primary purpose or operation of the organization or group. Lobbying that is outside the scope of the primary purpose or operation of the not-for-profit is not ancillary or incidental, and the not-for-profit exemption does not apply.

Similarly, where the purpose of lobbying is to benefit private or for-profit interests, this lobbying does not qualify as ancillary or incidental to a not-for-profit, even if performed by an organization or group that otherwise meets the definition of not-for-profit.

C. Any lobbying activities on behalf of the not-for-profit must be performed by a voluntary unpaid lobbyist

The Lobbying By-Law includes three types of lobbyists:

- (1) A Consultant Lobbyist - an individual who lobbies for payment on behalf of a client;
- (2) An In-House Lobbyist - an individual who is an employee, partner, or sole proprietor and who lobbies on behalf of their own employer, business or organization; and
- (3) A Voluntary Unpaid Lobbyist - an individual who lobbies without payment on behalf of an individual, business or other organization for the benefit of the interests of the individual, business or other organization.

Of the three types of lobbyists, only voluntary unpaid lobbyists may qualify for the not-for-profit exemption. Where an individual receives any payment for their lobbying work (e.g., the individual is an employee that receives a salary from the not-for-profit, or the individual receives compensation for their work by the not-for-profit), the not-for-profit exemption does not apply.

Financial Impact

The recommended revision to the mandatory lobbyist registry Lobbying By-Law will not require any additional resources.

Broader Regional Impacts/Considerations

NA

Conclusion

The Lobbyist Registrar will continue to provide outreach and education to groups and City staff with a view to a broad understanding of the intent and functioning of the mandatory regime. Upon approval of Attachment #1, the Lobbyist Registrar will develop an Interpretation Bulletin to be made available to the public.

Attachments

1. Amended Lobbying By-Law

Prepared by

Suzanne Craig
Integrity Commissioner and Lobbyist Registrar
Extension 8301

ATTACHMENT 1 -
Amended Lobbying By-law

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 165-2017

A By-law to permit the establishment of a Lobbyist Registry.

WHEREAS Council desires to establish and maintain a Lobbyist Registry and appoint a Lobbyist Registrar to provide transparency about persons who lobby the City of Vaughan's public office holders;

AND WHEREAS section 223.9 of the *Municipal Act, 2001* authorizes the City of Vaughan to establish and maintain a Lobbyist Registry in which shall be kept registrations and returns filed by persons who lobby the City of Vaughan's public office holders;

AND WHEREAS section 223.11 of the *Municipal Act, 2001* authorizes the City of Vaughan to appoint a Lobbyist Registrar who is responsible for performing in an independent manner the functions assigned by the City of Vaughan with respect to the Lobbyist Registry;

AND WHEREAS sections 8, 9 and 11 of the *Municipal Act, 2001* authorize the City of Vaughan to pass by-laws necessary or desirable for municipal purposes, and in particular paragraph 2 of subsection 11(2) authorizes by-laws respecting the accountability and transparency of the municipality and its operations;

NOW THEREFORE the Council of the City of Vaughan enacts as follows:

ATTACHMENT 1 - Amended Lobbying By-law

1) Definitions

- a) "City" – means the corporation of the City of Vaughan
- b) "Code of Conduct" - means the Lobbyist Code of Conduct, attached as Schedule "A" to the Lobbyist Registry By-law.
- c) "communication" - means any form of expressive contact including, but not limited to, a meeting, email, or other electronic messaging, facsimile transmission, letter, phone call or meaningful dialogue or exchange that materially advances a matter that is defined as lobbying, whether in a formal or in an informal setting.
- d) "lobby" or "lobbies" or "lobbying" - means any communication with a public office holder by an individual who represents a business or financial interest with the goal of trying to influence any legislative action, including, but not exclusively, development, introduction, passage, defeat, amendment or repeal of a bylaw, motion, resolution or the outcome of a decision on any matter before Council or a Committee of Council, or staff member acting under delegated authority.
- e) "lobbyist" – means:
 - (1) **Consultant Lobbyist** - an individual who lobbies for payment on behalf of a client (another individual, company, partnership or organization). If the consultant lobbyist arranges for a meeting between a public office holder and a third party, that is lobbying.
 - (2) **In-House Lobbyist** - an individual who is an employee, partner or sole proprietor and who lobbies on behalf of their own employer, business or organization. If the in-house lobbyist arranges for a meeting between a public office holder and a third party, that is lobbying.
 - (3) **Voluntary Unpaid Lobbyist** - an individual who lobbies without payment on behalf of an individual, business or other organization for the benefit of the interests of the individual, business or other organization. If the voluntary unpaid lobbyist arranges a meeting between a public office holder and a third party, that is lobbying.
- f) "Lobbyist Registrar" – means the person appointed as Lobbyist Registrar under section 223. 11 of the *Municipal Act, 2001*.

ATTACHMENT 1 -
Amended Lobbying By-law

g) "Lobbyist Registry" – means a system of registration in which shall be kept registrations (returns) of persons who lobby public office holders and which shall include such information as determined by the Lobbyist Registrar.

h) "local board" – means has the same meaning as the definition of a local board in section 223. 1 of the *Municipal Act, 2001*.

~~h)i)~~ "not-for-profit" – means a group of organization organized and operated exclusively for social welfare, civic improvement, or for any other purpose except profit, no part of the income of which was payable to, or is otherwise available for the personal benefit of, any proprietor, member or shareholder thereof.

~~h)i)~~ "public office holder" – means

- (1) A member of Council and any person on his or her staff
- (2) An employee of the City who is a member of the City's Corporate Management Team
- (3) Employees in management positions that can influence programs and services
- (4) Employees who are not in management positions but have direct contact with members of Council and whose work includes providing advice to Council
 - (a) including advice on legal, financial, personnel, policy advice
 - (b) including employees who provide planning, building, licensing, inspection and purchasing services
- (5) Employees who have direct contact with Council in the operation of Council and Committees
- (6) Employees who work on municipal elections in a supervising role
- (7) An accountability officer appointed under the *Municipal Act, 2001*, including, but not limited to:
 - (a) Auditor General
 - (b) Integrity Commissioner
 - (c) Lobbyist Registrar
 - (d) Ombudsman
 - (e) Closed Meeting Investigator

ATTACHMENT 1 -
Amended Lobbying By-law

2) Establishment of a Lobbyist Registry

- a) The Lobbyist Registry is established pursuant to Section 223.9 of Part V.1 of the *Municipal Act, 2001*.
- b) The Lobbyist Registry shall be available for public inspection through electronic, web-based access at all reasonable times.

3) Exemptions for Specific Persons

- a) This by-law does not apply to the following persons when acting in their public capacity:
 - i) government or public sector, other than the City of Vaughan,
 - (a) Members of the Senate or House of Commons of Canada, legislative assembly of a province, the council or legislative assembly of a territory, or persons on the staff of those members;
 - (b) members of a First Nation council as defined in the *Indian Act* or of the council of an Indian band established by an Act of the Parliament of Canada, or persons on the staff of the members;
 - (c) employees or consultants retained by the Government of Canada, the government of a province or territory, a First Nation council, a federal or provincial crown corporation or other federal or provincial public agency;
 - (d) members of a council or other statutory body, including a local board, charged with the administration of the civil or municipal affairs of a municipality in Canada other than the City, persons on staff of the members, or officers or employees of the municipality or local board, and
 - (e) members of a national or sub-national foreign government, persons on the staff of the members, or officers, employees, diplomatic agents, consular officers or official representatives in Canada of the government.
 - ii) Officials and employees of the City and other municipal bodies, including
 - (a) Public office holders;
 - (b) officers, directors or employees of a local board of the City and acting in their public capacity;

ATTACHMENT 1 -
Amended Lobbying By-law

- (c) a member of an Advisory Committee, acting in their public capacity and appointed by City Council
- iii) Persons communicating on behalf of the local school boards
- iv) Persons communicating on behalf of healthcare institutions

4) Exemptions for Specific Activities

- a) This by-law does not apply to the following activities:
 - i) communication that is a matter of the public record
 - ii) communication that occurs during a meeting of Council or a Committee of Council;
 - iii) communication that occurs during a public process such as a public meeting, hearing, consultation, open house or media event held or sponsored by the City or a public office holder or related to any application;
 - iv) communication restricted to a request for information;
 - v) communication restricted to compliments or complaints about a service or program;
 - vi) communication with a public office holder by an individual on behalf of an individual, business or organization regarding:
 - (a) the enforcement, interpretation or application of any Act or by-law by the public office holder and with respect to the individual, business or organization;
 - (b) the implementation or administration of any policy, program, directive or guideline by the public office holder and with respect to the individual, business, organization A personal matter;
 - (c) a personal matter of the individual, business or organization unless it is communication that is in respect of a matter that falls under the definition of lobbying, and is for the special benefit of the individual, business or organization;
 - vii) communication by an applicant, an interested party or their representatives with respect to an application for a service, grant, planning approval, permit or other license or permission:
 - (a) with an employee of the City or a Member of Council if the communication is restricted to providing general information on an application, including a

ATTACHMENT 1 - Amended Lobbying By-law

proposed or pending application, or to inquire about the application review process,

- (b) with an employee of the City if the communication is part of the normal course of the approval process,
- (c) with respect to planning and development applications, if the communication is with an employee of the City who has a role in the processing of a planning application during the formal pre-application consultation, the filing of the application and the application review process, including the preparation of development agreements;
- viii) submitting a bid proposal as part of the procurement process and any communication with designated employees of the City as permitted in the procurement policies and procurement documents of the City;
- ix) communication with a public office holder by an individual on behalf of an individual, business or organization in direct response to a written request from the public office holder;
- x) communication to a Member of Council by a constituent of the Member of Council, or an individual on behalf of a constituent of the Member of Council on a general neighbourhood or public policy issue;
- xi) communications directly related to those City-initiated consultative meetings and processes where an individual is participating as a stakeholder;
- xii) communication is by a voluntary unpaid lobbyist on behalf of a not-for-profit group or organization. However, in order for the not-for-profit exemption to apply, the following conditions must be met:
 - (1) The group or organization must be a not-for-profit group or organization;
 - (2) The lobbying activities undertaken by the not-for-profit must be ancillary or incidental to the purpose or operation of the not-for-profit;
 - (3) Any lobbying activities on behalf of the not-for-profit must be performed by a voluntary unpaid lobbyist.

ATTACHMENT 1 - Amended Lobbying By-law

~~xii) xiii) If any of the conditions set out in subsection xii (1), (2) or (3) are not met, the exemption contained in subsection xii for a communication by a voluntary unpaid lobbyist on behalf of a not-for-profit, does not apply.~~

5) Prohibitions

- a) No person, on whose behalf another person undertakes lobbying activities, shall make a payment for the lobbying activities that is in whole or in part contingent on the successful outcome of any lobbying activities.
- b) No person who lobbies a public office holder shall receive payment that is in whole or in part contingent on the successful outcome of any lobbying activities.
- c) No former public office holder shall engage in lobbying activities for a period of twelve (12) months after ceasing to be a public office holder at the City.

6) Lobbyist Registrar

~~a) Ms. Suzanne Craig is appointed the Lobbyist Registrar in accordance with Section 223.11 of the Municipal Act, 2001.~~

~~b) a)~~ The Lobbyist Registrar is independent of the City administration.

~~c) b)~~ The Lobbyist Registrar is responsible for the following:

- (1) overseeing the administration of the lobbyist registration system;
- (2) providing advice, opinions and interpretations pertaining to the administration and application of this by-law;
- (3) advising Council on lobbying matters and recommending improvements and amendments to this by-law;
- (4) providing to Council any periodic reports and information as the Registrar considers appropriate;
- (5) making the Lobbyist Registry available for public inspection through electronic, web-based access at all reasonable times and in a manner that the Lobbyist Registrar may determine; and,
- (6) performing other duties as may be assigned by Council.

ATTACHMENT 1 -
Amended Lobbying By-law

~~(7)~~

7) Registrations

- a) A person with the intent to lobby may register as a lobbyist prior to the first lobbying communication with a public office holder.
- b) A person who lobbies shall register their activity no later than five (5) business days after the lobbying takes place.
- c) The lobbyist shall set out in the registration the following information:
 - (1) name, title, and business address (where applicable);
 - (2) whether the lobbyist is a consultant lobbyist, in-house lobbyist or voluntary unpaid lobbyist;
 - (3) the name of the individual, client or other organization, including all business names under which the individual, client or other organization is operating, on whose behalf the lobbyist is lobbying; and
 - (4) such further information as the Lobbyist Registrar may require.
- d) The lobbyist shall set out in the registration the subject matter in respect of which the lobbyist intends to lobby on:
 - (1) each subject matter that the lobbyist will lobby on;
 - (2) description of the issue being lobbied, including particulars of any relevant City proposal, by-law, motion, resolution, policy, program, directive, grant, or guideline;
 - (3) date on which the lobbying will start and finish, with the date on which the lobbying finishes being no more than twelve (12) months after the date on which the lobbying starts;
 - (4) names of public office holders being lobbied; and
 - (5) such further information as the Lobbyist Registrar may require.
- e) A lobbyist shall update any changes to his or her registration within ten (10) business days of the change taking place.
- f) The subject matter shall be closed once lobbying is complete or within twelve (12) months of lobbying commencing, whichever is sooner.

ATTACHMENT 1 - Amended Lobbying By-law

- g) The lobbyist shall close the subject matter registration he or she has filed not later than thirty (30) days after the completion or termination of the lobbying activity.
- h) A subject matter registration may be extended beyond twelve (12) months at the sole discretion of the Lobbyist Registrar.
- i) The Lobbyist Registrar will approve or refuse the registration in accordance with the requirements of the Lobbyist Registry By-law.

8) Investigations

a) The Lobbyist Registrar has the authority to conduct inquiries in respect of a request made by Council, a member of Council or by a member of the public about compliance with the Lobbyist Registry By-law of the Lobbyist Code of Conduct, as set out under section 223.12 of the *Municipal Act, 2001*.

a)b) Upon receiving information that an individual has communicated with a public office holder, the Lobbyist Registrar may ascertain whether the individual is a lobbyist pursuant to section 1(e) of the Lobbyist Registry By-law and may contact the individual to advise of the mandatory requirement to register in the Lobbyist Registry. Where the Lobbyist Registrar confirms that the individual has not registered as a lobbyist, the Lobbyist Registrar may pursue an investigation in accordance with section section 223.12 (1) of the *Municipal Act, 2001*.

b)c) In accordance with section 223.12(7) of the *Municipal Act, 2001*, if the Lobbyist Registrar determines, when conducting an inquiry, that there are reasonable grounds to believe that there has been a contravention of any other Act or of the Criminal Code (Canada), the Lobbyist Registrar shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to Council.

9) Penalties and Sanctions

- a) The Lobbyist Registrar may impose penalties on communication in accordance with the following scheme if the Lobbyist Registrar finds that the requirements of this by-law have not been met:
 - i) First Offence: Prohibition of lobbying activities until an information and education meeting with the Lobbyist Registrar is held;

ATTACHMENT 1 - Amended Lobbying By-law

- ii) Second Offence: 3 month prohibition of lobbying activities; and
 - iii) Third or Subsequent Offences: Prohibition of lobbying activities as determined by the Lobbyist Registrar.
- b) If the Lobbyist Registrar decides to impose a temporary ban on communication, the Lobbyist Registrar shall inform the individual of the suspension and the reason for the suspension in writing and provide the reason for the suspension in a manner determined by the Lobbyist Registrar.
- c) If the Lobbyist Registrar imposes a temporary ban on lobbying, the Lobbyist Registrar shall notify all Public Office Holders in a manner determined by the Lobbyist Registrar.
- d) The Lobbyist Registrar may remove a registration or return from the Lobby Registry if the individual who filed the registration or return is found by the Lobbyist Registrar to have not complied with the requirements of this by-law.
- e) When a registration is removed from the Lobbyist Registry, the individual who filed it shall be deemed, for the purposes of his or her existing and future obligations under this by-law, not to have filed the registration.

10) Responsibilities of the Lobbyist

- a) All lobbyists shall comply with the requirements of the Lobbyist Registry By-law;
- b) Lobbyists shall disclose if they have held a public office holder position at the City and the date the individual ceased to hold the position;
- c) Lobbyists shall disclose if they hold a position on a local board of the City; and,
- d) Lobbyists shall adhere to the Code of Conduct, attached as Schedule "A" to the Lobbyist Registry By-law, during the conduct of lobbying activities with public office holders.

11) Responsibilities of the Public Office Holders

- a) The Public Office Holder is responsible for:
 - i) Ceasing lobbying-related communication with a lobbyist who is prohibited from lobbying; and,
 - ii) Responding and providing information in a timely manner to Lobbyist Registrar with regards to an inquiry conducted under Section 8(a) of the Lobbyist Registry By-law.

12) General

ATTACHMENT 1 -
Amended Lobbying By-law

- a) This by-law shall be known as the Lobbyist Registry By-law.
- b) The Lobbyist Code of Conduct is attached hereto as Schedule "A".
- c) By-law 105-2016 is hereby repealed.
- d) This by-law shall come into effect on January 1, 2018.

Enacted by City of Vaughan Council this 11th day of December, 2017.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

ATTACHMENT 1 -
Amended Lobbying By-law

Schedule “A”

Lobbyist Code of Conduct

1. Honesty

- a. Lobbyists shall conduct with integrity and honesty all relations with public office holders, clients, employers, the public and other lobbyists.

2. Openness

- a. Lobbyists shall be open and frank about their lobbying activities, while respecting confidentiality.

3. Disclosure Of Identity and Purpose

- a. Lobbyists communicating with a public office holder shall disclose the identity of the individual, corporation, organization or other person, or the partnership, on whose behalf they are acting, as well as the reasons for the communication.
- b. Lobbyists communicating with a public office holder on a duly registered and disclosed subject matter shall not use that opportunity to communicate on another subject matter, unless first having registered as required and disclosing the identity and purpose.

4. Information and Confidentiality

- a. Lobbyists shall inform their client, employer or organization of the obligations under this Code of Conduct
- b. Lobbyists shall provide information that is accurate and factual to public office holders.

ATTACHMENT 1 -
Amended Lobbying By-law

- c. Lobbyists shall not knowingly mislead anyone and shall use proper care to avoid doing so inadvertently.
- d. Lobbyists shall not divulge confidential information unless they have obtained the informed consent of their client, employer or organization, or disclosure is required by law.
- e. Lobbyists shall not use any confidential or other insider information obtained in the course of their lobbying activities to the disadvantage of their client, employer or organization.

5. Competing Interests

- a. Lobbyists shall not represent conflicting or competing interests without the written consent of those whose interests are involved.
- b. Lobbyists shall advise public office holders that they have informed their clients of any actual, potential or apparent conflict of interest and obtained the informed consent of each client concerned before proceeding or continuing with the undertaking.
- c. Lobbyists shall not lobby public office holders on a subject matter for which they also provide advice to the City.

6. Improper Influence

- a. Lobbyists shall avoid both the deed and the appearance of impropriety.

ATTACHMENT 1 -
Amended Lobbying By-law

- b. Lobbyists shall not knowingly place public office holders in a conflict of interest or in breach of the public office holders' codes of conduct or standards of behaviour.

7. Restriction on Communication

- a. Lobbyists shall not communicate in relation to a procurement process except as permitted by the City's procurement policies and procurement documents.
- b. Lobbyists shall not engage in lobbying activities where the Lobbyist Registrar has prohibited them from lobbying for a specified time period.

Item:



Committee of the Whole Report

DATE: Tuesday, April 02, 2019

WARD(S): ALL

**TITLE: SMALL BUSINESS AND ENTREPRENEURSHIP SERVICES:
UPDATE**

FROM:

Tim Simmonds, Interim City Manager

ACTION: DECISION

Purpose

Small Business is an important driver of Vaughan's economy. The City of Vaughan, through the Economic and Cultural Development Department (ECD) and its Small Business and Entrepreneurship (SBE) division, has a strong track record of support for this segment of our economy. To build on success and enable staff to support the growth of these business, ECD is seeking Council approval to apply for relevant programs and partnerships, and to enter into agreements in support of the development of small business and entrepreneurship in Vaughan during the 2019-23 time-frame.

Report Highlights

- Small business and entrepreneurship are drivers of Vaughan's economy, which, due to its talent and density, is a leading hub in Ontario.
- Small Business and Entrepreneurship in Economic and Cultural Development delivers leading services in the Greater Toronto Area and York Region.
- The Province of Ontario's Transfer Payment Agreements for Small Business Enterprise Centre programs end on March 31, 2019. Staff require Council authority to enter into a new agreement on April 1, 2019. Staff have not been given details by the Province regarding the new agreement.
- To grow services beyond Provincially funded activities, staff require authority to execute agreements with partner organizations.

Recommendations

1. THAT, as required during the 2019-2022 Term of Council, the City Clerk and the Chief Financial Officer be authorized to execute any Transfer Payment Agreements between the City of Vaughan Economic and Cultural Development Department (including the Vaughan Business Enterprise Centre) and the Federal Government, Province of Ontario, and the Regional Municipality of York related to funding for small business and entrepreneurship programs, services and projects, subject to the form of such agreements being satisfactory to the City Solicitor (or designate), and content of such agreements being satisfactory to the Chief of Corporate Initiatives and Intergovernmental Relations (or designate); and
2. THAT the Manager, Small Business and Entrepreneurship Services and City Clerk be authorized to execute agreements, as required during the 2019-2023 time-frame related to awarding grants and/or sponsorship funding to eligible individuals and organizations through programs funded by the Federal Government, Province of Ontario, Regional Municipality of York, or non-governmental organizations (NGOs), and administered by the City of Vaughan; and
3. THAT, agreements shall be in a form satisfactory to the City Solicitor (or designate), and the content shall be satisfactory to the Chief Corporate Initiatives and Intergovernmental Relations (or designate).

Background

In May 2019, the Economic and Cultural Development Department shall be presenting a 2018 Year-in-Review Report to the Committee of the Whole that highlights Vaughan's economic performance in 2018, as well as activities, services and achievements of the entire Department, including Small Business and Entrepreneurship.

Small Business and Entrepreneurship are important drivers of Vaughan's economy.

In 2018, the number of businesses employing fewer than 10 people continues to count for roughly two-thirds of Vaughan's over 12,000 business. Furthermore, Vaughan's workforce is primed to foster innovation and entrepreneurship. The percentage of workers in Vaughan with a science, technology, engineering or mathematics (STEM) background is higher than the national average: based on data from the 2016 Census, Vaughan's STEM workforce is 1.32 times more concentrated than the nation. Indeed, almost 9% of Vaughan's workforce are employed in natural and applied sciences and related occupations. Vaughan also outperforms the country in with 1.25 times the

number of self-employed workers as compared to Canada (15% of Vaughan's workforce).

Given the importance of small business, and the economic potential in entrepreneurship to generate prosperity and deploy social capital, the City of Vaughan has identified Economic Prosperity and Social Capital as a priority for the 2019-22 Term of Council. The networks and talent that make up Vaughan's social capital are integral to supporting entrepreneurs. They are also composed of existing entrepreneurial networks.

With the support of Council, Economic and Cultural Development will provide service excellence to local entrepreneurs and small business owners in the 2019-22 Term of Council through a two-pronged strategic approach: service delivery; and strategic partnerships.

1. Service Delivery

Economic and Cultural Development seeks Council support to enter into Transfer Payment Agreements with the Province and apply for relevant grants to support program delivery. At present, the Province of Ontario has not indicated how or if it will renew Small Business Enterprise Centre (SBEC) programming.

A key service delivery vehicle for the small businesses and entrepreneurs in the City of Vaughan has been the Province of Ontario's SBEC programming, operated by ECD as the Vaughan Business Enterprise Centre (VBEC) since 2001.

The Vaughan Business Enterprise Centre (VBEC) delivers the largest programs in York Region and is amongst the Province's highest volume SBECs. This is a testament to the entrepreneurial spirit of Vaughan's residents and the City's vibrant and growing economy. Of Vaughan's almost 12,000 businesses, more than 80 per cent are small businesses.

VBEC helps entrepreneurs and small business owners start or grow their business through:

- Free **one-on-one business advisory** services for entrepreneurs, answering key questions about business and identifying next steps, resources, and opportunities;
- Focused **seminar and workshop series** for entrepreneurs to connect with their peers and to stay up-to-date with best practices; and,

- High quality **Entrepreneurship Programs** like Starter Company Plus and Summer Company that deliver training, mentorship, and the opportunity for participants to apply for a Provincial grant.

These services have, from 2016 to 2018, **helped 949 business start or expand**.

To deliver these services, the City of Vaughan has been supported by the Province of Ontario since 2001 through transfer payment agreements (TPA) with the Ministry of Economic Development, Job Creation and Trade (MEDJCT) and its predecessors. TPAs require contribution of staff and facilities from the City of Vaughan. All current agreements end on March 31, 2019. It is expected that MEDJCT will renew some, but not all funding. However, no indication has been provided by Provincial staff as to how or if the funding will continue.

Since 2016, VBEC has seen an overall increase in demand on its services. Throughout this period, however, both MEDJCT and staff resources have not increased.

One-on-one business advisory services

The City of Vaughan's business advisory services, delivered through VBEC, support local entrepreneurs and small business owners through both one on-one consulting, and the provision of education and best practices through seminars and networking opportunities.

The demand on services has increased dramatically since 2016.¹ For example:

- One-on-one consultations delivered has grown from 769 in 2016 to 1041 in 2018.
- Seminars delivered has grown from 48 to 59 between 2016 and 2018.
- Vaughan Business Expo registrations have grown from 320 in 2016 to 384 in 2018
- Staff continue to resolve over 4,000 inquiries annually.

MEDJCT funding supporting these activities has remained stable at \$108,025 per year and staff resources have not increased.

Starter Company Plus

In addition to core business advisory services, MEDJCT contracted the City of Vaughan to deliver a new program, Starter Company Plus, from January 2017 to March 2019.

¹ See: Province of Ontario, *Enterprise Centre Reporting*, 2016-18. Detailed metrics can be provided by ECD. Please contact ecd@vaughan.ca for copies.

From January 2017 to December 2018, Starter Company Plus, trained, mentored, and helped entrepreneurs receive a Provincial grant as they started or expanded a full-time business. Starter Company Plus has been a \$550,000 investment into the City of Vaughan to grant 71 entrepreneurs and support 120 residents. Of this amount, \$400,000 has been disbursed to local business people, totaling eighty \$5,000 grants. 440 businesses have been supported through this program.

Starter Company Plus has **helped 114 business start or expand.**

Summer Company

Since VBEC's founding it has administered MEDJCT's Summer Company program, designed to support students aged 15-29 as they start a business over the summer. In recent years, VBEC has supported 17-30 students per year. This represents a significant annual investment from the Province of Ontario into the City of Vaughan. To consider this in context, the average Summer Company program allotment in Ontario in 2017 was between 13 and 14 participants, whereas VBEC received funding to support 23 to 27 participants.

In 2018, the Summer Company program created 30 summer jobs for participants and their employees. Furthermore 16 of the 17 participants in 2018 were still running their business (part-time, after returning to school in September 2018) as of December 2018.

MEDJCT has opened applications for the 2019 program but has not yet allocated funding to program delivery agents like the City of Vaughan.

2. Strategic Partnerships

To deliver the robust program they do, staff in the SBE branch of ECD are leaders in York Region and the Greater Toronto Area (GTA) in building partnerships. However, there are times when partnerships are lost due to the inability of staff to enter into agreements or memorandum of understanding (MOU) to formalize and govern partnerships.

Partnerships are an integral element of any economic development program. The Federation of Canadian Municipalities (FCM), for example, in its 2014 whitepaper *Building Community Prosperity Through Local Economic Development* lists partnering and partnerships as a guiding principle of local economic development. As the whitepaper explains, the opportunities in local economic development are often too

great for one organization to seize on its own. As such, there is a need to multiply resources to effectively support the local economy.²

Staff in SBE seek partnerships with: governmental partners; non-governmental, not-for-profit private partners; and occasionally, private sector, for-profit partners.

First, through the Ontario Network of Entrepreneurs (ONE), the City of Vaughan is partnered with the Province's Regional Innovation Centres (RIC) – ventureLAB is York Region's RIC – as well as other SBECs, Campus Linked Accelerators (CLA) on Ontario's post-secondary campuses, and the Ontario Centres of Excellence (OCE). Such partnerships allow for co-marketed initiatives, sharing of best-practices, and co-delivered initiatives. One such example is the recent [ventureLAB-Vaughan pilot program](#) to support accelerating technology companies in Vaughan.

More difficult to solidify, are the partnerships with non-governmental organizations. Examples of these include the City of Vaughan's emerging partnership with [Multiplicity Labs](#), a not-for-profit accelerator connecting tech entrepreneurs with corporate partners. Multiplicity's premier program is [InfinitiLAB](#): a program helping Nissan-Renault to incubate entrepreneurs in automotive technology. To open access for Vaughan businesses to such programs that connect entrepreneurs with Multi-National Enterprises (MNE), staff in SBE hosted a corporate innovation session on February 28, 2019. The invite-only event featured a speaker from Multiplicity, IBM Canada, and local entrepreneur, and alumni of both VBEC and InfinitiLAB, Shiva Bhardwaj, to lead a discussion with Vaughan's leading corporate innovators. However, without the ability to enter into an MOU with Multiplicity that lays out roles and responsibilities for a long-term effort to launch programming in Vaughan, the partnership remains ad hoc.

Furthermore, there are times when staff in ECD need to partner with for-profit enterprises. If, for example, a Multiplicity program were to be duplicated in Vaughan, and ECD were to take part, such an agreement would be required. However, there are tactical, day-to-day examples of the need for staff in SBE to leverage private sector resources. In its business advisory services, SBE is often asked to refer citizens to local for-profit service providers like lawyers, accountants, financiers, etc. At present, staff share local providers with clients through the [Vaughan Business Cafe](#). These local providers are not required to, in return, promote our services or even to share with us the volume of clients who make their way to them through ECD. MOUs would allow

² George Edward Trellar, [Building Community Prosperity Through Local Economic Development: An Introduction to LED Practices and Principles](#). (Kyiv, UK: Federation of Canadian Municipalities, 2014), p.9.

ECD to put a governing arrangement in place with such service providers, to ensure co-marketing and reporting back to the City of Vaughan.

Other notable partnerships are underway as well. The organizations not being leveraged to their fullest with an MOU or Province of Ontario backed agreement through the ONE, in support of ECD, include: [The Centre for Social Innovation](#) (CSI); [Artscape](#); [The York Region Arts Council Artrepreneur Program](#); [Ryerson University's Zone Learning](#); [York Mastermind](#); [Tech Connex](#); [Startup York Region](#); [Y2 Labs](#); and the [York Region District School Board's Innovation, Creativity, and Entrepreneurship](#) program.

Previous Reports/Authority

Item 5, Report No. 4, of the Finance, Administration and Audit Committee, which was adopted without amendment by the Council of the City of Vaughan on April 19, 2017:

[VAUGHAN BUSINESS ENTERPRISE CENTRE – 2017-2019 PROVINCE OF ONTARIO ENTREPRENEURSHIP PROGRAMMING FUNDING AGREEMENTS](#)

[By-Law Number 154-2018](#): A By-Law to Amend By-Law Number 78-2010 with Respect to Executing Grant Applications and Agreements.

Analysis and Options

To continue to leverage small businesses and entrepreneurs in the service of Vaughan's economic prosperity and social capital, ECD requires Council authority to apply for and pursue relevant programs and partnerships, and to enter into agreements with other governmental bodies, like-minded organizations, and local businesses. Staff recommend that Council grant them the ability to enter such Agreements.

ECD has delivered business inquiry resolution and consultation, seminars and events, and entrepreneurship programs through VBEC since 2001. On March 31, 2019, the most recent TPA (2014-19) from the Province of Ontario will end. Although no details have been offered by the Province, it is expected that a new agreement will be presented to SBEC partners, including the City of Vaughan. As in the past, staff will require authorization to enter into that agreement.

In the Provincial fiscal year April 2018-March 2019, the City of Vaughan has been the beneficiary of over \$200,000 of funding through Provincial TPAs. To not have the ability to receive such resources through bodies like the Province of Ontario, would be to put the City of Vaughan behind the other 46 municipal operators of SBECs.

Provincial TPAs require staff to administer direct grant funding to local small business owners. As in 2017, Staff recommend that Council grant the Manager, Small Business and Entrepreneurship, or designate, the ability to enter into grant agreements with program participants.

ECD manages two grant programs on behalf of the Province of Ontario: Summer Company and Starter Company Plus (both described above). These programs require the City of Vaughan and all 47 SBEC program providers across the province to enter into grant agreements with local business owners.

These agreements mitigate risk to the City of Vaughan while disbursing Provincial grant dollars. In these cases, the Director or Manager of the SBEC signs such agreements on behalf of their municipality. This is commonplace and low risk, given that agreements do not exceed \$10,000 in value.

The current participant grant agreement, in use since 2017, was developed with Legal Counsel and governs the granting relationship between ECD and the entrepreneurs receiving funding.

To ensure a fair and transparent process, disbursement of all grant funds go through a Province of Ontario approved adjudication process.

In 2018 alone, ECD managed 78 grants between the Province's two programs. Staff in ECD require the ability to deploy these resources.

Entrepreneurship programs and services would benefit from solid partnerships backed by strong agreements in the form of MOUs. Staff require the ability to quickly enter into such agreements, in form satisfactory to the City Solicitor.

As outlined previously, partnerships are integral to local economic development. There is an opportunity to deepen the benefits of partnerships by backing them with MOUs.

For example, ECD is currently engaged through York Region in [Collision 2019](#), North America's fastest growing conference for technology businesses. To ensure that the City of Vaughan has a presence at the conference, staff are required to enter into an agreement as a co-exhibitor with York Region. Approval of this report will grant staff to enter into the agreement.

If Council grants staff the ability to enter into such arrangements, ECD would have the added benefit of requiring partners to market the City's services and to share successes of joint clients, for example.

Financial Impact

There are no new financial requests associated with this report.

Full financial impact is not known at this time. The Province of Ontario has not indicated potential funding levels beyond March 31, 2019.

However, across three TPAs with the Province, ECD has received approximately \$900,000 to undertake programs since April 1, 2017:

1. VBEC Core Programming for which the Province allocated over \$200,000 to the City of Vaughan to the end of March 2019;
2. Summer Company, for which the Province of Ontario allocated \$126,500 to support 23- 27 young entrepreneurs in 2017, and over \$80,000 in 2018. Of this amount, over \$130,000 was disbursed in grant dollars to Vaughan's young entrepreneurs. Individuals receive grants of up to \$3,000;
3. Starter Company Plus, for which the Province allocated \$550,000 to support 71 local entrepreneurs to the end of March 2019. Of this amount, \$400,000 was disbursed to local business people. Individuals received grants of up to \$5,000.

Through ECD, the City of Vaughan contributes the salary of the Manager, Small Business and Entrepreneurship and the Small Business Advisor, along with the benefits payments of the Information and Administrative Representative and facilities, as its contribution to the partnership with the Province of Ontario.

The Province of Ontario's funding covers the salaries of the Entrepreneurship Coordinator and the Information and Administrative Representative. Even though the City of Vaughan delivers the largest programs in York Region, it lags in staffing. For example, the York Region SBEC delivers half the number of consultations with four permanent full-time staff.

Broader Regional Impacts/Considerations

SBE maintains the largest small business programs in York Region. As such, it works closely with the other SBECs in the Region – Markham, Richmond Hill, and York Region, who serve the northern six municipalities. In the past, SBE has supported their programs by taking on overflow applicants, by offering training to regional entrepreneurs, and by assisting with applicant adjudication. SBE and its regional counterparts expect to continue in this manner. It should be noted that these actions do not have a negative impact on SBE as they help the Department to meet its MEDJCT requirements, attract business to the City of Vaughan, and, since these actions leverage existing programming, require no additional cost.

In addition, SBE has built a robust ecosystem of partners as noted above. This affords SBE the opportunity to attract entrepreneurs from across York Region and the Greater Toronto Area into the City of Vaughan.

Conclusion

SBE is one of the leaders amongst the Province's 47 SBECs and is a strong contributor to local economic development. Since 2016, for example, SBE has grown the number of annual number of consultations from 700 to over 1,000. Those businesses and entrepreneurs working with SBE have started or expanded over 900 businesses in Vaughan.

SBE's core client – entrepreneurs and small business with fewer than 20 employees – made up more than 80 per cent of Vaughan's over 12,000 businesses in 2018. These businesses benefit from the services and ecosystem access that ECD and SBE offer. The Department looks forward to continuing to work with local and provincial partners like the Vaughan Chamber of Commerce, ventureLAB, COSTI Employment Services, and its partners through the Province of Ontario's Ontario Network of Entrepreneurs (ONE).

To maintain status as a leading SBEC, SBE will implement Provincial programming with Council's approval, and solidify partnerships across the region.

For more information, please contact: (Raphael Costa, Manager, Small Business and Entrepreneurship)

Attachments

1. Entrepreneurship Program Participant Grant Agreement, Economic and Cultural Development

Prepared by

Raphael Costa, Manager, Small Business and Entrepreneurship, ext. 8891

Participant Agreement for Grant

THIS AGREEMENT made in duplicate as of the ____ day of ____, 20__.

BETWEEN:

THE CORPORATION OF THE CITY OF VAUGHAN

("Vaughan")

- and -

[_____]

(the "Participant")

Recitals

- A. WHEREAS the Participant has applied for a grant under the _____ program which **provides training, mentorship and funding for entrepreneurs aged 18 and older to start or expand their eligible business** (the "Program")
- B. AND WHEREAS Her Majesty the Queen In Right of Ontario, as represented by the Minister of Economic Development and Growth and the Ministry of Research Innovation and Science, has provided grant funds to Vaughan to assist with the Program.
- C. AND WHEREAS Vaughan and the Participant wish to set out in this Agreement their respective rights and obligations concerning the grant of funds from Vaughan.
- D. NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the mutual promises and covenants contained in it, Vaughan and the Participant agree as follows:

Section 1 - Interpretation of the Agreement

1.01 Definitions. The following capitalized terms shall have the meanings ascribed to them below unless there is something in the context inconsistent therewith:

"Agreement" means this agreement together with the Application, Guidelines, appendices and any amendments thereto;

"Application" means the Program grant application completed by the Participant and includes the Business Plan;

"Award" means the financial assistance in the amount of up to \$_____ to be disbursed by Vaughan to the Participant in the manner provided in this Agreement;

"Business" means the operation of the independent business as described in the Application and the Business Plan;

"Business Mentoring Group" means the committee of local business representatives referred to in the Guidelines to which the Participant is assigned;

_____/_____

Participant Agreement for Grant

"Business Plan" means the appropriate business model or impact document submitted by the Participant as part of the Application and approved by Vaughan;

"Disbursement" means any advance of funds authorized by Vaughan on account of the Award;

"Guidelines" means the guidelines posted by the Program Provider which are also provided to the Participant with the Application setting out the criteria and conditions for the Program, and which guidelines are subject to change from time to time without notice;

"Participant Survey" means the survey on the Program that the Participant is required to complete;

"Program" is defined in Recital A;

"Program Provider" means the community based organization that delivers small business programs and training modules;

"Term" means the time period the Participant commences and completes the Program under the Program Provider.

Section 2 – Participant Covenants

- 2.01 The Participant agrees to implement or run the Business substantially in accordance with this Agreement and operate the Business. The Participant shall use best efforts to satisfy the targets set out in the Business Plan. Material changes should be noted and Vaughan notified immediately of this change.
- 2.02 The Participant shall not use more than ninety percent (90%) of the grant awarded on equipment purchases for the Business.
- 2.03 The Participant shall provide to the Program Provider a copy of the Business' articles of incorporation, partnership agreement and/or, business name registration, as applicable;
- 2.04 The Participant shall obtain all applicable licenses required to operate the Business, and upon request, provide evidence of compliance to the Program Provider.
- 2.05 The Participant and the Business shall comply with and duly observe all present and future applicable federal and provincial laws, regulations and municipal by-laws.
- 2.06 The Participant agrees to, on a predetermined basis by their Program Provider:
 - (a) attend meetings with the Business Mentoring Group appointed by the Program Provider:

_____/____

Participant Agreement for Grant

(b) submit a description of the progress of the Business, time allocations, outlining business tasks and operations and marketing activities, in a form and substance satisfactory to the Business Mentoring Group and Vaughan; and

(c) submit a cash flow statement of the Business operations together with copies of all receipts and invoices organized, totaled and reconciled to the cash flow record.

2.07 The Participant agrees to participate in business training as recommended by the Program Provider.

2.08 The Participant will permit the Program Provider to visit the Business site at such reasonable times as may be requested by the Program Provider to review the progress of the Business and to review the Business' compliance with the terms and conditions of this Agreement.

2.09 The Participant agrees to attend an Exit Interview to provide information to the Program Provider Centre about the Participant's experience with the Program.

2.10 The Participant agrees to provide such other information and comply with such other reasonable requirements as established by the Program Provider, and Vaughan.

Section 3 – Participant's Representations and Warranties

3.01 The Participant represents and warrants to and in favour of Vaughan:

(a) that the information supplied to Vaughan in the Application or in support of the Application by the Participant is true and accurate. The Participant acknowledges that Vaughan has relied upon the truth, authenticity and accuracy of the information in authorizing the Award;

(b) that if the Business is incorporated pursuant to the provincial or federal Business Corporations Act, that it is a corporation duly incorporated, organized, and validly existing and in good standing under the law of Ontario or Canada, as the case may be, and that the Participant is the majority shareholder of such corporation;

(c) that the Participant operates the Business arms length from any family business operation or venture;

(d) that the Business proposed in the Business Plan is a new or expanding business venture;

(f) that the Participant is a resident of Ontario;

_____/_____

Participant Agreement for Grant

- (g) that the Participant is a Canadian citizen or a permanent resident of Canada ;
- (h) that the Participant has not previously received an award from a program that is the same as or similar to the Program.
- (i) that the Participant is not concurrently making use of any other self-employment programs during the Term of this Agreement.
- (j) that the Participant is not presently enrolled, and shall not be returning, to full-time education during the Term of this Agreement.

Section 4 - The Award

- 4.01 Subject to and in accordance with all of the terms and conditions of this Agreement, and in reliance on the representations and warranties in Section 3, Vaughan agrees to provide an Award to the Participant to a maximum aggregate amount of \$_____ to assist the Participant to carry out the Business Plan for the Business.

Section 5 - Terms and Conditions of Disbursement

- 5.01 The Term in this instance begins June 2018 and ends September 2018 for the final milestone of the Program.
- 5.02 Disbursements by Vaughan to the Participant on account of the Award shall be made available as follows:
- (a) The Disbursement may be up to \$_____ upon execution of the Agreement by both parties;
 - i. cash flow statements of the Business' operations;
 - ii. copies of the bank statements for the Business; and
 - iii. a detailed expenditure statement and accounting, satisfactory to the Program Provider, and Vaughan, for the expenditure of the disbursement by providing a statement of all costs incurred and paid by the Participant on account of the Business together with, invoices and other appropriate records supporting the said expenditures and proof of payment thereof organized, totaled and reconciled to the cash flow statement and expenditure statement.

_____/_____

Participant Agreement for Grant

Section 6 - Termination

6.01 In the event that the Participant is in breach of a covenant, term or condition set out in this Agreement, upon 15 days written notice to the Participant:

- (a) All obligations of Vaughan to make Disbursements on account of the Award shall be immediately extinguished;
- (b) Vaughan may, at its option, terminate this Agreement and may demand immediate repayment from the Participant of the total Disbursement made by Vaughan, and the total amount of all Disbursement made pursuant to this Agreement shall be immediately due and payable by the Participant to The Corporation of the City of Vaughan.); and
- (c) Vaughan may avail itself of any of its legal remedies, which it may deem appropriate.

Section 7 - General

7.01 Audit

All contracts, papers, correspondence, copies, books, payrolls, records, accounts, invoices, statements, accounting records and other information and material of the Participant relating to the expenses incurred by the Participant pursuant to the Business and this Agreement shall be open to audit examination by Vaughan or its agent at all reasonable times during the Term of this Agreement and for a period of 7 years thereafter and the Participant hereby agrees to maintain such records for such period of time.

7.02 Applicable Law

This Agreement is to be governed by and interpreted in all respects in accordance with the laws of the Province of Ontario and the laws of Canada applicable therein.

7.03 Entire Agreement

This Agreement, including the Application and Guidelines, forms the entire Agreement between the Participant and Vaughan and supersedes all prior agreements and understandings.

7.04 Time

Time is of the essence of this Agreement.

7.05 Assignment

This Agreement and all documents delivered pursuant thereto ensure to the benefit of Vaughan and the Participant, their respective assigns and successors at law. This Agreement may not be assigned by the Participant without the written consent of Vaughan.

_____/_____

Participant Agreement for Grant

7.06 Limitations of Liability

In no event will Vaughan be responsible for any direct, indirect, or consequential damages sustained by the Participant or any of its employees, customers or any other third parties, howsoever caused.

7.07 Insurance

The Participant should carry all the necessary and appropriate insurance that a prudent person in the business of the Participant would maintain. The Participant is responsible for his/her own insurance and is not covered by the Province of Ontario's, or Vaughan's insurance program. No protection will be afforded to the Participant by the Government of Ontario or Vaughan for any claims that may arise from the Participants' operation of the Business.

7.08 Notices

Any notice, request, demand, consent, approval, correspondence, report or other communication required pursuant to or permitted under this Agreement must be in writing and must be given by personal delivery, or transmitted by telex, fax, telegram, facsimile, or other electronic message which provides a hard copy, or be sent by first class mail, postage or charges prepaid, and addressed to the party to whom it is intended at, in the case of the Participant, at the address set out in the Application and in the case of Vaughan, at the address set out below:

**City of Vaughan
C/O: The Vaughan Business Enterprise Centre
Level 200
2141 Major Mackenzie Dr
Vaughan, ON
L6A 1T1**

Any such notice shall be deemed to be received, if personally delivered or sent by telex, telegram, facsimile, or other electronic message on the day it is sent and if such notice is sent by first class mail it shall be deemed to have been received on the date that is five days after the date of mailing.

7.09 Non-Agent

The Participant and Vaughan agree and declare that nothing in this Agreement shall be construed as creating a partnership, joint venture, agency or employment relationship between the Participant and Vaughan.

7.10 Conflict in Documents

In the event of any conflict or inconsistency in this Agreement, (a) the main body of the Agreement shall govern over the Appendices to the Agreement; (b) the Agreement (including its Appendices) shall govern over the Guidelines and the Application; and (c) the Guidelines shall govern over the Application.

_____/_____

Participant Agreement for Grant

7.11 Conflict of Interest.

The Participant shall ensure that any person associated with the Business, in whatever capacity, carries out the Business, in all its aspects, without a conflict of interest. For these purposes, a conflict of interest includes any circumstances where (a) the Participant; or (b) any person who has the capacity to influence the Participant's decisions; has outside commitments, relationships or financial interests that could, or could be seen to, interfere with the Participant's objective, unbiased and impartial judgment relating to the Business and the use of the Award. Nothing in this section shall prevent the Participant if it so chooses from reimbursing its volunteers for their reasonable out of pocket expenses incurred in connection with the Business. The Participant shall (a) disclose to Vaughan without delay any actual or potential situation that may be reasonably interpreted as either a conflict of interest or a potential conflict of interest; and (b) comply with any terms and conditions that Vaughan may prescribe as a result of the disclosure.

7.12 Amendments. This Agreement may be amended, altered or modified only by a written agreement signed by both Vaughan and the Participant.

7.13 Waiver. The benefit of any provision of this Agreement may be waived in whole or in part by the party for whose benefit the provision operates and any party may waive any or all of its rights in the event of a breach of any provision of this Agreement by the other party. A waiver is binding on the waiving party only if it is in writing. A waiver may be absolute or may be limited in any way as to duration or scope.

7.14 Further Assurances. The Participant agrees at any time and from time to time after the execution and delivery of this Agreement to execute and deliver such further acts and things as Ontario may reasonably request in order to fully effect the purpose of this Agreement and the transactions contemplated herein.

7.15 Municipal Freedom of Information and Protection of Privacy Act. The Participant acknowledges that Vaughan is bound by the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 as amended and that the information provided to Vaughan in connection with the Business or otherwise in connection with the Agreement may be subject to disclosure under that legislation.

7.16 Force Majeure. Neither party shall be responsible for failures in performance resulting from matters beyond the control of the party, including acts of God, riots or other civil insurrection, war, strikes and lock-outs.

7.17 Severability. The invalidity or unenforceability of any provision of this Agreement or any covenant in it will not affect the validity or enforceability of any other provision or covenant in it, and the invalid provision or covenant will be deemed to be severable.

_____/_____

Participant Agreement for Grant

In Witness Whereof the Participant and Vaughan have executed this Agreement as of the date first set out above.

**THE CORPORATION OF THE CITY OF
VAUGHAN**

Per:
Title:
Name:

Signature of Participant

Print name of Participant

If Participant is under 18:

Signature of parent/guardian of Participant

Print name of parent/guardian of Participant

Signature of Witness

Print Name of Witness

Committee of the Whole Report

DATE: Tuesday, April 02, 2019

WARD(S): ALL

TITLE: AMENDMENTS TO THE CODE OF CONDUCT FOR MEMBERS OF COUNCIL, LOCAL BOARDS AND COMMITTEES

FROM:

Nick Spensieri, Deputy City Manager, Corporate Services

ACTION: DECISION

Purpose

To seek approval of a revised Code of Conduct that will apply to Members of Council, and to include members of Local Boards, in accordance with the requirements of the *Municipal Act*. Approval of an updated Complaint Protocol is also being sought.

Report Highlights

- *Bill 68, Modernizing Ontario's Municipal Legislation Act, 2017*, requires codes of conduct for members of Council and local boards
- Role of the Integrity Commissioner has expanded, including jurisdiction over *Municipal Conflict of Interest Act*
- The existing Code of Ethical Conduct for Members of Council and Complaint Protocol have been updated to reflect the Bill 68 amendments

Recommendations

1. That the revised "Code of Ethical Conduct for Members of Council and Local Boards" be approved, substantially in the form of the Draft Code included as Attachment #1; and
2. That the revised "Complaint Protocol" be approved, substantially in the form of the Draft Complaint Protocol included as Attachment #2.

Background

Bill 68, Modernizing Ontario's Municipal Legislation Act, 2017

On November 16, 2016, *Bill 68, Modernizing Ontario's Municipal Legislation Act, 2017*, was introduced in response to the Province's review of the *Municipal Act, 2001* and *Municipal Conflict of Interest Act, 1990*. On May 30, 2017, *Bill 68* received Royal Assent.

Bill 68 amended Section 223 of the *Municipal Act* to require all Ontario municipalities to establish codes of conduct for members of municipal council and local boards. Bill 68 also enacted various changes relative to the content of codes as well as the activities of municipal Integrity Commissioners. These changes include the following:

- Changes to the responsibilities of a municipally appointed Integrity Commissioner, including the addition of *Municipal Conflict of Interest Act* complaints to their jurisdiction.
- Requests for advice from the Integrity Commissioner to a councillor or local board member must be in writing, and if the Integrity Commissioner provides advice it shall also be in writing.
- If the Integrity Commissioner provides educational information to the public, they may summarize advice they provided to a councillor or councillors but shall not disclose confidential information that could identify a person concerned.
- A municipality must now indemnify the Integrity Commissioner and any person acting under their instruction for costs reasonably incurred in connection with the defence of a proceeding if the proceeding relates to an act done in good faith in the performance of the Integrity Commissioner's duties.
- Imposing restrictions on inquiries requested during a regular election year

Previous Reports/Authority

- [Report – Code of Ethical Conduct for Members of Council \(Council, September 21, 2008\)](#)
- [Code of Conduct for Members of Council](#)
- [Report - Compliant Protocol and Implementation by Integrity Commissioner \(Committee of the Whole, June 16, 2008\)](#)
- [Complaint Process](#)

Analysis and Options

Code of Ethical Conduct for Members of Council

The City of Vaughan first instituted a Code of Conduct for Members of Council in 1996. On [September 21, 2009](#), Vaughan City Council adopted the Code of Ethical Conduct for Members of City Council, in the form that is used today.

A written Code of Ethical Conduct protects the public interest and helps to ensure that the Members of Council, and now members of Local Boards, share a common basis for acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the members must operate.

Local Boards

The term “local board” is defined in the *Municipal Act* (the “Act”) as:

“means a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority; (“conseil local”)”

This definition encompasses the various Committees established by the City of Vaughan, including:

- Accessibility Advisory Committee
- Committee of Adjustment
- Heritage Vaughan Committee
- Property Standards

The revised Code of Conduct will apply to the members of these boards.

With respect to the Vaughan Public Library Board, Section 223.1(e) of the *Act* specifically excludes the Library Board from the definition of local boards for the purposes of Part V.1 of the *Municipal Act* dealing with Codes of Conduct. The proposed “Code of Ethical Conduct for Members of Council and Local Boards” will therefore not apply to the Vaughan Public Library Board.

Integrity Commissioner

The role of the Integrity Commissioner has been expanded by *Bill 68, Modernizing Ontario’s Municipal Legislation Act, 2017*, including, Section 223.3(1) of the *Municipal Act* expanded the functions of the Integrity Commissioner to allow:

1. The application of the code of conduct for members of council and the code of conduct for members of local boards.

2. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behavior of members of council and of local boards.
3. The applications of sections 5, 5.1, and 5.2 of the *Municipal Conflict of Interest Act* (MCIA) to members of council and of its local boards.
4. Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.
5. Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behavior of members.
6. Requests from members of council and of local boards for advice respecting their obligations under the MCIA.
7. The provision of educational information to members of council, Members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the MCIA.

A table containing the full list of the Bill 68 amendments relative to the Code of Conduct, as well as the role and responsibilities of the Integrity Commissioner, is included as Attachment "3" for information.

Amendments to the Code of Ethical Conduct for Members of Council

Proposed amendments to the Code of Ethical Conduct for Members of Council are included in a draft version of the Code, included as Attachment "1". The amendments reflect to changes necessary to address the Bill 68 requirements, including the addition of Local Boards.

Complaint Protocol

The Complaint Protocol emphasizes and encourages informal resolution of complaints, with or without assistance from the Integrity Commissioner. Formal complaints must be made on the prescribed Complaints Form/Affidavit attached to the Complaint Protocol. Complaints must reference a specific provision of the Council Code of Conduct. The Complaint Protocol was first approved by Council on [June 23, 2018](#).

Proposed amendments to the Complaint Protocol are identified in a draft version of the Complaint Protocol, included as Attachment "2". The amendments reflect to changes necessary to address the Bill 68 requirements.

Financial Impact

There are no financial impacts associated with this report.

Broader Regional Impacts/Considerations

There are no broader regional impacts or considerations associated with this report.

Conclusion

A written Code of Ethical Conduct protects the public interest and helps to ensure that the Members of Council and now, Members of local boards, share a common basis for acceptable conduct. The public is entitled to expect the highest standards of conduct from the Members that it elects to local government and Members that serve on its local boards. Adherence to the standards set out in this Code will protect and enhance the City of Vaughan's reputation and integrity. This goal will be furthered by the approval of the amended "Code of Ethical Conduct for Members of Council and Local Boards" and amended "Complaint Protocol".

For more information, please contact: Todd Coles, City Clerk, x8281

Attachments

1. DRAFT "Code of Ethical Conduct for Members of Council and Local Boards"
2. DRAFT "Complaint Protocol"
3. Municipal Act (Bill 68) Changes Regarding Municipal Codes of Conduct

Prepared by

Todd Coles, City Clerk, x8281

In consultation with:

Rebecca Hall-McGuire, Legal Counsel

Suzanne Craig, Integrity Commissioner and Lobbyist Registrar

**ATTACHMENT 1 –
Draft Code of Ethical Conduct for
Members of Council and Local Boards**



**CITY OF VAUGHAN
POLICY MANUAL**

Policy No:	CL – 011
Department:	COUNCIL
Subject:	CODE OF ETHICAL CONDUCT FOR MEMBERS OF COUNCIL AND LOCAL BOARDS

CODE OF ETHICAL CONDUCT FOR MEMBERS OF COUNCIL AND LOCAL BOARDS

CITY OF VAUGHAN

Council Approval: 2009/21/09
Minute No. 181
Cross Reference: Policy No. 01.35

Amended: 2011/06/28
Report No/Item: 35/2

**CODE OF ETHICAL CONDUCT FOR MEMBERS OF COUNCIL
CITY OF VAUGHAN
TABLE OF CONTENTS**

Introduction	3
Preamble	3
Framework and Interpretation	4
Definitions	4
Rules:	
1 Key Principles	7
2 Gifts and Benefits	11
3 Confidential Information	16
4 Use of City Property, Services and Other Resources	18
5 Election Campaign Work	19
6 Business Relations	20
7 Improper Use of Influence	21
8 Conduct at Council	22
9 Transparency & Openness in Decision-Making and Member's Duties	23
10 Media Communications	24
11 Representing The City	25
12 Conduct Respecting Current and Prospective Employment	26
13 Encouragement of Respect For The City and Its By-Laws	27
14 Harassment	28
15 Discreditable Conduct	29
16 Conduct Respecting Staff	30
17 Employment of Council Relatives/Family Members	31
18 Failure To Adhere To Council Policies and Procedures	32
19 Reprisals and Obstruction	33
20 Compliance With The Code of Ethical Conduct	34
21 Implementation	36

Introduction

Democracy is an active process – one that requires ongoing engagement between citizens and their elected officials. Ethics and integrity are at the core of public confidence in government and in the political process.

There has been a general trend at the municipal level of government in Ontario, to develop rules around ethical conduct for elected officials so that they may carry out their duties with impartiality and equality of service to all, recognizing that as leaders of the community, they are held to a higher standard of behavior and conduct. As of March 2019, municipalities are required to have codes of ethical conduct in place for Members of Council and local boards.

It is the purpose of this *Code of Ethical Conduct* to establish rules that guide Members of Council and Members of local boards (restricted definition) in performing their diverse roles in representing their constituents and recognize Members' accountability for managing City resources allocated to them.

Preamble

Whereas the City of Vaughan first instituted a Code of Conduct for Members of Council in 1996;

And whereas the current Code of Conduct for Members of Council was adopted by Council in 2009;

And whereas the *Modernizing Ontario's Municipal Legislation Act, 2017*, S.O. 2017, c. 10, and the corresponding amendments to applicable legislation, require municipalities to establish codes of conduct for Members of Council and Members of local boards;

And whereas elected officials and Members of local boards of the City of Vaughan have and recognize their obligation to not only obey the law, but to go beyond the minimum standards of behaviour and act in a manner that is of the highest ethical ideals so that their conduct will bear the closest public scrutiny;

And whereas the private interest of elected officials and Members of local boards of the City of Vaughan must not provide the potential for, or the appearance of, an opportunity for benefit, wrongdoing, or unethical conduct;

And whereas this *Code of Ethical Conduct* stems from the principles of the pre-existing Code of Conduct that has been in place since 2009 based on the belief by the Council of the City of Vaughan that not just employees but also elected officials should have a document against which to measure their conducts that they may be held to account;

The Council of the City of Vaughan will adopt certain rules that further underscore a Councillor's belief in his/her responsibility as a public trustee and confirm that Members of City of Vaughan local boards will be held to the same ethical standard;

Commentary

The operation of democratic municipal government requires that elected officials and Members of local boards be independent, impartial and duly responsible to the people. To this end, it is imperative that:

- The City of Vaughan decisions and policy be made through the proper processes of municipal government structure.
- The City of Vaughan government structure and decision-making process reflect the importance of integrity, independence and accountability.
- Public office and membership on local boards shall not be used for personal gain.
- The public have confidence in the integrity of its municipal government and its local boards.

A written *Code of Ethical Conduct* protects the public interest and helps to ensure that the Members of Council and Members of local boards share a common basis for acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the Members must operate.

The public is entitled to expect the highest standards of conduct from the Members that it elects to local government and Members that serve on its local boards. Members of Council and local boards are therefore expected to perform their duties of office with integrity and impartiality in a manner that will bear the closest scrutiny. In turn, adherence to the standards set out in this Code will protect and enhance the City of Vaughan's reputation and integrity.

Framework and Interpretation

1. This *Code of Ethical Conduct* applies to the Mayor and all Members of Council as well as all Members of local boards. It is to be given broad, liberal interpretation in accordance with applicable legislation and the definitions set out herein. Commentary and examples used in this *Code of Ethical Conduct* are meant to be illustrative and not exhaustive. From time to time additional commentary and examples may be added to this document by the Integrity Commissioner, as she or he deems appropriate.
2. The Integrity Commissioner is responsible for performing, in an independent manner, the following:
 - a. The application of this *Code of Ethical Conduct* for Members of Council and Members of local boards.
 - b. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of Members of Council and of local boards.
 - c. The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended, to Members of Council and of local boards.
 - d. Requests from Members of Council and of local boards for advice respecting their obligations under this *Code of Ethical Conduct*.
 - e. Requests from Members of Council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of Members.
 - f. Requests from Members of council and of local boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*.

- g. The provision of educational information to Members of Council, Members of local boards, the municipality and the public about this *Code of Ethical Conduct* and about the *Municipal Conflict of Interest Act*.
3. With respect to requests for advice, referred to in paragraphs 2(d),(e), and (f) above:
 - a. Requests for advice from Members shall be in writing and the Integrity Commissioner shall provide all advice in writing; and
 - b. As long as all the facts known to the Member are disclosed to the Integrity Commissioner and there is no change to these facts, then the Member may rely on any written advice provided by the Integrity Commissioner.
 - c. The Integrity Commissioner will create a “confidentiality wall” such that, if the Integrity Commissioner receives a Formal Complaint in respect of the matter for which advice was given, the written advice provided to the Member will not remove the presumption of neutrality of the Integrity Commissioner or unfairly prejudice the Member.
 4. Members of Council, Members of local boards, and members of the public or City staff seeking clarification of any part of this *Code* should consult with the Integrity Commissioner.
 5. The Integrity Commissioner is barred from conducting an inquiry in respect of actions, omissions, or decisions of the administration of Council. Any requests for inquiry or complaints in respect of actions, omissions or decisions of the administration of Council shall be denied by the Integrity Commissioner.
 6. With respect to requests for advice, referred to in paragraphs 2(d), (e) and (f) above, the Integrity Commissioner will not be barred from receiving and investigating complaints for which written advice was given. Notwithstanding the above, the Integrity Commissioner may, from time to time and within her discretion, decide to delegate the investigation of a complaint under subsection 223.3(3) of the *Municipal Act*.
 7. Should an issue arise where it may be unclear whether a complaint falls within the mandate of York Region or the City of Vaughan, both the Regional and City of Vaughan Integrity Commissioners will work together to develop a process to resolve the matter and report the findings to the appropriate council(s). In such instances, consideration should be given to the following:
 - a. The municipality in which the complaint was filed;
 - b. The municipality in which the expense/mileage claim was submitted for an event or function; and
 - c. The reasonableness for the respective municipality’s Integrity Commissioner to undertake the investigation.

Commentary

This *Code of Ethical Conduct* does not prohibit the activities in which Members of Council normally engage on behalf of constituents in accordance with applicable laws.

The *Municipal Act* is the primary source of regulation for municipalities and provides the basis for good governance within municipal government. There are other important documents that regulate the behavior and conduct of Members. Clear and consistent written rules provide elected officials with confirmation that their actions adhere to the highest ideals of integrity during their term of office.

This *Code of Ethical Conduct* operates together with and as a supplement to the following existing statutes, documents and policies governing the conduct of Members.

Legislation:

- The *Municipal Act, 2001*, S.O. 2001, c. 25;
- The *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50;
- The *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sched;
- The *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56; and
- The *Criminal Code*, R.S.C., 1985, c. C-46.

Definitions:

In this *Code of Ethical Conduct*:

1. the terms “Child”, “Parent” and “Spouse” have the same meanings as in the *Municipal Conflict of Interest Act*.
2. “Elector” has the same meaning as set out in section 1 of the *Municipal Conflict of Interest Act*. **“Employee” includes a Consultant, a Part-time or Seasonal Worker, but not a Member**
3. “Member” means (i) a member of Vaughan City Council, or (ii) a member of the following local committees/local boards: Accessibility Advisory Committee, Committee of Adjustment, Heritage Vaughan Committee, and the Property Standards Committee.
4. “Family Member” means,
 - Spouse, common-law partner, or any person with whom the person is living as a Spouse outside of marriage
 - Parent, including step-parent and legal guardian
 - Child, including step-child and grandchild
 - siblings and children of siblings
 - aunt/uncle, niece/nephew, first cousins
 - in-laws, including mother/father, sister/brother, daughter/son
 - any person who lives with the Member on a permanent basis
5. “Staff” includes Deputy City Managers, Directors, Managers, Supervisors, Clerical and Technical Unionized employees, Hourly Unionized staff, Part-time Unionized staff, Temporary/Seasonal staff, Contract staff, students and Volunteers.

Implementation:

This Code shall replace Policy Number CL-011 – Code of Ethical Conduct for Members of Council.

Rule No. 1

Key Principles: The key principles that underline the rules in this *Code of Ethical Conduct* are as follows and shall be used to guide Members in decisions on their actions and to guide the Integrity Commissioner in interpreting Rules 2 – 21 of this Code:

- a) **Members shall serve and be seen to serve their constituents in a conscientious and diligent manner.**

Commentary

This underscores that Members carry out their official City activities in a way that will foster and enhance respect for government and above all, demonstrate respect for members of the public.

- b) **Members should be committed to performing their functions with integrity and transparency.**

**Amended, Council, June 28, 2011, Rpt 35, Item 2:*

Responding to Inquiries from the Public

Vaughan City Council is committed to overseeing the provision of responsive and accessible services including dealing with reasonable inquiries and requests for information in a timely manner. On occasion, an individual citizen may not be accepting of the response and may restate the inquiry in various ways, or may be rude or harassing in their delivery of the inquiry. There is a need to balance access to information against the need to protect the legitimate interests of the City; the need to respect approved policies and procedures of the City within civil and respectful discourse; and the need to respect the role of officers and employees of the municipality.

Members of Council who receive requests for information or inquiries from members of the public, City staff or other Members of Council may be guided by Protocol 03.26 "Response by City Staff to Requests for Information from the Public". In addition, complaints regarding staff may be forwarded to the appropriate City Commissioner or the City Manager.

This Code does not require Members of Council to provide a response to an inquiry or request for information that is frivolous or vexatious, unreasonable or harassing.

For example:

- the Member of Council is of the opinion on reasonable grounds that the inquiry is made for a purpose other than to obtain information;
- the inquiry has been made more than once and is being used for the purpose of revisiting an issue that has been previously addressed;
- the inquiry is articulated in such a way that it can be considered harassing or abusive;
- the Member is of the opinion, on reasonable grounds, that providing a response would interfere with the operations of the City;
- the inquiry is not an inquiry but rather a complaint.

Communication labelled "Private" and/or "Confidential" may be shared or disclosed as necessary or appropriate, taking into consideration the following:

- information may be disclosed to appropriate staff in order to respond to the issue or concern being communicated;
 - information will not be treated as confidential where the communication was shared by the requestor or not made in a confidential manner (copied to others, or made in the presence of others);
 - if the information is needed by an officer, employee, consultant or agent of the City who needs the information in the performance of her or his duties and if the information is necessary and proper in the discharge of the City's functions.
-

Commentary

As public officials, Members recognize the public's right to reasonable access to information in relation to how decisions are made. This right of access includes the right of the public to receive complete and understandable information which must be balanced against the requirement to protect the legitimate interests of the City and the respect for approved policies of the City.

- c) Members shall avoid the improper use of the influence of their office, and conflicts of interest, both apparent and real. Members shall not extend, in their discharge of their official duties, preferential treatment to Family Members, organizations or groups in which they or their Family Member have a pecuniary interest.**

Commentary

As a result, Members will have a common understanding that they will not participate in activities that grant, or appear to grant, any special consideration, treatment, or advantage to an individual which is not available to every other individual. Members recognize that their actions are governed by the *Municipal Conflict of Interest Act* (MCIA). The Integrity Commissioner will distinguish between a Code conflict, which may be both apparent and real and which may be in respect of a family member as defined by the Code, and a pecuniary interest under the MCIA in respect of sections 1.1, 2 and 3 of the MCIA.

In addition, it is recognized that while Members are political representatives, they also private citizens. Accordingly, Members may, in their capacity as private citizens, choose to endorse political parties. Members must take care to clarify that they do so as a private individual, and must not be seen as using their office to endorse political candidates for election.

- d) Members shall avoid any interest in any contract made by him/her in his/her official capacity and shall not contract with the City or any agency thereof for the sale and purchase of supplies, material or equipment or for the rental thereof.**

- e) **Members shall not engage in the management of a business carried on by a corporation nor profit directly or indirectly from a business, including but not limited to a corporation, that does business or has contracted with the City of Vaughan, or hold an office or directorship, unless holding the office or directorship is in a social club, religious organization, other charitable organization or corporations with shares directly or indirectly held by the municipality.**
- f) **Approved exceptions**
A Member may engage in an activity prohibited by clause 1(e) if the following conditions are met:
- 1. The Member has disclosed all material facts to the Integrity Commissioner.**
 - 2. The Integrity Commissioner is satisfied that the activity, as carried on in the specified manner, did not create a conflict between the Member's private interest and public duty.**
 - 3. The Integrity Commissioner has given the Member his or her approval and has specified the manner in which the Member of Council may remedy the situation.**
 - 4. The Member remedies the situation in the manner specified by the Integrity Commissioner**

Commentary

Members must adhere to the City's purchasing policies and pay careful attention to the Councillors' expense policies. Examples of exceptions include, hospital boards and other not-for-profit organizations and charities.

- g) **Members shall perform official duties and arrange their public affairs in a manner that promotes public confidence and respect and will bear close public scrutiny; and**

Commentary

Members shall not participate in activities that grant, or appear to grant, any special consideration, treatment, or advantage to an individual which is not available to every other individual member of the public.

- h) **Members shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and the City Council.**

Commentary

A number of the provisions of this *Code* incorporate policies, procedures and provisions adopted by Council and contained in various statutes. The provisions of this *Code* are intended to be applied in concert with existing legislation and go beyond the minimum standards of behaviour.

- i) Members shall fulfill their roles as set out in the Municipal Act and respect the role of staff in the administration of the business affairs of the City.**

Commentary

Members recognize that the decision-making authority for the municipality lies with Council, not an individual Councillor and that it is the role of the officers and employees of the municipality to implement council's decisions and establish administrative practices and procedures to carry out council's decisions. Members recognize and respect the role of City staff and affirm that only Council as a whole has the capacity to direct staff members. Council as a whole must be able to access information, on a need to know basis, in order to fulfill its decision-making duties and oversight responsibilities [...]. Individual Members also recognize that the information that they receive as members of the decision-making body of Council, or a local board, is subject to the confidentiality and disclosure rules of Provincial and Federal statutes and City of Vaughan bylaws. (See Rule No. 3 on Confidential Information and Rule No. 16 on Conduct Respecting Staff).

Rule No. 2

Gifts and Benefits:

- 1. No Member shall accept a fee, advance, gift, loan, or personal benefit that is connected directly or indirectly with the performance of his or her duties, except as specifically contemplated.**

For these purposes, a fee or advance paid to or a gift or benefit provided with the Member's knowledge to a Member's Spouse, Child, or Parent, or to a Member's staff that is connected directly or indirectly to the performance of the Member's duties is deemed to be a gift to that Member. Set out below are recognized as exceptions to Rule 2, which apply to Members of Council only; Members of local boards are not permitted to accept any gifts and benefits:

- (a) compensation authorized by law;**
- (b) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;**
- (c) a political contribution otherwise reported by law;**
- (d) services provided without compensation by persons volunteering their time to a Member;**
- (e) a suitable memento of a function honoring the Member (e.g. a trinket or favour of relatively little monetary value such as pen, notepad, t-shirts);**
- (f) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the Federal government or by a foreign government within a foreign country or by a conference, seminar or event organizer where the Member is either speaking or attending in an official capacity at an official event;**
(for greater certainty of item f, where Council has authorized or endorsed an initiative or event, this would be considered an official event.)
- (g) food and beverages consumed at banquets, receptions or similar events, for charitable, not for profit and community purposes, if:**
 - 1. attendance serves a legitimate public duty purpose; and**
 - 2. the value is reasonable and the invitations infrequent.**
- (h) business meals;**
- (i) communication to the offices of a Member, including subscriptions to newspapers and periodicals related to the duties of Office.**
- (j) Sponsorships and donations for community events or initiatives organized or run by a Member of Council or a third party on behalf of a Member where Council has authorized or endorsed the event or initiative.**

(for greater certainty of item j, for Member-organized community events or initiatives, Members should be transparent in their dealings with the public and should not handle any funds on behalf of any organizations and should remain at arms length from the financial aspects of these events and initiatives.)

Rule #2 Part 1(j) does not affect the entitlement of a Member of Council to:

- i. Use her or his office expense budget to run or support community events subject to the terms of the Councillor Expense Policy;*
- ii. Urge constituents, businesses and other groups to support community events put on by others in the Member's Ward or elsewhere in the City;*
- iii. Play an advisory or membership role in any organization that holds community events in the Member's Ward; and*
- iv. Collaborate with the City of Vaughan and its agencies to hold community events.*

Members of Council are strongly encouraged to document all gifts and benefits they receive. As indicated above, Members of local boards are not permitted to receive any gifts or benefits.

With respect to Members of Council, in the case of categories (b), (e), (f), (g) (h), and (i), where the value of the gift or benefit exceeds \$750 , or if the total value received from any one source during the course of a calendar year exceeds \$750, the Councillor shall, within 30 days of receipt of the gift or reaching the annual limit, list the gift or benefit on a Councillor information statement, the form of which will be prescribed by the Integrity Commissioner.

The Integrity Commissioner shall, without notice, examine from time to time the Councillor information statement to ascertain whether the receipt of a gift or benefit might, in her or his opinion, create a conflict between a private interest and the public duty of the Councillor.

In the event that the Integrity Commissioner makes the preliminary determination, he or she shall call upon the Member to justify receipt of the gift or benefit. Should the Integrity Commissioner determine that receipt was inappropriate, he or she may direct the Member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or forfeit the gift or remit the value of any gift or benefit already consumed to the City or City agency, board or commission.

Each Member shall file a copy of their Councillor information statement with the office of the City Clerk on a quarterly basis (the first quarter being April 30th of the calendar year) and the statements shall be a matter of public record.

Commentary:

Gifts and benefits are often received by Members of Council in the course of their duties, and attendance at public functions is expected and considered part of their role. The object of this rule is to provide transparency around the receipt of incidental gifts and benefits, where the total value may be perceived as potentially influencing decision making.

Personal integrity and sound business practices require that relationships with vendors, contractors, or others doing business with the City, be such that no Member of Council is perceived as showing favoritism or bias toward the vendor, contractor or other. Each Member of Council is accountable to the public and should keep a list of all gifts received from individuals, firms or associations (with

estimated values) in their constituency offices for review by Integrity Commissioner, as he/she deems appropriate. However, for Members of Council, those gifts or benefits that exceed \$750 or the annual limit of \$750 for one source, shall be kept on a form prescribed by the Integrity Commissioner and filed with the office of the City Clerk on a quarterly basis.

Gifts that are subject to listing on the Member of Council information statement can be many types of things, and may include:

- property (e.g. a book, flowers, a gift basket, a painting or sculpture, furniture, wine);
- use of property or facilities (e.g. a vehicle, an office, a cottage) at a reduced rate or at no cost;
- membership in a club or other organization (e.g. a golf club) at a reduced rate or at no cost;
- an invitation to and/or tickets to attend an event (e.g. an athletic commercial event, concert, a play) at a reduced rate or at no cost;
- an invitation to attend a gala or fund-raising event at a reduced rate or at no cost.

An invitation to attend a function where the invitation is connected directly or indirectly with the performance of the Member's duties of Office (i.e. for which the public office holder has a ceremonial, presentational or representational official role) is not considered to be a gift. Attendance is considered to be the fulfillment of an official function or duty.

There are a range of expenses that support a Councillors' role in community development and engagement activities in their ward.

For MPPs, these expenses are generally paid for by caucus funds. This is not the case for municipal Members of Council. The section of the Councillor Expense Policy that deals with Community Expense-Events will indicate allowable expenses for reimbursement and provide for Members of Council to include certain community expenses related to a Member's role in community development as allowable expenditures from their office expense budget. However, gaming tickets during charitable functions, such as raffle tickets, table prize tickets, etc. should not be eligible for reimbursement.

Lobbying of public office holders is a permissible but regulated activity in the City of Vaughan. Lobbying is defined and regulated by By-law Number 165-2017 (the City's lobbying by-law inclusive of the Lobbyist Code of Conduct). Members are public office holders. As a matter of general principle, as public office holders, Members should be familiar with the terms of the lobbying by-law inclusive of the Lobbyist Code of Conduct. If a Member is or at any time becomes aware that a person is in violation of the Lobbyist Code of Conduct or registration regime, the Member should draw that person's attention to the obligations imposed by the Lobbying By-law and Lobbying Code of Conduct. A Member should report any such violation or attempted violation of Lobbying By-law to the Lobbyist Registrar.

- 2. Expenses incurred by Members working during normal meal periods serve a legitimate public duty purpose, provided that the expenses incurred are reasonable and appropriate in the circumstances. Reasonable and appropriate expenses are those that:**
 - a. Are incurred for an official duty or function;**
 - b. Are modest, representing a prudent use of public funds;**
 - c. Do not involve alcoholic beverages**

In general, working meals are to be provided in-house.

Commentary

Rule #2 must be considered with and balanced against the principle contained expense policies in all Ontario municipalities, which is that Members are entitled to be reimbursed for expenses that are legitimately and appropriately incurred for an official duty or function and which are reasonable and prudent expenses and use of public funds in the circumstances. In making a determination of what constitutes a modest and prudent use of public funds, Members should consider the dollar amounts set in Policy CL-012 – Council Members Expense Policy, as amended.

Given the heavy demands on Members' schedules in the performance of their duties and functions, there are legitimate circumstances that require business meetings over a meal period and result in the Member working through his or her normal meal periods.

"Official duties" or "functions" has the following meaning:

For Members of Council, it includes those activities that are reasonably related to a Member's office, taking into consideration the different interest, the diverse profiles of their wards and their different roles on Committees, agencies, boards and commissions.

For persons employed in the office of Members, it includes those activities and responsibilities that flow from acting on direction from or taking action on behalf of a Member.

As representatives of the municipal government, Members will be expected or required to extend hospitality to external parties as part of their official duties and functions. This Code recognizes that through adherence to the current and proposed rules of the City's Councillor Expense Policy, it is legitimate for Members to incur hospitality expenses for meetings, examples of which include:

- a. Engaging representatives of other levels of government, international delegations or visitors, the broader public sector, business contacts and other third parties in discussions on official matters;
- b. Providing persons from national, international and charitable organizations with an understanding and appreciation of the City of Vaughan or the workings of its municipal government;
- c. Honouring persons from Vaughan in recognition of exceptional public service.

This Code recognizes that the current and proposed City of Vaughan Councillor Expense Policy, holds legitimate that Members of Council will be reimbursed or have their office budgets charged for expenses that are incurred while extending hospitality to an external party, including hospitality that takes place in the course of travelling on a duty or function or a Member of Council provided the expenses are reasonable and appropriate in the circumstances.

Reasonable and appropriate expenses are expenses that strike a balance between economy (the expenses represent a prudent use of public funds) and proportionality (the expenses represent what is customary for such functions).

Wherever possible, Members should utilize City-owned facilities and resources that are appropriate to the function.

- 3. This Code recognizes that as community leaders, Members of Council may lend their support to and encourage, community donations to registered charitable and Not for profit groups. Monies raised through fundraising efforts shall go directly to the**

groups or volunteers and chapters acting as local organizers of the group. This Code recognizes the important work of Members of Council in supporting charitable causes and the need for transparency in Members' involvement.

This Code sets the following guiding principles for Members of Council:

- (a) Members of Council should not directly or indirectly manage or control any monies received relating to charitable organization's fundraising.
- (b) A Member of Council or a third party acting on behalf of the Member shall neither solicit nor accept support in any form from an individual, group or corporation with any pending planning, conversion, or demolition variance application before Vaughan City Council.
- (c) With reference to Member- Organized Community Events, Members of Council must report to the Integrity Commissioner, the names of all donors and the value of their donation that supplement the event.
- (d) Where a Member of Council sponsors and/or lends support to a charitable organization's event, this Code recognizes that all donations are subject to the *Code of Ethical Conduct* and CL-012 – Council Members Expense Policy.
- (e) No donation cheques should be made out to a Member of Council.

Nothing included herein affects the entitlement of a Member of Council to:

- i. Use her or his office expense budget to run or support community events subject to the terms of the Policy CL-012 – Council Members Expense Policy section relating to Community Expense Hosting Events by Council Members;
 - ii. urge constituents, businesses and other groups to support community events and advance the needs of a charitable organization put on by others in the Member's Ward or elsewhere in the City;
 - iii. play an advisory or membership role in any organization that holds community events in the Member's Ward; and
 - iv. collaborate with the City of Vaughan and its agencies to hold community events.
- (f) Members of Council should not handle any funds on behalf of any charitable organization or Community group and should remain at arms length from the financial aspects of these community and external events.

Rule No. 3

Confidential Information:

- 1. No Member shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council to do so.**
- 2. No Member shall use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.**
- 3. No Member shall directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of City property or assets.**
- 4. No Member shall disclose the content of any such matter, or the substance of deliberations, of the in-camera meeting until the Council or committee discusses the information at a meeting that is open to the public or releases the information to the public.**
- 5. No Member shall permit any persons other than those who are entitled thereto to have access to information that is confidential.**
- 6. No Member shall access or attempt to gain access to confidential information in the custody of the City unless it is necessary for the performance of their duties and not prohibited by Council policy.**

Commentary:

Confidential information includes information in the possession of the City that the City is either prohibited from disclosing, or is required to refuse to disclose, such as under Access and Privacy legislation. Such legislation imposes mandatory or discretionary restrictions on disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature, personal information about an individual disclosure of which would constitute an unjustified invasion of privacy, and information that is subject to solicitor-client privilege. Where it is clear that a communication was not made in a confidential manner (i.e.. copied to others, or made in the presence of others) or the manner of communication undermines the validity of labeling it 'confidential', such communication will not be given any higher level of confidentiality than any other communication. The words 'privileged', 'confidential', or 'private' will not be understood to preclude the appropriate sharing of the communication for the limited purpose of reviewing, responding or looking into the subject-matter of the communication.

For the purposes of the *Code of Ethical Conduct*, "confidential information" may also include information that concerns personnel, labour relations, litigation, property acquisitions, the security of the property of the City or a local board, and matters authorized in other legislation, to remain confidential.

Under the Procedural By-law, a matter that has been legitimately discussed at an in-camera (closed) meeting remains confidential, until such time as a condition renders the matter public.

Requests for information should be referred to appropriate staff to be addressed as either an informal request for access to municipal records or as a formal request under the *Municipal*

Freedom of Information and Protection of Privacy Act.

Particular care should be exercised in ensuring confidentiality of the following types of information:

- the security of the property of the municipality or local board;
- personal information about an identifiable individual, including municipal or local body employees;
- a proposed or pending acquisition or disposition of land by the municipality or local board;
- labour relations or employee negotiations and personnel matters.
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- items under contract negotiation
- price schedules in contract tender or Request For Proposal submissions
- statistical data required by law not to be released (e.g. certain census or assessment data)

Rule No. 4

Use of City Property, Services and Other Resources

No Member shall use for personal purposes any City property, equipment, services, supplies or services of consequence (for example, agency, board, commission, or City-owned materials, websites, board and City transportation delivery services, and any Members expense budgets) other than for purposes connected with the discharge of City duties, which may include activities within the Member's office of which City Council has been advised.

No Member shall obtain financial gain from the use of City developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the City of Vaughan.

No Member shall use information gained in the execution of his or her duties that is not available to the general public for any purposes other than his or her official duties.

Commentary:

Members, by virtue of their position, have access to a wide variety of property, equipment, services and supplies to assist them in the conduct of their City duties as public officials. This privilege should not be seen to be abused. In recognizing that Members are held to a higher standard of behavior and conduct, Members should not use such property for any purpose other than for carrying out their official duties. Careful attention should be given to the provisions of the City's Councillor expense policy which identifies approved allowable expenses.

During election campaigns, refer to Rule No. 5 and 7.

Rule No. 5

Election Campaign Work:

- 1. Members of Council are required to follow the provisions of the *Municipal Elections Act, 1996*.**

Commentary

Although the Integrity Commissioner of the City of Vaughan does not have jurisdiction to receive or investigate complaints regarding alleged contraventions of the *Municipal Elections Act*, the Integrity Commissioner shall forward any information regarding a potential breach of the *Municipal Elections Act* by a Member of Council, directly to City Clerk.

- 2. No Member shall use the facilities, equipment, supplies, services or other resources of the City for any election campaign or campaign-related activities.**
- 3. No Member shall use the services of persons for campaign related activities during hours in which those persons receive any compensation from the City.**

Commentary

Paragraph 2 Policy CL-008 – Permitting of City Facilities by Members of Council and Registered Candidates provides as follows: “Given that the Municipal Elections Act prohibits the use of corporate resources for election-related purposes, in a municipal election year, commencing on June 30th until the date of the election, Members of Council may not book directly, or indirectly, any City facility for any purpose that might be perceived as an election campaign purpose.”

Special attention should be given to section 10.0 of Policy CL-012 Council Member Expense Policy – Election Year Expenses.

Rule No. 6

Business Relations

- 1. No Member shall borrow money from any person who regularly does business with the City unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.**
- 2. No Member shall act as a paid agent before Council or a committee of Council or any agency, board, or committee of the City.**
- 3. No Member shall refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.**
- 4. If a Member becomes aware that an entity, for which the Member has a material interest, is a Director or Employee, may offer or provide goods, consulting or other services to the City, the Member will seek advice from the Integrity Commissioner about the application of the Municipal Conflict of Interest Act and whether, in consideration of the circumstances, whether membership is in the best interests of City. In providing this advice, the Integrity Commissioner will consider the risk of harm to the reputation of the Council.**

Commentary

Members are mindful to avoid any activity that may give rise to consideration of personal gain as a result of holding public office.

Rule No. 7

Improper Use of Influence:

- 1. No Member shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties.**

Commentary

Pursuant to corporate policy, the City Manager directs Deputy City Managers, who in turn, direct City staff. City Council and not individual Members of Council appropriately give direction to the City administration. This provision relates not only to the Member's actions in respect of City staff, but also in other ways as determined by the Integrity Commissioner in the course of conducting an inquiry.

Examples of prohibited conduct are: the use of one's status as a Member to improperly influence the decision of another person to the private advantage of oneself, or one's Parents, Child or Spouse, Staff, friends, or associates, business or otherwise. This would include attempts to secure preferential treatment beyond activities in which Members normally engage on behalf of others as part of their official duties as a Member. Also prohibited is the holding out of the prospect or promise of future advantage through a Member's supposed influence within the local board or at the City, in return for present actions or inaction.

Rule No. 8

Conduct At Council Meetings and Local Board Meetings

- 1. Members shall conduct themselves at meetings with decorum. Respect for deputants and for fellow Members and staff requires that all Members show courtesy and not distract from the business of the Council or local board during presentations and when other Members have the floor.**

Commentary

A Member recognizes the importance of cooperation and strives to create an atmosphere during Council, Committee, and local board meetings that is conducive to solving the issues before Council or the local board, listening to various point of view and using respectful language and behavior in relation to all those in attendance.

Rule No. 9

Transparency & Openness in Decision Making and Member's Duties

- 1. Members shall endeavour to conduct and convey City business and all their duties in an open and transparent manner (other than for those decisions which by virtue of legislation, Council Members are authorized to be dealt with in a confidential manner in closed session), so that stakeholders can view the process and rationale which was used to reach decisions, and the reasons for taking certain actions.**

Commentary

Various statutes, City by-laws, policies and procedures, as well as, decisions of courts and quasi-judicial tribunals form the basis of decisions made by City Council. Unless prohibited by legislation of by-law, Members should clearly identify to the public how a decision was reached and upon which law, procedure and policy their decision was based.

Rule No. 10

Media Communications

- 1. Members will accurately communicate the decisions of Vaughan's Council and local boards, even if they disagree with the decision, so that there is respect for and integrity in the decision making processes of Council and local boards.**

Commentary

A Member may state that he or she did not support a decision, or voted against the decision. A Member should refrain from making disparaging comments about other Members, and the processes and decisions of Council or the local board, as the case may be.

Rule No. 11

Representing the City

- 1. Members shall make every effort to participate diligently in the activities of the Committees, agencies, boards, commissions and advisory committees to which they are appointed.**

Commentary

Individual Members are appointed to committees, agencies, boards and commissions based on their various backgrounds and ability to contribute diligently to matters before them bringing their expertise and experience.

To participate diligently means that a Member shall not be absent from Council, agencies, boards and commissions meetings without reasonable justification (e.g. illness of Member or special family circumstance) for more than three consecutive scheduled meetings or on a regular basis.

Rule No. 12

Conduct Respecting Current and Prospective Employment:

1. No Member shall allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the City.

Rule No. 13

Encouragement of Respect for the City and Its By-Laws

- 1. Members shall encourage public respect for the City and its by-laws.**

Commentary

A Member must not denigrate a City by-law in responding to a citizen, as this undermines confidence in the City and the rule of law.

Rule No. 14

Harassment

- 1. Members shall be governed by the City's Respectful Workplace Policy.**
- 2. Harassment by a Member of another Member, staff, or any member of the public, is misconduct.**
- 3. Upon receipt of a complaint that relates to Rule No. 14, the Integrity Commissioner may forward the information subject of the complaint to Human Resources who will refer it to an independent investigator.**

Commentary

It is the policy of the City of Vaughan that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

The City of Vaughan's Respectful Workplace Policy (Harassment and Discrimination) ensures a safe and respectful workplace environment and appropriate management of any occurrences of harassment and discrimination as defined by the policy.

The City of Vaughan Policy applies to Members and will provide guidance to the independent investigator. Upon receipt of the findings of the independent investigator, the Integrity Commissioner shall utilize the investigator's findings to make a determination on the application of the *Code of Ethical Conduct* and the merits to an investigation on the ethical conduct of the Member subject of the complaint.

Rule No. 15

Discreditable Conduct

- 1. Members shall conduct themselves with appropriate decorum at all times.**

Commentary

As leaders in the community, Members are held to a higher standard of behavior and conduct, and accordingly their behavior should be exemplary.

All Members of Council and local boards have a duty to treat members of the public, one another, and staff appropriately and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment.

Rule No. 16

Conduct Respecting Staff:

- 1. No Member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.**
- 2. No Member shall use, or attempt to use, their authority for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering in staff's duties, including the duty to disclose improper activity.**
- 3. Members shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual Member or faction of the Council.**
- 4. No Member shall maliciously or falsely impugn or injure the professional or ethical reputation or the prospects or practice of staff and all Members shall show respect for the professional capacities of the staff of the City.**

Commentary

Members should expect a high quality of advice from staff based on political neutrality and objectivity irrespective of party politics, the loyalties of persons in power, or their personal opinions.

Members of Council must recognize that only Council as a whole has the capacity to direct staff members to carry out specific tasks or functions as provided in the *Municipal Act*. The Administration, under the direction of the City Manager, serves the Council as a whole, and the combined interests of all Members as expressed through the resolutions of Council. An individual Member should not request staff to undertake extensive work or prepare lengthy reports, other than pursuant to a Council direction.

It is inappropriate for a Member to attempt to influence staff to circumvent normal processes in a matter, or overlook deficiencies in a file or application. It is also inappropriate for Members to involve themselves in matters of administration or departmental management which fall within the jurisdiction of the City Manager. Any such attempts should be reported to the Integrity Commissioner.

Rule No. 17

Employment of Council Relatives/Family Members

- 1. No Member shall attempt to influence the outcome, or to influence any City employee to hire or promote a Member's family.**
- 2. No Member shall make any decision or participate in the process to hire, transfer, promote, demote, discipline or terminate any member of his or her family.**
- 3. No Member shall supervise a Family Member, or be placed in a position of influence over a Family Member.**
- 4. No Member shall attempt to use a family relationship for his or her personal benefit or gain.**
- 5. Every Member shall adhere to the City's nepotism policy.**

Commentary:

If a Family Member of a Member is an applicant for employment with the City or candidate for promotion or transfer, the Family Member will proceed through the usual selection process pursuant to the City's hiring policies, with no special consideration.

Rule No. 18

Failure to Adhere To Council Policies and Procedures:

- 1. Members shall adhere to such by-laws, policies and procedures adopted by Council that are applicable to them.**

Commentary

A number of the provisions of this *Code of Ethical Conduct* incorporate policies and procedures adopted by Council. More generally, Members are required to observe the terms of all policies and procedures established by City Council.

Members of Council must pay special attention to, and comply strictly with, the Councillors Expense Policy.

This provision does not prevent a Member of Council from requesting that Council grant an exemption from a policy.

Rule No. 19

Reprisals and Obstruction:

- 1. No Member shall obstruct the Integrity Commissioner in the carrying out of her or his responsibilities.**
- 2. No Member shall threaten or undertake any act of reprisal against a person initiating an *inquiry or complaint* under the *Code of Ethical Conduct* or who provides information to the Integrity Commissioner in any investigation.**

Commentary

Members should respect the intent of the *Code of Ethical Conduct* and investigations conducted under it. It is also a violation of the *Code of Ethical Conduct* to obstruct the Integrity Commissioner in the carrying out of her or his responsibilities, as, for example, by the destruction of documents or the erasing of electronic communications or refusing to respond in writing to a formal complaint lodged pursuant to the Complaint Protocol passed by Council.

Rule No. 20

Compliance with the Code of Ethical Conduct:

Members of Council

1. Upon receipt of the Integrity Commissioner's recommendations, and where the Integrity Commissioner reports that in her or his opinion, there has been a violation of the *Code of Ethical Conduct*, Council may impose the following penalties on a Member of Council:
 - a) A reprimand; or
 - b) Suspension of the remuneration paid to the Member in respect of his or her services as a Member of Council for a period of up to 90 days.
2. Where the Integrity Commissioner reports that in her or his opinion, there has been a violation of the *Code of Ethical Conduct*, the Integrity Commissioner may also recommend that Council take other remedial actions. Such remedial actions must be measures which are intended to address the violation and the effects of the violation. Such remedial actions may include but are not limited to the following:
 - a) Requiring repayment or reimbursement of moneys received by the Member.
 - b) Requiring the return of property, or reimbursement of its equivalent monetary value, received by the Member.
 - c) Requiring a written and/or verbal apology from the Member to Council, the complainant, or both.
 - d) Removal from membership of a Committee (if applicable) where, due to the Member's violation of the *Code of Ethical Conduct*, it would no longer be appropriate for the Member to sit on the Committee.
 - e) Removal as Chair of a Committee (if applicable) where, due to the Member's violation of the *Code of Ethical Conduct*, it would no longer be appropriate for the Member to chair the Committee.
3. Upon Council's decision on the Integrity Commissioner's recommendations, the Member whose has violated the *Code of Ethical Conduct* shall comply with Council's decision. Failure to comply with Council's decision shall constitute a contravention of this Code.

Members of Local Boards

1. Upon receipt of the Integrity Commissioner's recommendations, and where the Integrity Commissioner reports that in her or his opinion, there has been a violation of the *Code of Ethical Conduct*, in the case of a Member of a local board, Council may impose the following penalties:
 - a) A reprimand;
 - b) Suspension of the remuneration paid to the Member in respect of his or her services as a Member of a Local Board for a period of up to 90 days; or
 - c) Removal from the Local Board.

2. Where the Integrity Commissioner reports that in her or his opinion, there has been a violation of the *Code of Ethical Conduct*, the Integrity Commissioner may also recommend that Council take other remedial actions. Such remedial actions may include but are not limited to the following:
 - a) Requiring repayment or reimbursement of moneys received by the Member.
 - b) Requiring the return of property, or reimbursement of its equivalent monetary value, received by the Member.
 - c) Requiring a written and/or verbal apology from the Member to Council, the complainant, the local board, or any/all of these parties.
 - d) Removal from membership of a Committee (if applicable).
 - e) Removal as Chair of a Committee (if applicable).
3. Upon Council's decision on the Integrity Commissioner's recommendations, the Member whose has violated the *Code of Ethical Conduct* shall comply with Council's decision. Failure to comply with Council's decision shall constitute a contravention of this Code.

Commentary

Members of Council are accountable to the public through the election process. Between elections they may, for example, become disqualified and lose their seat if convicted of an offence under the *Criminal Code* of Canada or for failing to declare a conflict of personal interest under the *Municipal Conflict of Interest Act*.

In addition, the *Municipal Act* authorizes Council to impose either of two penalties on a Member following a report by the Integrity Commissioner that, in her or his opinion, there has been a violation of the *Code of Ethical Conduct*. For clarity, the Integrity Commissioner is not limited to the actions listed in 2 (a-e) above.

In the case of Members of local boards, these Members serve at the pleasure of Council. Accordingly, where the Integrity Commissioner reports that in her or his opinion, there has been a violation of the *Code of Ethical Conduct*, Council has a broader range of disciplinary measures that may be taken.

Rule No. 21

Implementation

- 1. Members are expected to formally and informally review their adherence to the provisions of the Code on a regular basis or when so requested by the Integrity Commissioner .**
- 2. At the beginning of each term, Members will be expected to sign two copies of the *Code of Ethical Conduct*.**
- 3. At the beginning of each term, each Member of Council shall meet with the Integrity Commissioner.**
- 4. At the beginning of each term, each Member of Council shall file an explanatory statement of all community organizations in which they participate, in the form provided by the Integrity Commissioner, within 60 days of being elected or appointed. Thereafter, each Member of Council shall file or update their disclosure statement, once in every calendar year on the date established by the Commissioner.**
- 5. Councillors and members of the public should not assume that any unethical activities not covered by or not specifically prohibited by these ethical standards of conduct, or by any legislation, are therefore condoned.**

Commentary

At the beginning of each term, Members of Council will be expected to sign two copies of the *Code of Ethical Conduct* (one for themselves and one for the Clerk's Office) to convey to each other and all stakeholders that they have read, understand and accept it.

A *Code of Ethical Conduct* component will be included as part of the orientation workshop for each new Council.

ATTACHMENT #2
DRAFT Complaint Protocol

COMPLAINT PROTOCOL
FOR THE CODE OF ETHICAL CONDUCT FOR MEMBERS OF COUNCIL AND LOCAL BOARDS

Authority: *Municipal Act, 2001*, S.O. 2001, (as amended) CHAPTER 25 and as adopted by Council at its meeting held on _____, 2019.

1. Until such time as a new/revised *Council Code of Ethical Conduct* is adopted, only complaints relating to behaviour or activity occurring subsequent to March 1, 2019 will be addressed by this procedure.
2. After December 31, 2008 all complaints must be addressed in accordance with the below captioned procedure within six (6) months of the alleged violation or no action will be taken on the complaint.
3. Defined terms used but not defined in this Complaint Protocol shall have the same meaning as set out in the *Code of Ethical Conduct for Members of Council and Local Boards* (the "Code of Conduct").

PART A: INFORMAL COMPLAINT PROCEDURE

4. Individuals (including City employees, members of the public, Members of Council or local boards) who identify or witness behaviour or activity by a Member that appears to be in contravention of the Code of Conduct, or sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* ("MCIA") in the case of Council Members, may address the prohibited behaviour or activity themselves as follows:

- (i) Advise the Member that the behaviours or activity appears to contravene the Code of Conduct, or section 5, 5.1 or 5.2 of the MCIA in the case of Council Members;
- (ii) Encourage the Member to acknowledge and agree to stop the prohibited behaviour or activity and to avoid future occurrences of the prohibited behaviour or activity;
- (iii) Document the incidents including dates, times, locations, other persons present, and any other relevant information. Request that the Integrity Commissioner assist in the informal discussion of the alleged complaint with the Member in an attempt to resolve the issue. If applicable, confirm to the Member your satisfaction with the response of the Member; or, if applicable, advise the Member of your dissatisfaction with the response; and

At the earliest possible juncture, the Member whose behaviour is complained of will be advised of an inquiry to the Integrity Commissioner under the Informal Complaint Procedure, and any complainant will be so advised;

- (iv) Pursue the matter in accordance with the formal complaint procedure outlined in Part B, or in accordance with any other applicable judicial or quasi-judicial process or complaint procedure.

Individuals are encouraged to pursue this informal complaint procedure as a means of stopping and remedying a behaviour or activity that they believe violates the Code of Conduct. The informal complaint procedure will not apply to complaints against Members in respect of section 5, 5.1 or 5.2 of the MCIA.. With the consent of both the complaining individual and the Member, the Integrity Commissioner may participate in any informal process. The parties involved are encouraged to take advantage of the Integrity Commissioner's potential role as a mediator/conciliator of issues relating to a complaint. However, it is not a precondition or a prerequisite that those complaining to pursue the informal complaint procedure prior to pursuing the formal complaint procedure in Part B. The Commissioner will assess the suitability of the informal complaint process for settlement or resolution on an ongoing basis and may at any time decline to continue participation in the process. The complainant or the respondent can decline to participate in the informal complaint process at any time. The informal complaint procedure is an informal process, and the Integrity Commissioner will not perform an official investigation nor provide a public report, even if the parties agree to involve the Integrity Commissioner in this informal process.

ATTACHMENT #2
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PART B: FORMAL COMPLAINT PROCEDURE

Formal Complaints

5. Electors and individuals acting in the public interest (including City employees, members of the public, and Members of Council or local boards) who identify or witness behaviour or an activity by a Member that they believe is in contravention of the Code of Conduct, or sections 5, 5.1, or 5.2 of the MCIA in the case of Council Members, may file a formal complaint with the required information on the proscribed affidavit (see page 6 of this procedure):
- (i) All complaints must be made on the Complaints Form/Affidavit and shall be dated and signed by an identifiable individual;
 - (ii) The complaint must include an explanation for why the issues raised may be a contravention of Code of Conduct or the MCIA. Evidence in support of the allegation must also be included;
 - (iii) Witnesses in support of the allegation must be named on the complaint form;
 - (iv) The complaint form will be disclosed to the respondent and to others who may be involved in carrying out this procedure;
 - (v) The complaint form/affidavit must include the name of the alleged violator, the provision of the Code of Conduct or MCIA allegedly contravened, facts constituting the alleged contravention, the names for the complainant during normal business hours;
 - (vi) Receipt of formal complaints will be acknowledged in writing;
 - (vii) If the complaint relates to an alleged violation of sections 5, 5.1, or 5.2 of the MCIA, the complaint must be made within six weeks after the applicant became aware of the alleged contravention. The complainant must also provide a statutory declaration to this effect in their application.

Filing of Complaint and Classification by Integrity Commissioner

6. (i) The complaint shall be filed with the City Clerk who shall forward the matter to the Integrity Commissioner for initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance with the Code of Conduct, or sections 5, 5.1, or 5.2 of the MCIA in the case of Council Members, and not covered by other legislation or other Council policies as described in subsubsection 3. The Integrity Commissioner shall make a decision regarding classification within 30 days of receiving the complaint from the City Clerk.
- (ii) If the complaint is not in the prescribed form, the Integrity Commissioner may defer the classification until a Complaint Form/Affidavit is received.

NOT A VIOLATION

- (iii) If the complaint, including any supporting affidavit, is not, on its face, a complaint with respect to non-compliance with the Code of Conduct, or sections 5, 5.1, or 5.2 of the MCIA in the case of Council Members, or the complaint is covered by other legislation or complaint procedure under another Council policy, the Integrity Commissioner shall advise the complainant in writing as follows:

CRIMINAL MATTER

- (a) If the complaint on its face is an allegation of a criminal nature consistent with the *Criminal Code* of Canada, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate Police Service.

ATTACHMENT #2
DRAFT Complaint Protocol

MUNICIPAL CONFLICT OF INTEREST ACT

- (b) If the complaint on its face is with respect to non-compliance with the *Municipal Conflict of Interest Act*, save an except sections 5, 5.1, and 5.2, the complainant shall be advised to review the matters with the complainant's own legal counsel.

MFIPPA

- (c) If the complaint is more appropriately addressed under the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter must be referred to the City Clerk for Access and Privacy Review.

OTHER POLICY APPLIES

- (d) If the complaint seems to fall under another policy, the complainant shall be advised to pursue the matter under such policy.

LACK OF JURISDICTION

- (e) If the complaint is, for any reason not within the jurisdiction of the Integrity Commissioner, the complainant shall be so advised and provided with any additional reasons and referrals as the Integrity Commissioner considers appropriate.

MATTER ALREADY PENDING

- (f) If the complaint is in relation to a matter which is subject to an outstanding complaint under another process such as a court proceeding, Human Rights complaint or similar process, the Integrity Commissioner may, in his/her sole discretion suspend any investigation pending the result of the other process.
- (g) If the Integrity Commissioner has already reviewed and rendered a decision or has investigated the matter subject of the complaint, the complainant will be advised that the matter cannot be further pursued through Code complaint process

INDIVIDUAL NOT ACTING IN PUBLIC INTEREST

- (h) If the Integrity Commissioner is of the opinion that the individual making the complaint is not acting in the public interest, the complainant shall be so advised, and the Integrity Commissioner shall not conduct an investigation. In assessing whether a complainant is acting in the public interest, the Integrity Commissioner shall consider: (i) whether the complainant is advancing a concern, issue or complaint that involves an issue of importance to some or all citizens of Vaughan rather than a private interest which is mainly of interest to the affected parties; and (ii) whether the complaint is vexatious, frivolous, or unreasonably persistent, as set out in the City of Vaughan's Vexatious and Frivolous Complaints Policy. The Integrity Commissioner may also consider any other relevant facts in assessing whether a complainant is acting in the public interest.

Investigation

7. (i) Where the Integrity Commissioner determines that an investigation is warranted, he/she will proceed as follows, except where otherwise required by the *Public Inquiries Act*, 2009, S.O. 2009, c. 33, Sched. 6:

ATTACHMENT #2
DRAFT Complaint Protocol

- a. Give the complaint and supporting material to the Member whose conduct is in question with a request that a written response to the allegation be provided within ten days; and
 - b. Give a copy of the response provided to the complainant with a request for a written reply within ten days.
- (ii) If necessary, after reviewing the submitted materials, the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic materials and may enter any City work location relevant to the complaint for the purpose of investigation and potential resolution.
- (iii) The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances or interference, obstruction, delay or retaliation encountered during the investigation.

Opportunities for Resolution

8. Following receipt and review of a formal complaint, or at any time during the investigation, where the Integrity Commissioner believes that an opportunity to resolve the matter may be successfully pursued without a formal investigation, and both the complainant and the Member agree, efforts may be pursued to achieve an informal resolution.

No Complaint Prior to Election

9. (i) Notwithstanding any other provisions of this Protocol, no complaint may be referred to the Integrity Commissioner, or forwarded by the Clerk for review and/or investigation between the regularly scheduled nomination day and voting day in any year in which a regular municipal election will be held.
- (ii) If the Commissioner has not completed an inquiry before nomination day for a regular election the Commissioner shall terminate the inquiry on nomination day.
- (iii) If an inquiry is terminated in accordance with section 12(ii), the Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election he person who made the application or the Member or former Member whose conduct is concerned applies in writing to the Commissioner for the inquiry to be carried out.
- (iv) Where an inquiry has been terminated, and the complainant or former Member has requested the inquiry be carried out, the Integrity Commissioner shall be permitted to use any information and evidence obtained prior to the termination. If no request is made to carry out the inquiry, no review or investigation shall be made

Reporting on Code of Conduct Investigations

10. (i) The Integrity Commissioner shall report to the complainant and the Member generally no later than 90 days after the receipt of the Complaint Form/Affidavit of the complaint. If the investigation process takes more than 90 days, the Integrity Commissioner shall provide an interim report and must advise the parties the date the report will be available.
 - (ii) Where the complaint is sustained in whole or in part, the Integrity Commissioner shall report to Council outlining the findings, the terms of any settlement, or recommended corrective action. Where the complaint is not sustained, the Integrity Commissioner shall report to Council the result of the investigation.
11. (iii) Where the Integrity Commissioner reports to Council that in her or his opinion, there has been a violation of the Code of Conduct, the municipality may impose penalties and remedial actions in

ATTACHMENT #2

DRAFT Complaint Protocol

accordance with the *Municipal Act* and the Code of Conduct. The Commissioner shall not issue a report finding a violation of the Code of Conduct on the part of any respondent unless the respondent has had notice of the basis for the proposed finding and any recommended sanction or remedial action, and an opportunity either in person or in writing to comment on the proposed findings.

(iv) If the Integrity Commissioner determines that there has been no contravention of the Code of Conduct or that a contravention occurred although the Member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgement made in good faith, the Integrity Commissioner may so state in the report and may make appropriate recommendations pursuant to the *Municipal Act* and the Code of Conduct.

(v) The Integrity Commissioner shall give a copy of the report to the complainant and the Member whose conduct is concerned.

(vi) Upon receipt of a report, the Clerk shall process the report for the next meeting of Councils' Committee of the Whole.

Reporting on MCIA Investigations

12. (i) The Integrity Commissioner shall complete his/her investigation into alleged contraventions of sections 5, 5.1, or 5.2 of the MCIA within 180 days after the receipt of the Complaint Form/Affidavit. However, this section does not apply if the investigation is terminated in accordance with section 223.4.1(12) of the *Municipal Act*.

(ii) If, upon completion of the investigation, the Integrity Commissioner determines that on a balance of probabilities there has been a violation of the MCIA, or is otherwise of the opinion that it is in the City's interest for a judge to determine if there has been a violation of the MCIA, the Integrity Commissioner may apply to a judge for such a determination. For greater certainty, nothing in this Protocol shall prevent a complainant from bringing their own application to a judge for a determination of whether there has been a violation of sections 5, 5.1, or 5.2 of the MCIA.

(iii) Upon completion of the investigation, the Integrity Commissioner shall advise the complainant whether the Commissioner will be making an application to a judge for a determination if there has been a violation of the MCIA. The Integrity Commissioner shall publish written reasons for his/her decision within 90 days of such decision. The Integrity Commissioner shall periodically report to Council on the outcome of his/her investigations of alleged MCIA contraventions.

No Reports Prior to Election

13. Notwithstanding any other provisions of this Protocol, between nomination day and voting day for a regular municipal election, the Integrity Commissioner shall not make any report to Council or to any other person about whether a Member has contravened the Code of Conduct, including sections 5, 5.1, or 5.2 of the MCIA in the case of Council Members.

Duty of Council

14. Council shall consider and respond to the report within 45 days after the day the report is presented to it (this timeline shall be extended as necessary in the case of summer hiatus and festive closure).

ATTACHMENT #2
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Public Disclosure

15. (i) The Integrity Commissioner and every person acting under his or her jurisdiction shall preserve confidentiality where appropriate and where this does not interfere with the course of any investigation, except as required by law and as required by this complaint protocol.
- (ii) At the time of the integrity Commissioner's report to Council, and as between the parties, the identity of the person who is the subject of the complaint shall not be treated as confidential information.
- (iii) All reports from the Integrity Commissioner to Council will be made available to the public.

Please see below for (i) Complaint Form/Affidavit and (ii) the Written Request for Advice Form for use by Members below.

ATTACHMENT #2
DRAFT Complaint Protocol

Please note that signing a false affidavit may expose you to prosecution under Section 131 and 132 or 134 of the *Criminal Code*, R.S.C.1985,c.C-46, and also to civil liability for defamation.

Page __ of __

Complaint Form/Affidavit

AFFIDAVIT OF

_____[full name]
I, _____[full name], of the [City, Town, etc.] of _____
_____[municipality of residence]
in the Province of Ontario.

MAKE OATH AND SAY [or AFFIRM]:

1. I have personal knowledge of the facts as set out in this affidavit, because

_____[insert reasons e.g. I Work for...I attended the
meeting at which....etc.]

2. I have reasonable and probable grounds to believe that a Member of Vaughan City Council, or a Member of a Vaughan local board, as set out in the *Code of Ethical Conduct for Members of Council* (the "Code of Conduct")

_____[specify
name of member], has contravened section(s) _____[specify section(s)] of the
Code of Conduct or sections 5, 5.1, or 5.2 of the *Municipal Conflict of Interest Act* in the case of Council
Members. The particulars of which are as follows: [Set out the statements of fact in consecutively
numbered paragraphs in the space below, with each paragraph being confined as far as possible to a
particular statement of fact. If you require more space, please use the attached Schedule A form and
check the appropriate box below. If you wish to include exhibits to support this complaint, please refer to
the exhibits as Exhibit A, B, etc. and attach them to this affidavit.]

Please see attached Schedule A ()

1. This affidavit is made for the purpose of requesting that this matter be reviewed and for no other purpose.

SWORN [or AFFIRMED] before me at
the [City, Town, etc. of _____]
_____)
_____in the Province of Ontario on _____)
_____)
_____)
_____)

[Signature of commissioner]
A Commissioner for taking affidavits, etc. _____)

ATTACHMENT 3

Municipal Act (Bill 68) Changes Regarding Municipal Codes of Conduct

Section No.	Subsection & Description	Comments
223.2	Section 223.2 of the <i>Municipal Act</i> (MA) is repealed and replaced with a provision mandating all municipalities establish codes of conduct for members of council and local boards.	Council first adopted a Council Code of Conduct in 1996.
223.3	Prohibits the enactment of a municipal by-law to provide that a Councillor or local board member who contravenes a Code of Conduct is guilty on an offence or is required to pay an administrative penalty.	No changes are required.
223.3(1)	Section 223.2 of the MA is repealed and replaced with the following expanded list of functions that an Integrity Commissioner (Integrity Commissioner) can perform: 1. The application of the code of conduct for members of council and the code of conduct for members of local boards. 2. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behavior of members of council and of local boards. 3. The applications of sections 5, 5.1, and 5.2 of the Municipal Conflict of Interest Act (MCIA) to members of council and of its local boards. 4. Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member. 5. Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behavior of members. 6. Requests from members of council and of local boards for advice respecting their obligations under the MCIA. 7. The provision of educational information to members of council, Members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the MCIA.	Code of Conduct has been amended to include these Integrity Commissioner responsibilities.
223.3(1.1)	Mandates that if a municipality has not appointed its own Integrity Commissioner, it must appoint an Integrity Commissioner from another municipality.	City currently has an Integrity Commissioner, no changes to Code of Conduct are required.
223.3(1.2)	Mandates that if a municipality has appointed an Integrity Commissioner but has not assigned one or more of the responsibilities set out in the MA, the municipality must make arrangements for those responsibilities to be provided by an Integrity Commissioner of another municipality.	Code of Conduct has been amended to include these Integrity Commissioner responsibilities.
223.3(2.1)	Mandates that requests by a member of council or of a local board for advice from the Integrity Commissioner under paragraph 4, 5 or 6 of subsection (1) shall be made in writing.	Code of Conduct has been amended to include this requirement.

ATTACHMENT 3

Municipal Act (Bill 68) Changes Regarding Municipal Codes of Conduct

Section No.	Subsection & Description	Comments
223.3(2.2)	Mandates that if the Integrity Commissioner to provide advice to members of council or of a local board under paragraph 4 ,5, or 6 of subsection (1), it must be in writing.	Code of Conduct has been amended to include this requirement.
223.3(2.3)	Stipulates that if the Integrity Commissioner provides educational information to the public under paragraph 7 of subsection (1), the Integrity Commissioner may summarize advice they have provided but shall not disclose confidential information that could identify a person concerned.	No changes to Code of Conduct are required.
223.3(6)	Requires municipalities to indemnify and save harmless the Integrity Commissioner or any person acting under the instructions of the Integrity Commissioner for costs reasonably incurred by either of them in connection with the defence of a proceeding if the proceeding relates to an act done in good faith in the performance or intended performance of a duty or authority under the MA (or a by-law passed under it) or an alleged neglect or default in the performance in good faith of the duty or authority.	By-law 013-2019 has been passed to address this requirement.
223.4	Permits the Minister to make regulations prescribing one or more subject matters that a municipality is required to include in a Code of Conduct.	No changes to Code of Conduct are required.
223.4(7)	Terminates an inquiry when the regular election begins. If the Integrity Commissioner has not completed an inquiry before Nomination Day for a regular election the Integrity Commissioner shall terminate the inquiry on that day.	This requirement is addressed in the Compliant Protocol.
223.4(8)	Provides that if an inquiry is terminated under 223.4(7) of the MA, the Integrity Commissioner shall not commence another inquiry into the matter unless, within six weeks after Voting Day in a regular election, the person or entity who made the request or the member or former member whose conduct is concerned makes a written request to the Integrity Commissioner that the inquiry be commenced.	This requirement is addressed in the Compliant Protocol.
223.4(9)	Adds the following additional rules that apply during a regular election – starting on Nomination Day and ending on Voting Day: 1. There shall be no requests for an inquiry about whether a member of council or of a local board has contravened the code of conduct applicable to the member. 2. The Integrity Commissioner shall not report to the municipality or local board about whether, in their opinion, a member of council or of a local board has contravened the code of conduct applicable to the member. 3. The municipality or local board shall not consider whether to impose the penalties.	This requirement is addressed in the Compliant Protocol.

ATTACHMENT 3

Municipal Act (Bill 68) Changes Regarding Municipal Codes of Conduct

Section No.	Subsection & Description	Comments
223.4.1	Adds a new section regarding an inquiry by the Integrity Commissioner relative to Section 5., 5.1 or 5.2 of the MCIA.	Code of Conduct has been amended to include this requirement.
223.4.1(2)	Stipulates that an elector (as defined in Section 1 of the MCIA), or a person demonstrably acting in the public interest may apply in writing to the Integrity Commissioner for an inquiry to be carried out concerning an alleged contravention of Section 5., 5.1 or 5.2 of the MCIA by a member of council or a member of a local board.	This requirement is addressed in the Compliant Protocol.
223.4.1(3)	Prohibits an application for an inquiry for a contravention of the MCIA between Nomination Day and Voting Day for a regular election.	This requirement is addressed in the Compliant Protocol.
223.4.1 (4)	Stipulates that an application for an inquiry for a contravention of the MCIA may only be made within six weeks after the applicant became aware of the alleged contravention.	This requirement is addressed in the Compliant Protocol.
223.4.1 (5)	Creates an exception to the six week rule specified in 223.4.1(4) of the MA if both of the following are satisfied: 1. The applicant became aware of the alleged contravention within the period of time starting six weeks before Nomination Day for a regular election and ending on Voting Day. 2. The applicant applies to the Integrity Commissioner within six weeks after Voting Day in a regular election.	This requirement is addressed in the Compliant Protocol.
223.4.1 (6)	Requires that an application to the Integrity Commissioner for an inquiry shall set out the reasons for believing that the member has contravened Section 5., 5.1 or 5.2 of the MCIA and include a statutory declaration attesting to the fact that the applicant became aware of the contravention not more than six weeks before the date of the application.	This requirement is addressed in the Compliant Protocol.
223.4.1 (7)	Permits the Integrity Commissioner to conduct the MCIA inquiry as they consider necessary.	This requirement is addressed in the Compliant Protocol.
223.4.1 (9)	Authorizes the Integrity Commissioner to exercise the powers under Section 33 and 34 of the Public Inquiries Act for the MCIA inquiry.	This requirement is addressed in the Compliant Protocol.
223.4.1 (10)	Requires the municipality to and its local boards to give the Integrity Commissioner any information they require for the MCIA inquiry.	This requirement is addressed in the Compliant Protocol.
223.4.1 (11)	Authorizes the Integrity Commissioner to have free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the municipality or local board that the Integrity Commissioner believes to be necessary for an inquiry.	No changes to Code of Conduct are required.

ATTACHMENT 3

Municipal Act (Bill 68) Changes Regarding Municipal Codes of Conduct

Section No.	Subsection & Description	Comments
223.4.1 (12)	Terminates an inquiry when the regular election begins. If the Integrity Commissioner has not completed a MCIA inquiry before Nomination Day for a regular election the Integrity Commissioner shall terminate the inquiry on that day.	This requirement is addressed in the Compliant Protocol.
223.4.1 (13)	Provides that if an inquiry is terminated under 223.4.1(12), the Integrity Commissioner shall not commence another inquiry into the matter unless, within six weeks after Voting Day in a regular election, the person or entity who made the request or the member or former member whose conduct is concerned makes a written request to the Integrity Commissioner that the inquiry be commenced.	This requirement is addressed in the Compliant Protocol.
223.4.1 (14)	Requires the Integrity Commissioner to complete the MCIA inquiry within 180 days after receiving the complete application.	This requirement is addressed in the Compliant Protocol.
223.4.1 (15)	Stipulates that upon completion of the MCIA inquiry, the Integrity Commissioner may, if they deem it appropriate, apply to a judge under section 8 of the MCIA for a determination as to whether the member has contravened Section 5, 5.1 or 5.2 of the MCIA.	This requirement is addressed in the Compliant Protocol.
223.4.1 (16)	Requires the Integrity Commissioner to advise the applicant if they will not be making an application to a judge.	This requirement is addressed in the Compliant Protocol.
223.4.1 (17)	Requires the Integrity Commissioner to publish written reasons for their decision as to whether or not they decided to apply to a judge.	This requirement is addressed in the Compliant Protocol.

Committee of the Whole Report

DATE: Tuesday, April 02, 2019

WARD(S): ALL

**TITLE: PROCEDURAL BY-LAW FOR THE CITY OF VAUGHAN
COMMITTEE OF ADJUSTMENT**

FROM:

Nick Spensieri, Deputy City Manager, Corporate Services

ACTION: DECISION

Purpose

To seek approval of a By-law to establish procedures for the City of Vaughan Committee of Adjustment, substantially in the form of the Draft Committee of Adjustment Procedural By-law in Attachment #1.

Report Highlights

- In May 2017, a formal review process with respect to Committee of Adjustment procedures was initiated by the Office of the City Clerk following Royal Assent of Bill 68, which ushered in an enhanced municipal accountability framework for all municipalities and local boards in Ontario.
- To improve the quality of public administration, the procedural by-law will provide a governance structure that will be used to guide staff and citizen appointees in the execution of their statutory duties.
- The By-law will reduce the likelihood of procedural errors and will establish a consistent process to be observed in all proceedings of the Committee.

Recommendation

1. That a By-law be enacted to establish procedures for the City of Vaughan Committee of Adjustment, substantially in the form found in Attachment #1.

Background

The Committee of Adjustment (“the Committee”) is appointed by Council to consider development applications for Minor Variance and Consent under the jurisdiction of the *Planning Act*. The Committee is composed of five (5) citizen appointees who sit for the duration of the term of Council, or until the next Committee is appointed.

The Committee, while a local board of the City, is also considered a quasi-judicial body tasked with adjudicating a statutory process. Considering this, the Committee must conduct itself in accordance with the Statutory Powers and Procedure Act (SPPA), the Municipal Conflict of Interest Act (MCIA) and must apply the Principles of Natural Justice, to ensure that an applicant receives a fair and unbiased hearing before a decision is made that will affect them.

The Committee, being a tribunal governed by the SPPA, has the power to determine its own procedures and practices. These rules and practices must be consistent with the SPPA and with other governing Acts, including the City’s Procedural By-law governing Council and Committees of Council (By-law 7-2011).

Research & Consultation

In May 2017, a formal review process with respect to Committee procedures was initiated by the Office of the City Clerk following Royal Assent of Bill 68, which ushered in an enhanced municipal accountability framework for all municipalities and local boards in Ontario. This process included a review of the Committee’s Rules of Procedure & Conduct of Meetings which was established on July 8, 1987. It was determined through this review that many of the provisions contained in the procedural document did not align with current practice.

A comparison study was conducted on Committee of Adjustment practices and procedures in the Greater Toronto Area. Municipal by-law’s for Ajax, Brampton, Caledon, Markham, Mississauga, Milton, Oakville and Uxbridge were reviewed to compare Council approved procedures relating to the execution of the Committee’s statutory duties.

The By-law was prepared in consultation with the Office of the City Clerk and the Office of the City Solicitor to ensure consistency with established processes and applicable law.

As part of the review, a copy of the draft By-law was provided to the 2014-2018 Committee (as appointed by Council) on November 15, 2018 for review and comment. Feedback received, where appropriate, has been incorporated into the By-law.

Previous Reports/Authority

Committee of Adjustment has been established by Council pursuant to the *Planning Act*, R.S.O. 1990, c.P. 13, as amended;

The *Municipal Act, 2001*, S.O. 2001, c. 25 requires that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of Meetings.

Analysis and Options

The average number of applications before the Committee each year, computed from 2011-2018, is 393 (42 Consents/351 Minor Variances). Table 1.1 provides an annual breakdown of applications received.

Based on this data, the Committee and staff interact with hundreds of citizens each year, including the applicant, their agents and the public. To improve the quality of public administration, the Procedural By-law will provide a governance structure that will be used to guide staff and citizen appointees in the execution of their statutory duties. The By-law will also reduce the likelihood of procedural errors and will establish a consistent process to be observed in all proceedings of the Committee.

Procedural matters not governed by this By-law will continue to be governed by the provisions of the City's Procedural By-law governing Council and Committees of Council (By-law 7-2011), or its successor.

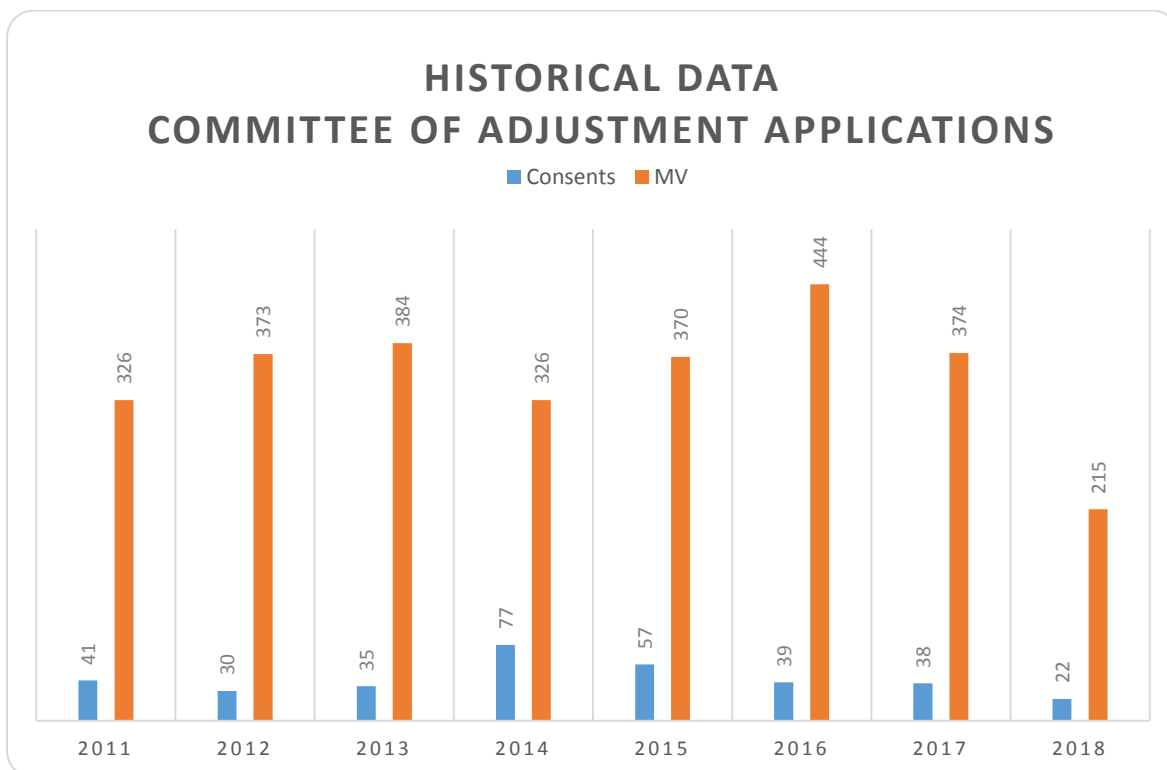


Table 1.1: Historical Data

Summary of By-law Provisions

**General reference to legislative requirements, where applicable, have been provided.*

Part 1: Definitions

Part 2: Application

Part 3: Meetings - General

- Calling of Meetings (**Planning Act, Municipal Act and SPPA*)
- Composition (5 Members, as appointed by Council)
- Election & Role of the Chair (**Planning Act*)
- Quorum (**Planning Act, MCIA*)
- Conflict of Interest (**MCIA*)

The provisions under Part 3, provide discretion for the Secretary Treasurer to call meetings of the Committee of Adjustment in accordance with the Act. Meetings are established to ensure that applicant submissions are scheduled in a timely fashion which may, from time to time, require rescheduling to accommodate religious holidays, quorum and the number of applications being processed. In addition, statutory requirements must be taken into consideration which require applications for minor variance to be heard within thirty (30) days. Currently, meetings generally occur every two weeks.

Given the quasi-judicial nature of the Committee, and applicable legislation, Part 3 provides that all meetings are to be open to the public. To ensure that closed meetings do not occur, except for permitted circumstances, as provided in the *Municipal Act*, general provisions have been included to guide the Committee in this regard.

Additional provisions in Part 3 provide for the election and appointment of Chair and Vice Chair, quorum as required by the *Planning Act*, and ensure declarations of interest comply with the MCIA.

Part 4: Meeting Procedures

- Order of Committee Business
- Introduction of Applications on the Agenda
- Public Participation

Established meeting procedures of the Committee have been incorporated into Part 4 of the By-law to ensure that the dispatch of business items, including the disclosure of pecuniary interest, are expedited by the Chair in a consistent and efficient manner. Part 4 also establishes process with respect to public participation to ensure fair and equal treatment of submissions before the Committee.

Part 5: Conduct at Hearings (**SPPA, MCIA, Code of Conduct as approved by Council*)

- Member Conduct
- Public Conduct

The Committee operates in a quasi-judicial manner, similar to a court of law. Evidence is introduced, the merits of the application are weighed, and the Committee renders a decision based on the facts presented. Considering this, Part 5 of the By-law provides for member conduct during a hearing and ensures that members do not discuss the merits of the application, or any matter in connection with an application, with any individuals prior to a hearing which may impact their ability to render an impartial

decision. In addition, the Committee must also adhere to the Code of Conduct, as approved by Council.

Part 6: Decisions (**Planning Act, SPPA*)

To ensure that decisions are made in accordance with the *Planning Act* and formal meeting procedures, Part 6 provides for a consistent voting process with respect to rendering a decision to approve, refuse or adjourn an application. Additionally, this section guides the Committee to ensure that decisions made comply with statutory requirements.

Part 7: Motions & Voting

Appointed Committee members must understand the process of making motions to ensure that no decision is accepted without the opportunity for discussion and a vote. The intention of Part 7 is not to comprehensively cover motion and voting procedures (as per Robert's Rules of Order et al.) as this can be communicated by the Secretary Treasurer, but to ensure that the Committee and the public understand the following:

- a) implication of a failed motion
- b) how to motion / vote on related applications
- c) the impact of abstention from voting
- d) voting rights of the Chair in the event of an even number of members; and
- e) clarification that a tie vote will be deemed a refusal as the majority of the members did not concur (as per the *Planning Act*).

Part 8: Public Oral & Written Submissions

In addition to being provided a staff report, which includes comments received from the public, staff and external agencies, the Committee must review a number of addendums to their reports prior to the hearing. To accommodate processing of addendum items (which include distribution to the applicant, staff and the Committee) and to permit adequate review time, a deadline of 12:00 p.m. on the day of the scheduled hearing date has been established. This deadline ensures that submissions are given fair and equal consideration and contributes to the Committee's ability to render an informed decision.

Part 9: General

- Site Visits (**The applicant, as part of the application process, grants permission to members and staff to enter upon the subject land for inspection purposes.*)
- Absenteeism & Vacancy

While staff, acting in an advisory capacity, provide technical review and comment, members can also conduct a site visit to obtain additional context of an application and the surrounding properties. While general procedures have been developed to assist the Committee, the By-law highlights that members shall not discuss amongst themselves or with the applicant or any other interested individuals, any merits of the application or any matter in connection with the application during the site visit. In addition to consistency with member conduct provisions contained in Part 5, provisions relating to the site visit support impartial decision making, discourage bias and endorse fair hearing practices.

Provisions relating to absenteeism and vacancy are consistent with the City's Procedural By-law governing Council and Committees of Council (By-law 7-2011).

Part 10: Administration

- Application Submission
- Fees (**City of Vaughan By-law for Fees & Charges under the Planning Act for Committee of Adjustment Applications*)
- Errors (**SPPA*)
- Inactive Files
- Minutes & Records (**Planning Act*)
- Remuneration (**Honorarium By-law 88-2009*)

Administrative provisions contained within Part 10 of the By-law have been applied to functions that require consistent practices to ensure fair, accountable and transparent service delivery.

Refund of Application Fees

All applications are subject to the City's By-law for Fees and Charges under the Planning Act for Committee of Adjustment Applications.

Upon the submission of an application and required fee, staff will begin a formal review. During this process, it may be identified by staff that a request for relief from the City's Zoning By-law or consent under the *Planning Act* is not required, or at any point, the applicant may decide to withdraw their application for a variety of reasons (i.e. not supported by staff or the Committee etc.).

To close their file, an applicant will submit a request in writing and in many cases, will include a request for a full refund of their application fee. In these instances, staff would like to apply a fair and consistent approach to providing refunds that also supports recovery of processing costs. To address this, the By-law has identified 4 stages of processing, which support refunds based on the percentage of work completed on a file.

Stage	Request	Refund (% of Fee)
1	If request for Application withdrawal is received prior to Staff/Agency Circulation (typically 5-7 days after submission):	90%
2	If request for Application withdrawal is received after Staff/Agency Circulation but prior to Public Notice being issued:	70%
3	If request for Application withdrawal is received after issuance of Public Notice but prior to the scheduled Public Meeting:	25%
4	After Public Meeting:	0%

Stage 1:

Application is reviewed for complete submission requirements, set up in AMANDA and a full review by the Building Standards Department with respect to confirming variances and Zoning By-law requirements is completed.

Stage 2:

In addition to stage 1, the application has been circulated for review to staff (i.e. Planning, Development Engineering etc.) and agencies. During this stage, Planning and Development Engineering staff complete their review and meet with Committee of Adjustment staff to confirm recommendations of approval/refusal/adjournment. After this internal meeting, the applicant will be given an opportunity to adjourn their application to address any issues or requests for additional information, if required.

Stage 3:

In addition to stages 1 & 2, Committee of Adjustment staff circulate public notice to all residents within 60 metres of the subject land (in accordance with the *Planning Act*) and review and consolidate all comments received into a comprehensive report pertaining to the application. This report is provided to the applicant, their agents, the public and the Committee and is made available on the City's website.

Stage 4:

In addition to stages 1, 2, & 3, a decision to approve, refuse or adjourn the application is made by the Committee.

The Secretary Treasurer shall only be authorized to approve a refund of the Consent or Minor Variance Application Fee in accordance with Section 10.3 of the By-law.

Adjournment Fees

The inclusion of an adjournment fee was incorporated into the City's By-law for Fees and Charges under the Planning Act for Committee of Adjustment applications in 2017 as part of the Development Services Fee Structure Review. The fee recovers the costs

associated with re-processing an application (to a subsequent agenda) on the direction of the applicant.

The fee becomes applicable when an applicant is provided an opportunity (from staff) to adjourn an application, prior to the issuance of public notice in order to address issues/staff concerns and/or requirement for outstanding information. Should an applicant wish to proceed to a hearing in light of recommendation, and the application requires adjournment after the issuance of public notice, an adjournment fee (to reschedule the application to a subsequent agenda) is applicable.

In cases where an applicant has not been provided with a recommendation to adjourn prior to the issuance of public notice and an issue arises with their application, the By-law provides that the Secretary Treasurer can waive the fee.

Financial Impact

There are no financial impacts associated with this report.

Broader Regional Impacts/Considerations

There are no regional impacts/considerations associated with the report.

Conclusion

A Procedural By-law governing the Committee of Adjustment is being proposed to ensure compliance with applicable legislation and to promote consistency in the performance of statutory duties.

For more information, please contact: Christine Vigneault, Manager of Development Services & Secretary Treasurer to the Committee of Adjustment.

Attachment

1. Draft Committee of Adjustment Procedural By-law

Prepared by

Christine Vigneault, Manager of Development Services & Secretary Treasurer to the Committee of Adjustment, Extension 8332.

ATTACHMENT #1

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER XXX-2019

A By-law to establish procedures for the City of Vaughan Committee of Adjustment.

WHEREAS the Committee of Adjustment has been established by City Council pursuant to the *Planning Act*, R.S.O. 1990, c.P. 13, as amended;

AND WHEREAS the *Municipal Act, 2001*, S.O. 2001, c. 25 requires that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of Meetings;

AND WHEREAS the *Municipal Act, 2001*, S.O. 2001, c. 25 requires a code of conduct for members of Council and its local boards as of March 1, 2019;

NOW THEREFORE the Council of the Corporation of the City of Vaughan hereby enacts as follows:

PART 1: DEFINITIONS

1.0 In these Procedures, unless the context requires otherwise:

- a. **"Act"** means the Ontario *Planning Act*, R.S.O. 1990, c. P.13, as amended or superseded.
- b. **"Agent"** means any person authorized in writing by the owner.
- c. **"Applicant"** means the owner(s) of any land, building or structure affected by any By-law that is passed under section 34 or 38 of the *Planning Act*.
- d. **"Application"** means an Application made to the Committee under Section 45, 53 and 57 of the *Planning Act*.
- e. **"Application Fee"** means the applicable processing fees as approved by Council under the City of Vaughan By-law for Fees and Charges under the *Planning Act* for Committee of Adjustment Applications.
- f. **"Chair"** means the Member elected as Chair of the Committee pursuant to the Act.
- g. **"City"** means the Corporation of the City of Vaughan.
- h. **"Committee"** means the Committee of Adjustment of the City appointed by Council pursuant to the Act.
- i. **"Council"** means the Council of the City of Vaughan.

- j. **"Meeting"** means a gathering of the Committee where Quorum is achieved and Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Committee.
- k. **"Member(s)"** means the person(s) appointed by Council to be a Member(s) of the Committee pursuant to the Act.
- l. **"Public Notice"** means the public notice of an Application as prescribed by the Planning Act.
- m. **"Quorum"** means a minimum of three (3) Members required to be present at any Meeting in order for business to be conducted.
- n. **"Secretary Treasurer"** means the Secretary Treasurer for the Committee appointed pursuant to the Act, or the Assistant Secretary Treasurer as the case may be.
- o. **"Vice Chair"** means the Member elected as acting chair of the Committee pursuant to the Act.

PART 2: APPLICATION

- 2.1 The procedures contained in this By-law shall be observed in all proceedings of the Committee of Adjustment and shall be the procedures for the order and dispatch of business conducted by the Committee.
- 2.2 Procedural matters not governed by the provisions of this by-law shall be governed by the provisions of the City of Vaughan Procedural By-law 7-2011 governing Council and Committees of Council.
- 2.3 In the event of a conflict between this By-law and the *Planning Act*, the *Planning Act* prevails.

PART 3: MEETINGS - GENERAL

Calling of Meetings

- 3.1 All Meetings shall be called by the Secretary Treasurer and notice of any Meeting shall be given in accordance with the Act and applicable regulations.
- 3.2 Except in accordance with the provisions of the Municipal Act and the Statutory Powers Procedure Act all Meetings of the Committee shall be open to the public.
- 3.3 A motion to close a Meeting or part of a Meeting in accordance with the Municipal Act shall state:
 - a) The fact of the holding of the closed Meeting and the general nature of the matter to be considered.
- 3.4 A meeting of the Committee may also be closed to the public provided that both of the following conditions are satisfied:
 - a) The meeting is held for the purpose of educating or training the members; and
 - b) At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Committee.

- 3.5 A Meeting shall not be closed to the public during the taking of a vote except as provided for in the Municipal Act.

Location of Meetings

- 3.6 The location of all Meetings shall be identified on the Public Notice required to be circulated by the Secretary Treasurer pursuant to the Act and any applicable City By-laws.

Composition

- 3.7 The Committee shall be composed of 5 (five) Members as appointed by Council.

Election and Role of Chair

- 3.8 The members of the Committee, annually at the first Meeting in January, shall elect one (1) member as the Chair and one (1) member as the Vice-Chair.
- 3.9 In the absence of the Chair, the Vice Chair shall chair the Meeting. In the absence of the Chair and Vice Chair, the members shall elect a Chair during the Meeting and he/she shall discharge the duties of Chair during the Meeting or until the arrival of either the Chair or Vice Chair.
- 3.10 The Chair is entitled to all rights of a Member, including voting.
- 3.11 The Chair shall preside at every Meeting and shall enforce the observance of order and decorum among the members and other active participants.

Quorum

- 3.12 The Chair shall call the Meeting to order once a Quorum has been established pursuant to the Act.
- 3.13 If no Quorum is present thirty (30) minutes after the time appointed for a Meeting of the Committee, the Secretary Treasurer shall record the names of the Members present and the Meeting will stand adjourned.
- 3.14 Where a conflict of interest has been declared by a Member under Section 7(1) of The Municipal Conflict of Interest Act, Quorum may be reduced to two Members.
- 3.15 Where a Quorum cannot be met, all matters shall not be opened and shall be addressed at the next regular Meeting of the Committee where a Quorum can be achieved.

Conflict of Interest

- 3.16 In accordance with the Municipal Conflict of Interest Act, a Member shall disclose any direct or indirect pecuniary interest for themselves or a family Member and shall state the general nature of such interest; and it shall be recorded by the Secretary Treasurer.
- 3.17 A Member shall file a written statement with respect to their declaration with the Secretary Treasurer which will be made available to the public.
- 3.18 Any Member that discloses direct or indirect pecuniary interest shall leave the meeting room for the duration of the subject Application and shall not be visible to the Committee or the public during the hearing of an Application.

- 3.19 A Member shall not use his or her office to influence a decision or recommendation of an officer or employee of the municipality or local board where the Member has a pecuniary interest in a matter.

PART 4: MEETING PROCEDURES

Commencement of Meeting

- 4.1 The Chair shall:
- a. Call the Meeting to order;
 - b. Call for Disclosure of Pecuniary Interest;
 - c. Call for Adoption or Correction of the Minutes
 - d. Introduce the Addendum Reports;
 - e. Call for Adjournments and/or Withdrawals
 - f. Call each Application in the order in which it appears on the agenda or at the discretion of the Committee; and
 - g. Put to a vote all motions that arise in the course of the proceedings and announce the result of each vote.

Introduction of Applications on the Agenda

- 4.2 The Chair will call the Applicant, the authorized Agent or the applicant's representative to introduce himself/herself and present the Application. The Applicant shall be provided with a maximum five (5) minute time period to present the nature of the Application to the Committee. However, presentations beyond the maximum time period shall be permitted at the discretion of the Chair.
- 4.3 If the Applicant, authorized Agent or applicant's representative does not attend, the Committee may proceed in their absence to consider the application.

Public Participation

- 4.4 The Chair shall invite any persons having an interest in the Application to come forward and express his/her interest.
- 4.5 Members of the public shall approach one person at a time, sign the public deputation form and state their full name and address to the Committee before speaking. All comments shall be directed through the Chair.
- 4.6 The length of any individual public submission shall be no greater than five (5) minutes. Presentations beyond the maximum time period shall be permitted at the discretion of the Chair.
- 4.7 An interested person shall confine his/her remarks to the subject Application.

- 4.8 Personal information collected during or related to a Meeting on an Application will be used to assist in making a decision on this matter. All personal information, as defined in the Municipal Freedom of Information and Protection of Privacy Act (including but not limited to: names, addresses, opinions and comments), shall be made available for public disclosure, and will be used to assist the Committee and staff to process the Application. This information will be collected under the legal authority of the Act and will form the public record on an Application, where applicable.
- 4.9 The Chair shall give the Applicant, the authorized Agent or the applicant's representative the opportunity to respond to any comments received from commenting agencies or interested parties.

PART 5: CONDUCT

Member Conduct

- 5.1 A Member shall not:
- a. Disobey the rules of procedure as set out in this By-law;
 - b. Disturb other Members by any disruptive or distracting conduct, including private conversations or electronic communications among Members during a Meeting;
 - c. Display any behaviour which may be considered disruptive, inconsiderate or disrespectful, or use profane or offensive words or insulting expressions;
 - d. Members shall ensure that personal cell phones and electronic devices are turned off or otherwise set to not emit any audible sound during a Meeting.
 - e. Leave their seat or make any noise or disturbance while a vote is being taken;
 - f. Speak until recognized by the Chair;
 - g. Interrupt a Member who is speaking;
 - h. Leave a Meeting at any time without advising the Chair;
 - i. Comment or question on matters other than those directly pertaining to the subject Application before him or her;
 - j. Discuss the merits of an Application or any matter in connection with an Application with any individuals prior to the Meeting; and
 - k. Use their status on the Committee for personal or political gain.
- 5.2 The Committee as appointed by Council and at the start of their term, shall sign a formal declaration that they will abide by the Committee of Adjustment Code of Conduct as approved by Council.

Public Conduct

- 5.3 Attendees at a Meeting shall maintain order and quiet and shall not display signs or placards, applaud, heckle or engage in telephone or other conversation or any behaviour which may be considered disruptive, inconsiderate, disrespectful or intimidating to others.
- 5.4 Any person who disrupts a Meeting shall be asked by the Chair to stop the disruptive behaviour and if the person persists they shall be asked to leave the Meeting.
- 5.5 If a person refuses to leave the Meeting upon being requested to do so by the Chair, the Chair may recess the Meeting and may direct the Secretary Treasurer to seek the appropriate assistance from Corporate Security or the York Regional Police Service.
- 5.6 All cell phones and electronic devices shall be turned off or otherwise set to not emit any audible sound during a Meeting.

PART 6: DECISIONS

- 6.1 At each Meeting, the Committee shall render a final decision to approve, refuse or adjourn an Application.
- 6.2 Prior to making a decision the Chair shall:
- a) Call for a motion with respect to the approval of the Application and request a seconder;
 - b) Permit discussions on the motion;
 - c) Call for a vote by the Committee on the motion; and
 - d) Announce the decision of the Committee and summarize any dissenting decisions orally.
- 6.3 No decision of the Committee on an Application is valid unless it is concurred in by the majority of the Members that heard the Application, and the decision of the Committee, whether granting or refusing an Application, shall be in writing and shall set out the reasons for the decision, and shall be signed by the Members who concur in the decision.
- 6.4 The Committee may impose condition(s) of approval on a decision provided that the condition(s) are specific, enforceable and related to the application.
- 6.5 A copy of the Committee's signed written decision to approve or refuse an Application will be issued in accordance with the provisions of the Act.

PART 7: MOTIONS & VOTING

- 7.1 Every motion put to a vote shall have a mover and seconder.
- 7.2 A motion shall fail on the following two counts:
- 1) The motion does not receive a seconder; or
 - 2) The motion does not receive majority support.

- 7.3 If a motion fails under Section 7.2, the Chair shall announce that “the motion to approve/refuse/adjourn an application has failed” and must call for a new motion to be placed on the floor.
- 7.4 All voting shall be done by a show of hands.
- 7.5 The Committee, where appropriate, may hear related Applications together and vote on the approval of all related Applications under one motion provided that reference to all applicable Application numbers and the subject land is included as part of the motion.
- 7.6 Members, including the Chair, may not abstain from voting unless they have disclosed a pecuniary interest or unless otherwise permitted by this By-law. A refusal to vote for any other reason will be deemed to be voting in the negative.
- 7.7 When the Committee is comprised of an even number, and still has Quorum, the Chair may refrain from voting to preclude a tie vote.
- 7.8 A tie vote will be deemed a refusal as the majority of the Members did not concur.

PART 8: PUBLIC ORAL & WRITTEN SUBMISSIONS

- 8.1 Public written submissions on an Application shall only be received by the Secretary Treasurer until 12:00 p.m. on the day of the scheduled Meeting.
- 8.2 Reference to public oral and written submissions considered by the Committee are to be included in the decision of the Committee to approve or refuse an Application.

PART 9: GENERAL

Site Visits

- 9.1 Members may conduct site visits prior to the Meeting where an Application is to be considered by the Committee.
- 9.2 Members shall not discuss amongst themselves or with the Applicant or other interested individuals, any merits of the Application or any matter in connection with the Application during site visits.
- 9.3 Upon submission of an Application to the Committee, the Applicant or authorized Agent shall grant permission to the Members, City of Vaughan staff, and their Agents to enter upon the subject lands for inspection purposes.

Absenteeism & Vacancy

- 9.4 If a Member is absent from Meetings of the Committee for three (3) consecutive regularly scheduled Meetings, or in the opinion of the Committee if any member's absenteeism jeopardizes the objectives of the Committee, the Committee may pass a resolution requesting Council to appoint a replacement member.
- 9.5 In the event of a vacancy on the Committee, Council may appoint another eligible person for the unexpired portion of the term, as soon as reasonably possible after the vacancy occurs.

PART 10: ADMINISTRATION

Application Submission

- 10.1 The Secretary Treasurer may refuse to accept or further consider an Application until the prescribed information and material has been submitted by the Applicant along with the required fee.

Fees

- 10.2 All Applications are subject to the City of Vaughan By-law for Fees and Charges under the Planning Act for Committee of Adjustment Applications.
- 10.3 Upon withdrawal of an Application, and the submission of a written request to refund the Consent and/or Minor Variance Application Fee by the Applicant and/or Authorized Agent, the Secretary Treasurer may approve the following:

Request	Refund (% of Application Fee)
If request for Application withdrawal is received prior to Staff/Agency Circulation (typically 5-7 days after submission):	90%
If request for Application withdrawal is received after Staff/Agency Circulation but prior to Public Notice being issued:	70%
If request for Application withdrawal is received after issuance of Public Notice but prior to the scheduled Public Meeting:	25%
After Public Meeting:	0%

- 10.4 The Secretary Treasurer to the Committee of Adjustment shall only be authorized to approve a refund of the Consent or Minor Variance Application Fee in accordance with Section 10.3 of this By-law.
- 10.5 The Adjournment and/or Recirculation Fee is not applicable provided that the Applicant and/or authorized Agent provides a written request to adjourn an Application to the Secretary Treasurer prior to the issuance of public notice.
- 10.6 The Adjournment Fee may be waived by the Secretary Treasurer when adjournment is being requested by the Committee or Staff after the issuance of public notice.

Errors

- 10.7 The Secretary Treasurer may at any time and without prior notice correct a typographical error, error of calculation or similar error made in the minutes or in a decision.

Inactive Files

- 10.8 A file shall be deemed inactive if a public Meeting is not scheduled within six (6) months from the date the Application is received by the Secretary Treasurer.
- 10.9 The Secretary Treasurer shall provide a written notice of the intent to close an inactive file to the Applicant and/or Authorized Agent at least thirty (30) days in advance of closing the file.

- 10.10 If no reasonable response is received from the Applicant and/or Authorized Agent within thirty (30) days from the date of the written notice the file will be closed by the Secretary Treasurer.

Minutes & Records

- 10.11 The Secretary Treasurer shall keep on file minutes and records of all Applications including decisions and all other official business of the Committee.
- 10.12 The Committee shall approve the minutes of a Meeting at the next regular Meeting or at an approved alternate date in order to accommodate revisions, if required.
- 10.13 The Chair and the Secretary Treasurer shall authenticate the approved Meeting minutes by signature.

Remuneration

- 10.14 Remuneration of the Members shall be paid in accordance with the honorarium rates established by Council.

Enacted by City of Vaughan Council this day of , 2019.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Authorized by Item No. ____ of Report No. ____
of the Committee _____
Adopted by Vaughan City Council on

Committee of the Whole Report

DATE: Tuesday, April 02, 2019 **WARD(S):** ALL

**TITLE: PROCLAMATION REQUEST
FRANCO-ONTARIAN DAY**

FROM:

Nick Spensieri, Deputy City Manager, Corporate Services

ACTION: DECISION

Purpose

To seek Council approval to proclaim September 25, 2019 as Franco-Ontarian Day and that the proclamation be posted on the City's website.

Report Highlights

- Respond to the proclamation request received from the Project Coordinator, of the Association des francophones de la region de York (AFFRY).
- Proclamation requested for September 25, 2019.

Recommendations

1. That September 25, 2019 be proclaimed as "Franco-Ontarian Day", and;
2. That the proclamation be posted on the City's website.

Background

Correspondence was received from the Project Coordinator, of the Association des francophones de la region de York (AFFRY) in the Office of the City Clerk on February 6, 2019.

The historical celebration of the Franco-Ontarian flag is an important event for Franco-Ontarians to commemorate the anniversary of the arrival of Etienne Brule.

Council has previously granted this request.

Previous Reports/Authority

[Committee of the Whole – Item 21, Report No. 18](#)

Analysis and Options

This proclamation request meets the requirements of the City's Proclamation Policy and Flag Raising/Half Mastings policy, as follows:

"That upon request, the City of Vaughan issue Proclamations for events, campaigns, or other similar matters: If the event, campaign or declaration is directly related to matters over which the City has jurisdiction or the City directly sponsors the event, campaign or other matter".

Financial Impact

Not applicable.

Broader Regional Impacts/Considerations

This proclamation will celebrate the Francophone presence in York Region.

Conclusion

Staff is seeking Council approval to proclaim September 25, 2019 as Franco-Ontarian Day and that the proclamation be posted on the City's website.

For more information, please contact: Todd Coles, City Clerk

Attachment

1. Correspondence from the Project Coordinator, Association des francophones de la region de York (AFRY), dated February 6, 2019

Prepared by

Julia Bartolomeo, Supervisor, City Clerk's Administrative Services, Ext. 8280

Association des francophones de la région de York (AFRY)
90 Walton Drive, Aurora, ON L4G 3K2
Tél 289-552-4297
info@afry.ca
www.afry.ca

RECEIVED
FEB 06 2019
CLERK'S DEPT.



February 6, 2019

City of Vaughan
2141 Major Mackenzie Dr.
Vaughan, ON L6A 1T1

Dear Mayor and Members of Council,

Since 2010, September 25th has been designated as the official Franco-Ontarian Day. This day of awareness to the situation of Franco-Ontarians is to celebrate and to emphasize the anniversary of their flag and the presence of their community.

In this context, "L'Association des francophones de la région de York" (L'AFRY) is proud to celebrate in a special way the anniversary of the arrival of Étienne Brûlé and the presence of Francophone in York Region. We would appreciate if **September 25th** can be proclaim "Franco-Ontarian day".

Today, over 600 000 French speaking citizens live in Ontario, making it the largest francophone community outside of the province of Quebec

Several of the region's town and cities did agree to proclaim **September 25th** "Franco-Ontarian day" last year and we are hopeful that the City of Vaughan will also commit to proclaim it.

Please feel free to contact me by email at coordination@afry.ca.

Sincerely Yours,

Rokia Boiro
Project coordinator

Committee of the Whole Report

DATE: Tuesday, April 02, 2019

WARD(S): ALL

**TITLE: PROCLAMATION AND FLAG RAISING REQUEST
FILIPINO DAY**

FROM:

Nick Spensieri, Deputy City Manager, Corporate Services

ACTION: DECISION

Purpose

To seek Council approval for the date of June 8, 2019 to be proclaimed as Filipino Day, that the Philippine flag be raised at Vaughan City Hall on June 8, 2019 at 10:00 a.m. for the balance of the day, and that the proclamation be posted on the City's website.

Report Highlights

- Respond to the proclamation and flag raising request received from the President of the Filipino Canadian Association of Vaughan.
- Proclamation and flag raising event requested for June 8, 2019 at Vaughan City Hall.

Recommendations

1. That June 8, 2019 be proclaimed as Filipino Day in the City of Vaughan;
2. That the Philippine flag be raised on June 8, 2019 at 10:00 a.m. at Vaughan City Hall for the balance of the day, and;
3. That the proclamation be posted on the City's website.

Background

Correspondence was received from the President of the Filipino Canadian Association of Vaughan, on February 28, 2019.

This request has previously been granted by Vaughan Council.

Previous Reports/Authority

[Committee of the Whole – Item 20, Report No. 18](#)

Analysis and Options

The proclamation meets the requirements of the City's Proclamation and Flag Raising/Half Masting Policy, as follows:

"That upon request, the City of Vaughan issue Proclamations for events, campaigns, or other similar matters: If the event, campaign or declaration is directly related to matters over which the City has jurisdiction or the City directly sponsors the event, campaign or other matter"; and

"In recognition of the ethnic diversity of the residents of the municipality the City of Vaughan will fly at the Civic Centre the flag of any nation, country or ethnic group on the national day or on the anniversary of a special occasion, upon a written request to the City Clerk submitted one month in advance by that nation, or ethnic group or its representatives".

This proclamation and flag raising would commemorate the 121st Anniversary of Philippine Independence. This is a national day of the Philippines to remember and honour those who sacrificed their lives for sovereignty.

Financial Impact

The requestor has advised they will pay any overages incurred for the event.

Broader Regional Impacts/Considerations

Not applicable.

Conclusion

Staff is recommending that June 8, 2019 be proclaimed as Filipino Day, that the City of Vaughan raise the Philippine flag at 10:00 a.m. at Vaughan City Hall for the balance of the day, and that the proclamation be posted on the City's website.

For more information, please contact: Todd Coles, City Clerk

Attachment

1. Correspondence from the President of the Filipino Canadian Association of Vaughan, February 27, 2019

Prepared by

Julia Bartolomeo, Supervisor, City Clerk's Administrative Services, Ext. 8280

RECEIVED

FEB 28 2019

CLERK'S DEPT.



Filipino Canadian Association of Vaughan

7894 Dufferin St., Vaughan, Ont., L4K 1R6, Tel.: (905) 881-4600, email: fcav@rogers.com, url: www.fcav.ca

February 27, 2019

Mr. Todd Coles
City Clerk, City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ont., L6A 1T1

Dear Mr. Coles:

I would like to respectfully request permission to raise the Philippine flag to commemorate the 121th Anniversary of Philippine Independence on Saturday, June 8, 2019, at 10:00 a.m., Vaughan City Hall. Likewise, I would like to request that Saturday, June 8 be proclaimed "Filipino Day". This day, June 12, to be exact is a national day of the Philippines as we remember our ancestors who sacrificed their lives to give us the precious gift of sovereignty.

Every year, Filipinos around the world celebrate Philippine Independence Day. Here in the City of Vaughan "Filipino Day" was proclaimed and the Philippine flag was raised to celebrate the Philippine Independence Day last year and previous years. We would like to do it again this year. It should be noted that the City of Vaughan is a twin city of Baguio, Philippines.

Following the flag raising, I would like to request permission to use the Multi-Purpose Room, Garden Room and Courtyard for program, entertainment and lunch (Filipino food) provided by the members of the Planning Committee (Philippine Heritage Band, Solid Rock Indigenous Group, Pinoy Radio Inc./MCBN, The Paschal Strings and the Filipino Canadian Association of Vaughan). The Committee will pay any overages incurred for the event. I would like the event to end at 2:00 p.m.

On behalf of the Filipino Day Planning Committee, thank you and I look forward to hearing from you.

Very truly yours

A handwritten signature in cursive script, reading "Erlinda Insigue".

President

CC.: His Worship, Maurizio Bevilacqua, P.C., Mayor, City of Vaughan
Hon. Rosalita Prospero Consul, General, Philippine Consulate, Toronto

CITY OF VAUGHAN
REPORT NO. 1 OF THE
ACCESSIBILITY ADVISORY COMMITTEE

*For consideration by the Committee of the Whole
of the City of Vaughan
on April 2, 2019*

The Accessibility Advisory Committee met at 7:05 p.m. on February 26, 2019.

Present: Regional Councillor Linda D. Jackson, Chair
Brenndon Goodman, Vice Chair
Yasmin Bhabha
Mimoza Okaj-Camilleri
Nancy Camilli
Paresh Jamnadas
Olumuyiwa Olorunfemi
Joshua Otis
Franca Porcelli

Also Present: Todd Coles, City Clerk
Robert Orrico, Manager of Occupational Health, Safety & Wellness
Warren Rupnarain, Accessibility & Diversity Coordinator
John Britto, Council / Committee Administrator

The following items were dealt with:

1 **INTRODUCTION AND WELCOME**

The Accessibility Advisory Committee advises Council:

- 1) That the new members appointed by Council to the Accessibility Advisory Committee for the 2018-2022 Council Term were welcomed.

2 **ELECTION OF CHAIR AND VICE CHAIR**

The Accessibility Advisory Committee advises Council:

- 1) That Regional Councillor Linda D. Jackson was elected Chair; and
- 2) That Brenndon Goodman was elected Vice Chair.

3 **ACCOMMODATION AT MEETINGS**

The Accessibility Advisory Committee advises Council:

- 1) That members were advised that they can be provided with accommodation, if required, to fully participate in the Accessibility Advisory Committee.

**REPORT NO. 1 OF THE ACCESSIBILITY ADVISORY COMMITTEE
FOR CONSIDERATION BY THE COMMITTEE OF THE WHOLE
OF THE CITY OF VAUGHAN ON APRIL 2, 2019**

4

2019 SCHEDULE OF MEETINGS

The Accessibility Advisory Committee advises Council:

- 1) That members were provided with a copy of the 2019 Schedule of Meetings.

5

TERMS OF REFERENCE

The Accessibility Advisory Committee advises Council:

- 1) That this item was discussed and members were provided with a copy of the Terms of Reference for the Accessibility Advisory Committee.

6

ACCESSIBILITY PLAN

The Accessibility Advisory Committee advises Council:

- 1) That the verbal report on the Accessibility Plan by the Accessibility and Diversity Coordinator was received.

7

INITIATIVES FOR THE YEAR

The Accessibility Advisory Committee advises Council:

- 1) That this item was discussed.

8

NEW BUSINESS

The Accessibility Advisory Committee advises Council:

- 1) That a Sub-Committee was proposed to plan the Rick Hansen Foundation Gold Accessibility Certification event proposed to be held in June 2019;
- 2) That one representative each from the Corporate & Strategic Communications and the Economic & Cultural Development Departments was invited to participate in the Sub-Committee for the Rick Hansen Foundation Gold Accessibility Certification event;
- 3) That an additional meeting was called for 7:00 p.m. on Tuesday, March 26, 2019, to plan the Rick Hansen Foundation Gold Accessibility Certification event;
- 4) That the Accessibility & Diversity Coordinator was requested to circulate all Accessibility legislation and other related materials to the Committee members; and
- 5) That a minimum of 2 (two) presentations on Accessibility related matters be provided at the meetings going forward.

The meeting adjourned at 9:17 p.m.

Respectfully submitted,

Regional Councillor Linda D. Jackson, Chair

Report Prepared by: John Britto, Council / Committee Administrator

CITY OF VAUGHAN
REPORT NO. 1 OF THE
VAUGHAN METROPOLITAN CENTRE
SUB-COMMITTEE

*For consideration by the Committee of the Whole
of the City of Vaughan on April 2, 2019*

The Vaughan Metropolitan Centre Sub-Committee met at 10:15 a.m. on March 5, 2019.

Members Present: Mayor Maurizio Bevilacqua, Chair
Local & Regional Councillor Linda D. Jackson
Councillor Sandra Yeung Racco

The following items were dealt with:

1 **VMC MARKETING UPDATE**

The Vaughan Metropolitan Centre Sub-Committee advises Council:

- 1) That the recommendation contained in the following report of the Interim City Manager dated March 5, 2019, was approved; and**
- 2) That the presentation by the Economic Development Officer and Communication C1, presentation material titled “*VMC Marketing Update*” was received.**

Purpose

The purpose of this report is to provide an update on VMC marketing and business development activities planned and delivered between 4th quarter 2018 and the present time.

Report Highlights

- The volume and pace of marketing and business development activity has increased significantly, with a new strategic approach targeting a business audience.
- Economic and Cultural Development has engaged land owners, developers, tenants, real estate intermediaries, community and cultural organizations, and local businesses to strengthen the City's messaging and approach.
- New and refreshed communications products include: VMC micro-site, photography collection, Lure Book brochure, and Virtual Reality Tour.
- The VMC has been profiled at top business and real estate events including the CoreNet REMmy Awards Gala, Presidents of Enterprising Organizations Conference, Mayor's Luncheon, and the LandPRO Conference, reaching 2,250 people in the target audience.
- The City is in discussions to add a VMC study tour to the 2020 Urban Land Institute Spring Meeting, attended by up to 4,000 influential leaders in real estate.
- The VMC has also been widely profiled through earned media, Celebrate Vaughan Magazine, paid advertising, and pop-up community engagement events.

Recommendation

1. THAT this report be received

Since the last VMC Sub-Committee in June 2018, Economic and Cultural Development has worked to deliver a robust marketing and business development program for the VMC.

Leading up to the launch of the Mobility Hub, the primary audience for marketing and communications was Vaughan residents. The launch was highly successful and the latest ridership numbers from TTC show that approximately 15,000 people use the VMC Subway Station on a daily basis.

Given the success of the Mobility Hub and residential sales, the economic development priority has shifted to raising awareness of the VMC as an emerging downtown among the business community and promoting the VMC as an attractive location for office and retail business development. Citizens continue to be engaged through city communications channels and products like Celebrate Vaughan magazine.

The bulk of the activities in this report took place September 2018 onwards.

Previous Reports/Authority

June 2017: [Communications Plan for the Vaughan Metropolitan Centre](#)

Analysis and Options

Connected with Business

ECD has been gathering information about the VMC to inform our marketing and business development strategy.

Staff have actively engaged land owners, developers, tenants, real estate intermediaries, members of council, community and cultural organizations, and local businesses via the following projects and activities:

- Economic Development and Employment Sector Strategy (EDESS) workshops
- The first-ever Vaughan Business Satisfaction Survey
- Cultural and Performing Arts Centre Feasibility Study workshops
- Regular business visitations

The workshop findings will be compiled and analyzed at a later date. The Business Satisfaction Survey found that 52 per cent of respondents felt that the City of Vaughan is effectively promoting the VMC as a location where businesses want to invest. This is a strong baseline that ECD will build on.

VMC Micro-site: Signature Marketing Vehicle

The VMC micro-site, myVMC.ca, continues to be an important communication channel. In Q4 2018, it was updated and refreshed to speak more clearly to a business audience, highlight the latest developments, and shift perceptions that the VMC is still a blueprint.

Staff have also begun moving content from the City's internal webpages at vaughan.ca/vmc to the micro-site. The goal is to consolidate information on the VMC and direct web traffic to a single location.

The micro-site is regularly updated to highlight the latest developments and maximize search engine optimization. Larger upgrades will be incorporated as budgets and staff time allow to improve user experience.

Photography

In September 2018, staff identified that the current stock of VMC photography did not capture the impressive scope of development and placemaking efforts to date. To show that the VMC is indeed an emerging downtown, photographers were retained to capture high quality photos of the public spaces, exteriors of the buildings, transit assets, and pedestrian activity. These photos have been deployed across existing digital collateral and new print collateral.

Lure Book Brochure

Economic and Cultural Development and Corporate and Strategic Communications Departments collaborated to develop a promotional brochure for the Vaughan Metropolitan Centre.

The VMC Lure Book features a blend of text, graphic, and photo content designed to make an impact on the target audience of top-level corporate executives, corporate real estate executives, commercial realtors and brokers, and site selection professionals. It highlights the VMC's value proposition to businesses with balanced emphasis on the VMC's current state of development and future vision.

Virtual Reality Tour

One of the challenges in promoting the VMC is visually conveying the current and future scale of development. To convert this challenge into an opportunity, a virtual reality video was produced to offer an immersive, first-person perspective. It is presented as a guided tour.

The video has been showcased via virtual reality headsets at several business conferences and events including the events highlighted below, and it will continue to be a centerpiece at upcoming events. Once a few final touches are complete, it will be released to the public.

Profiling at business and real estate-focused events

Staff have attended, networked and sponsored a number of strategic business development and real estate events to reach target audiences. Each event was leveraged as an opportunity to share the Lure Book, virtual reality tour, and new photography collection, and engage in one-on-one networking.

- CoreNet REMmy Awards Gala, November 2018, attended by 250 high level decision makers in corporate real estate.
- Presidents of Enterprising Organizations Conference, November 2018, attended by 200 CEOs, presidents, and c-level executives.
- Vaughan Chamber of Commerce Mayor's Luncheon, February 2019, attended by 800 business, government and community leaders ([video](#)).
- LandPRO Conference, March 2019, expected attendance from 1,000 land professionals, including developers, realtors/brokers, lawyers, planners, architects, and engineers.
- The City is in discussions with the Urban Land Institute (ULI) to add a VMC study tour to the 2020 ULI Spring Meeting agenda. This conference attracts 3,500-4,000 influential leaders in real estate.

Mobility Hub Anniversary Pop Up

In December 2018, the Vaughan Metropolitan Centre Mobility Hub marked its first anniversary. In celebration of the anniversary, VMC evening commuters were surprised with music, an ice sculpture, and complimentary lattes and hot chocolate. Baristas served 1,000 beverages ([video](#)).

Earned-Media Support

The Corporate and Strategic Communications Department continues to feature the VMC in a series of different media products. Of note, the announcement of Niagara University has generated considerable positive earned-media coverage of the downtown ([video](#)).

From June 12, 2018 (the last VMC Sub-Committee of 2018), to present there have been 15 different earned-media products issued that feature the VMC. The VMC is featured for the second year in a row on the cover of the annual Celebrate Vaughan magazine, which goes to all homes and businesses in Vaughan, as well as two dedicated feature editorials and highlighted in the Momentum Report. The VMC also has a dedicated section in volume 1 of the 2019 Budget Book.

There continues to be an ongoing social media effort to promote the VMC on all corporate social media channels. This content continues to be included in the City's bi-weekly City Update electronic newsletter, the weekly Council eNews distributions, and the bi-monthly Vaughan Economic Monitor.

Moving forward, a comprehensive multi-year communications plan is currently being developed to further identify earned-media opportunities to promote the VMC year-round to targeted audiences.

Paid Advertising

The VMC was also profiled via paid advertising in the following publications:

- Taiwan Merchants Association of Toronto
- The BRIDGE (Markham Richmond Hill Vaughan Chinese Business Association newsletter)
- L'Altra Italia
- CityLife Magazine
- Area Development Magazine

Intended Outcomes

The marketing and business development activities to date have resulted in 41 new connections and exposure to approximately 2,250 people in the target audience of business and real estate professionals.

In 2018, the VMC micro-site had 61,698 page views from 8,432 users. This was the micro-site's first full calendar year in operation and will serve as a baseline for future measurement.

Targets for 2019 include engaging 100 members of the target audience (commercial realtors/brokers, corporate real estate executives, top-level corporate executives, and/or site selection professionals) and increasing traffic to the micro-site. The intended outcomes are to increase awareness of and interest in the VMC, with the ultimate goal of office and retail business development.

These activities support the 2031 targets for commercial office space, retail space, residential units, and population tracked and reported on by the VMC Project Team.

Financial Impact

The business development and marketing activities highlighted in this report are funded from the Economic and Cultural Development Department's operating budget.

Broader Regional Impacts/Considerations

Successful profiling and buildout of the VMC is beneficial to our infrastructure funding and operating partners (Toronto Transit Commission, York Region, Government of Ontario, Government of Canada, Toronto Region Conservation Authority) as it drives usage of these projects and shows return on investment. The Region and TTC are regularly engaged by EDC.

Conclusion

Feedback from the business development marketing activities undertaken since August 2018 have been overwhelmingly positive. Partners such as York Region and SmartCentres are pleased with the quality and direction of the marketing pieces. Members of the target audience have expressed surprise at the ambition, scale, and pace of development in the VMC.

Throughout 2019, staff will keep the momentum going by (re)attending business and real estate events, building and reinforcing relationships with real estate and investment gatekeepers, expanding our promotional materials portfolio, and engaging in earned media and advertising.

For more information, please contact: Michelle Samson, VMC Economic Development Officer.

Attachments

None

Prepared by

Michelle Samson, VMC Economic Development Officer, extension 8367

2

VMC DEVELOPMENT ACTIVITY UPDATE

The Vaughan Metropolitan Centre Sub-Committee advises Council:

- 1) That the recommendation contained in the following report of the Deputy City Manager, Planning and Growth Management dated March 5, 2019, was approved; and
- 2) That the presentation by the VMC Project Team and Communication C2, presentation material titled "*Emerging Downtown – VMC Updates, Downtown*

Under Construction”, was received.

Purpose

To provide an update on the status of development activity in the Vaughan Metropolitan Centre (‘VMC’).

Report Highlights

- The VMC Secondary Plan establishes a population target of 25,000 residents and 11,500 jobs by 2031 to achieve the critical mass of a downtown.
- Based on York Region's people per unit assumptions, the realization of approved and proposed residential developments represents more than 36,284 residents in 18,325 units moving into the VMC, achieving 153% of residential units and 145% of population targets identified for the 2031 planning horizon far earlier than expected. These numbers are based on:
 - 3,889 units built or under construction
 - 2,811 units approved by Council
 - 6,679 units submitted as part of complete development applications
 - 3,300 formally submitted but inactive applications
 - 1,646 units identified in pre-application projects (proposed)
- 53,000 m² of new commercial office space has been approved, representing 2,000 jobs. This volume represents 36% of the 2031 office space target. Two of the projects are built or under construction. A recent pre-application project includes an additional 31,670 m² of proposed office uses, which would increase the volume to 59% of the 2031 office target, if realized.
- The City recognizes the critical mass of residents and employees moving into the downtown signals a need to focus on social infrastructure to ensure the creation of a complete community.

Recommendation

1. THAT this report BE RECEIVED.

Background

To achieve the critical mass of a downtown and meet the density target of 200 people and jobs per hectare established in the Province's *Growth Plan for the Greater Golden Horseshoe*, the VMC Secondary Plan establishes a population target of approximately 17,000 residents and 6,500 jobs by 2031. The population target for the larger VMC area, including the Urban Growth Centre, is 25,000 residents and 11,500 jobs by 2031.

Previous Reports/Authority

https://www.vaughan.ca/council/minutes_agendas/AgendaItems/0410_18_VMC_2.pdf

Analysis and Options

Residential activity in the VMC continues to far exceed expectations

On April 10, 2018, Item 2 of the VMC Sub-Committee meeting identified approved and proposed residential developments that had been received to date represented more than 19,224 residents in 9,700 units moving into the VMC, achieving 81% of residential units and 77% of population targets identified for the 2031 planning horizon far earlier than expected.

The residential market has continued to flourish in the downtown since that time with receipt of new development applications, as shown on Attachment 1. Several of the proposed projects that were reported at the April 10, 2018 Sub-Committee meeting have solidified as formal and complete development applications and are under review.

Based on York Region's people per unit assumptions, realization of potential residential development currently represent more than 36,284 residents in 18,325 units moving into the VMC, achieving 153% of residential units and 145% of population targets identified for the 2031 planning horizon. These numbers are based on a summation of units categorized into the following and identified in Table 1:

- a) those that are built or under construction
- b) those that are approved by Council
- c) those that have been formally submitted as part of complete development applications
- d) those that have been formally submitted but are inactive files
- e) those that are proposed pre-application projects.

Table 1:

**REPORT NO. 1 OF THE VAUGHAN METROPOLITAN CENTRE SUB-COMMITTEE
FOR CONSIDERATION BY THE COMMITTEE OF THE WHOLE ON APRIL 2, 2019**

Vaughan Metropolitan Centre Residential Units - Under Construction/Built, Approved, In-Progress, and Proposed						
Developments that are Under Construction or Built	Under Construction or Built Projects	Apartment Units	Townhouse Units	Total Units Under Construction or Built	Population	% 2031 target
	Expo Tower 1	353	0	3,889	7,700	32%
	Expo Tower 2	351	0			
	Expo Tower 3	446	0			
	Expo Tower 4	415	0			
	VMC Residences ("Transit City 1 and 2")	1,110	11			
	Berkley Development ("The Met")	510	62			
	VMC Residences ("Transit City 3")	631	0			
	Total Units Under Construction or Built	3,816	73			
Approved Development Applications	Approved Projects	Apartment Units	Townhouse Units	Total Approved Residential Units	Population	% 2031 target
	Liberty Maplecrete Phase 1 ("Cosmos")	1,162	0	2,811	5,566	23%
	Icona	1,633	16			
	Total Units	2,795	16			
Formally Submitted Development Applications In-Progress	In-Progress Projects	Apartment Units	Townhouse Units	Total Residential Units In-Progress	Population	% 2031 target
	Liberty Cement Plant	935	0	6,679	13,224	118% 56%
	Expo City Tower 5	554	0			
	Quadreal Block 2	574	419			
	Quadreal Block 3	1,800	0			
	SmartCentres East Block	1,560	0			
	Goldpark	420	0			
	Zzen	417	0			
	Total Units	6,260	419			
Formally Submitted but Inactive Applications	Inactive Projects	Apartment Units	Townhouse Units	Total Residential Unit Proposed	Population	% 2031 target
	Pandolfo	3,300	0	3,300	6,534	54% 28%
	Total Units	3,300	0			
Pre-Application (Proposed) Projects	Proposed Projects	Apartment Units	Townhouse Units	Total Residential Unit Proposed	Population	% 2031 target
	2851 Highway 7	652	0	1,646	3,259	27% 14%
	Royal Centre, 3300 Highway 7	994	0			
	Total Units	1,646	0			
Total Units Approved, In-Progress, Proposed, Under Construction and Built				18,325	36,284	153%

Updated February 20, 2019

Should the inactive development application listed above not materialize, the metrics would still represent 125% realization of the 2031 residential unit target. Many of these development projects are expected to be completed within the next 5 years, and approximately 1,400 people are already living in the downtown. Given the pace of development, the City is discussing the timing to advance a future scoped review of the VMC Secondary Plan with York Region to update the policies and supporting studies. Through the facilitation of the Vaughan Design Review Panel and partnerships with the development community, high quality architecture is being realized. Over 20 development applications within the VMC have been reviewed by the Design Review Panel, several for multiple iterations. In addition, city studies and capital projects have been reviewed by the Design Review Panel, including the Edgeley Pond and Park design, the VMC Urban Design Guidelines and the VMC Streetscape and Open Space Plan.

A changing landscape is emerging

The landscape of the downtown is rapidly transforming as new developments and high-rise towers reach unprecedented heights, defining a new skyline for Vaughan. To date, the predominant form of development continues to be tower and podium. Council has approved five 55-storey residential towers, three of which are under construction. A 60-storey residential tower is also proposed, which would represent a new landmark for the downtown as the tallest building, if approved by Council. A sizeable amount of Section 37 contributions has been secured for community benefits in exchange for increased building heights and densities that are being applied to deliver underfunded public amenities in the downtown, including enhancements to the Edgeley Park, the iconic pedestrian bridge spanning Edgeley Pond, and public art installations.

Recent development applications have introduced a wider range of building typologies, including mid-rise and urban townhouse blocks, which reflect the urban design vision for the downtown to provide diversity in housing choice, massing form and architectural character. Staff continue to encourage the integration of more mid-rise housing forms as the “missing middle” building typology in the City.

Previous reports to the VMC Sub-Committee communicated a focus on the Mobility Hub and Edgeley Pond and Park as priority areas for development based on the significant public infrastructure investments that had been delivered in these areas and the pattern of development activity that had been unfolding. Over the last year, the City received development applications spread across all quadrants of the VMC, signaling that momentum has grown throughout the downtown. Staff have begun to facilitate coordination workshops amongst landowners organized by quadrant to comprehensively plan and implement development projects with necessary capital infrastructure improvements.

As part of every development review and approval, Staff have been working closely with the development community and their design teams to ensure the creation of a high-quality public realm and pedestrian-focused urban centre by integrating features such as enhanced pedestrian news, privately-owned publicly accessible spaces (‘POPS’) and flexible streets.

The Emerging Downtown continues to successfully attract new office, retail and institutional tenants

Currently, there are three approved office projects in the VMC, as shown in Table 2, with 53,000 m² of new commercial office space, representing 36% of the 2031 target and an estimated 2,000 new jobs. Two of the projects are built or under construction. The third is currently uncertain.

A recent pre-application project includes an additional 31,670 m² of proposed office uses, which would increase the volume to 59% of the 2031 office target if realized.

The KPMG office building is now fully occupied. Marc Anthony Cosmetics secured the last remaining floor, joining KPMG, GFL Environmental, Miller Thomson, Harley-Davidson Canada, FM Global, and BMO Wealth Management. The tower has also attracted its first retail tenants. A TD Bank branch and INS convenience store are now open. A Pumpnickel's restaurant will open soon.

The PwC-YMCA mixed-use building is under construction and scheduled to open in early 2020. PwC will occupy the 7,432 m² of available office space. The building will also be home to a new 7,153 m² YMCA with not-for-profit child care services, fitness and aquatic facilities plus a 2,973 m² City of Vaughan public library and recreation space.

The VMC also has an exciting new institutional tenant: Niagara University. The school has moved into a 1,115 m² space in the Expo City podium and will serve 300 students in the Bachelor of Professional Studies in education and Master of Science in education programs.

Table 2:

Office Built or Under Construction	Project	m ²	f ²	%2031 target
	KPMG	26,675	287,134	19%
	PwC	9,829	105,798	7%
	Total	36,504	392,932	26%
Office Approved by Council	Project	m ²	f ²	%2031 target
	Cosmos	13,549	145,840	10%
	Total	13,549	145,840	10%
Proposed Office	Project	m ²	f ²	%2031 target
	Royal Centre, 3300 Highway 7	31,670	340,904	23%
	Total	31,670	340,904	23%
Total Area Approved, Under Construction and Built		81,723	879,676	59%

A complete community in emergence

The City recognizes the critical mass of residents and employees moving into the downtown signals a need to focus on social infrastructure to ensure a complete community is created.

Delivery of the new flagship YMCA and community hub in 2019, will further transform the VMC. The amenities, services and gathering spaces offered by this project creates a sense of community for residents and workers. Public open spaces, such as TTC Plaza and Transit Square, offer future programming opportunities for food vendors, farmers markets, small concerts and other seasonal events to draw visitors from across Vaughan and beyond.

As the downtown continues to be built out, a focus on the need to advance the planning and implementation of schools, parks, emergency services, places of worship and other

social infrastructure is required to ensure that the community is well supported by these necessary amenities and facilities.

With the City's Public Art Program and VMC Culture and Public Art Framework in place, several public art pieces are anticipated to be integrated with development over the next several years. These investments will contribute to the realization that public art has tangible economic and social benefits that enhances and enriches quality of life in the VMC for residents and visitors. As well, the City is currently undertaking a Feasibility Study for Performing and Cultural Arts Centre in the VMC. An update on this project will be brought forward to a future VMC Sub-Committee meeting.

Financial Impact

There are no economic impacts resulting from this report.

Broader Regional Impacts/Considerations

Building a downtown is an ambitious goal. York Region's Official Plan places tremendous importance on the centres and corridors within its local municipalities as the cornerstone to achieving provincial population and employment growth targets. Collaboration with broader regional stakeholders continues to be an important factor in ensuring the success of the VMC.

Regional staff have participated and will continue to be involved throughout the duration of these initiatives to provide input and comment as required to ensure the successful implementation and coordination of these catalytic projects.

Conclusion

The largest and most significant development project in Vaughan's history is transforming more quickly than expected. Based on York Region's people per unit assumptions, realization of potential residential development currently represent more than 38,284 residents in 18,325 units moving into the VMC, achieving 153% of residential units and 145% of population targets identified for the 2031 planning horizon.

Office development and tenancy continues to move forward. Staff are actively working with developers to profile the VMC to a business audience and attract anchor tenants for future office projects.

The development of social infrastructure is as important as the development of buildings as a contributor to placemaking that will significantly enhance the character and identity in the VMC.

Attachments

1. VMC Development Activity Map

Prepared by

Stephen Lue, Senior Planner, extension 8210
Michelle Samson, VMC Economic Development Officer, extension 8367
Amy Roots, VMC Senior Manager, extension 8035
Christina Bruce, VMC Program Director, extension 8231

(A copy of the attachment referred to in the foregoing has been forwarded to each Member of Council and a copy thereof is also on file in the Office of the City Clerk.)

3 VMC IMPLEMENTATION AND PRIORITY PROJECT UPDATE

The Vaughan Metropolitan Centre Sub-Committee advises Council:

- 1) That the recommendation contained in the following report of the Deputy City Manager, Planning and Growth Management dated March 5, 2019, was approved; and**
- 2) That the presentation by the VMC Project Team and Communication C2, presentation material titled “*Emerging Downtown – VMC Updates, Downtown Under Construction*”, was received.**

Purpose

To provide an update on the status of the Vaughan Metropolitan Centre (VMC) priority infrastructure projects.

Report Highlights

- Development of the VMC gained great momentum over the last Term of Council with implementation of several catalyst capital and development projects in the Mobility Hub and Edgeley Pond and Park priority areas.
- As the next phase of development proceeds, the VMC team are focused on advancing critical infrastructure improvements in each of the four quadrants to keep pace with development and provide the necessary infrastructure to support the transitioning downtown.
- Implementation of these key infrastructure projects will continue to leverage key investments in transit and support early placemaking strategies for the downtown.
- Given the complexity of the infrastructure projects in the capital program, seamless design coordination and timing of constructed works is critical to ensuring high quality implementation.

Recommendations

1. THAT this report BE RECEIVED.

Background

During the last Term of Council, the Mobility Hub and Edgeley Pond and Park areas were identified as priority areas of focus to support development in the initial build out of the downtown and ensure a coordinated development interface was achieved.

As the next phase of development in the VMC proceeds, Staff are focused on advancing critical infrastructure projects in each of the four quadrants of the downtown to further facilitate development and improve functionality. To help execute a program of capital improvements, Staff have developed a phasing plan that highlights the planned coordination and implementation of projects to be delivered by the City and others over the next Term of Council (2018-2022), as identified in Attachment 1. These projects include:

- Constructing phase 1 of the Edgeley Pond and Park project;
- Completing the detailed design of the Black Creek Renewal project;
- Opening of the SmartCentres Place Bus Terminal;
- Completing the collector road network in the north-west quadrant;
- Completing the widening and reconstruction of Portage Parkway west of Jane Street;
- Updating the VMC servicing and transportation master plans in support of new population and employment projections;
- Completing the Block Plan and Master Servicing Plan for the south-west quadrant and then facilitate the necessary upgrades to the sanitary sewer system along Interchange Way followed by road improvements;
- Completing the VMC Public Parking Strategy; and
- Facilitating the design and development of several VMC parks initiatives.

Previous Reports/Authority

[VMC Term of Council and Implementation Plan Update April 2018](#)

Analysis and Options

Edgeley Pond and Park design is completed and currently under review by public agencies

Through the Edgeley Pond and Park (EPP) project, the City is advancing the construction of essential storm water infrastructure to manage flooding risk and unlock development potential, while creating a signature public destination that captures the imagination of VMC residents and visitors.

At the April 10, 2018 VMC Sub-committee meeting, Staff reported that the detailed design of the EPP was progressing and the public tendering process for construction of Phase 1 was expected in 2018. Since that time, the detailed design has been completed, and the necessary Environmental Compliance Approval applications (ECA) were submitted to the Ministry of Environment, Conservation and Parks (MECP) at the end of April. The complete design package was subsequently circulated to the Region and the relevant environmental agencies for review including Ministry of Natural Resources and Forestry (MNR), Department of Fisheries Ontario (DFO) and Toronto

Region Conservation Authority (TRCA).

Through the review process, an issue was identified with the design water levels in the pond, which required additional analysis and ultimately modification to the design of the outlet structure to resolve the problem. In addition, a potential conflict was discovered between the proposed outlet structure and an existing high-pressure gas main, which required additional field investigation. These design issues took several months to address, which impacted the original project schedule.

Having now overcome these design issues, the consulting team is currently focusing on obtaining the necessary approvals and permits from MNR and DFO. TRCA staff have been proactively assisting the project team in scoping and facilitating the remaining environmental agency approvals. In addition, the TRCA permit for the works will be submitted to their Board Meeting for approval in May 2019. Staff continue to follow up with MECP on the status of ECA applications, which were submitted back in April 2018.

Staff understand that the MNR permit process may be a lengthy one, so the project team is currently bundling elements of the project that can be carried out as early works during the 2019 construction season and then prepare to tender the heavy civil works in summer 2019, subject to the status of the environmental permit approvals.

The Phase 2 works including the Jane Street streetscape works and associated hydro undergrounding will be advanced in 2020.

Detailed design of the Black Creek Renewal project will proceed in 2020

Downstream from the Edgeley Pond, the Black Creek corridor is positioned to become a meaningful green infrastructure that will mitigate flooding, unlock development potential, and generate a prominent open space amenity for the VMC community.

The VMC Black Creek Renewal Class Environmental Assessment (Class EA) Study was completed and filed for public review in September 2018. Following the public review period, two Part II Order requests were submitted to the MECP for review and consideration. A final resolution from MECP on the appeals is anticipated in March 2019. In anticipation of the Ministry approval, the VMC team has initiated the development of the Terms of Reference (TOR) for the detailed design assignment which will be prepared in collaboration with other City departments and external agencies, including the TRCA. Timing for release of the Request for Proposal for the design assignment is expected in fall 2019. Following successful award of contract, the detailed design assignment is anticipated to begin in 2020.

A potential \$37M grant opportunity was submitted towards the Edgeley Pond and Park and Black Creek Renewal projects

Disaster Mitigation & Adaptation Fund (DMAF) was created by the Government of Canada in response to the increasingly frequent significant weather-related disasters

due to natural hazards. The VMC team applied to the DMAF initiative to be considered for funding up to \$37M for both Edgeley Pond and Park as well as the Black Creek Renewal (BCR). If successful, this funding can be used toward preliminary design work, including a functional design, utility relocation and other works necessary for the BCR. The VMC team first responded to an Expression of Interest after which the selection committee deemed the application successful to advance to the Full Application round. The application was submitted in January 2019 and a decision is anticipated this spring.

The completion of the bus terminal is expected this year

A key catalyst of the developing Mobility Hub is the SmartCentres Place Bus Terminal. Construction of the bus terminal has restarted, and it is now expected to open for service in Q3-2019.

Key road linkages are being advanced in the north-west quadrant

Construction of the Highway 400 off-ramp relocation at Highway 7 is underway and expected to be complete and operational this summer. Construction of these works will align with completion of the York Region Bus Rapidway Transit (YRBRT) Station on Highway 7 at Commerce Street.

In December 2018, SmartCentres committed to construct the extension of Applewood Crescent from Highway 7 to Portage Parkway to align opposite the new relocated Highway 400 off-ramp. In addition, SmartCentres will be advancing the construction of Commerce Street from Highway 7 to Apple Mill Road, Apple Mill Road from Edgeley Boulevard to Applewood Crescent at the same time. The construction of these collector roads will greatly improve access and circulation in the VMC and frame the future development blocks and central park.

These road works must be coordinated and completed in step with the Highway 7 Rapidway works and the relocation of the Highway 400 off-ramp, which is scheduled for completion in July/August 2019. To meet these critical timelines, Staff resources have been allocated to facilitate the delivery of these key road works in a timely manner. Staff are working closely with SmartCentres and their consulting team to expedite the review of the design submissions and facilitate the issuance of all the necessary permits, so construction can begin this spring.

Staff are also working with SmartCentres to advance the necessary pre-design work related to the widening and reconstruction of Portage Parkway between Jane Street and Applewood Crescent, including functional design, utility locates, and developing an overall project work plan with the objective of completing the road works by end of 2021/2022.

The detailed design for Portage Parkway extension east of Jane Street to the west limit of the Black Creek channel is complete and construction for the interim road is expected to begin this spring.

The detailed design for Portage Parkway extension east of Jane Street to the west limit of the Black Creek channel is complete and construction for the interim road is expected to begin this spring.

VMC Master Servicing Plans need to be updated to reflect actual growth trends

Based on the approved and proposed residential developments to date, more than 36,284 residents in 18,325 units are moving into the VMC, achieving 153% of residential units and 145% of population targets identified for the 2031 planning horizon far earlier than expected. Given this growth trend is expected to continue, staff will need to undertake a scoped review of the VMC Secondary Plan and updating the supporting studies, including the master servicing strategy and transportation master plan. A work plan for the Secondary Plan review process will be developed over the next several months and presented to a future Sub-Committee meeting.

In the interim, the landowners in the south-west quadrant of the VMC are preparing a block plan and supporting servicing and transportation studies to coordinate the phasing of development and identify the staging and design of the necessary infrastructure improvements. The initial findings of the servicing studies identified the need to install a new sanitary sub-trunk along Interchange Way from Highway 7 to Jane Street to service the approved development. QuadReal and their consulting team are advancing the detailed design of the sewer improvements now with the objective of commencing construction this summer.

The Block Plan and related servicing studies for south-west quadrant are expected to be completed later this year. The information from these studies will inform the future updates to the VMC Servicing and Transportation Master Plans, which will be undertaken by the City in 2020.

Phase 2 of the VMC Parking Strategy will be advanced through 2020

In December 2017, Phase 1 of the VMC Parking Strategy was implemented in step with the opening of the subway. The initial strategy focused on addressing on-street parking in the mobility hub area and managing pick-up and drop-off activities adjacent to the bus terminal and subway entrances.

The strategy also included a messaging component designed to educate commuters on the importance of legal parking and stopping throughout the VMC. This education campaign was rolled out and information was available through several channels, from websites to signage. The initial strategy also included issuing the appropriate warnings in lieu of more direct enforcement until motorists and pedestrians became familiar with the operation of the new facilities.

Over the last year since the opening of the subway, Staff have been monitoring the flow of vehicular and pedestrian traffic in the mobility hub and implemented additional

measures and increased maintenance service levels to continually improve the citizen experience and better manage traffic. Despite these efforts, effectively managing pick-up and drop-off activities adjacent to the subway entrance has been challenging. This on-going challenge is partly attributed to the YRT Bus Terminal not being open and the designated passenger pick up and drop off (PPUDO) on Millway not being fully utilized by motorists. As a result, the majority of the PPUDO activity is taking place on New Park Place. When New Park Place is fully utilized or for convenience reasons, some motorists illegally stop on Millway Avenue in front of the subway entrance. To ensure public safety is not at risk, City staff have moved into the next phase of enforcement and are citing vehicles in clear violation of the parking/no stopping regulations. The use of the designated PPUDO on Millway and the overall traffic operations in the mobility hub is expected to improve once the bus terminal opens in Q3-2019 and the direct connection between the bus terminal and subway is available to transit users. In addition, staff continue to promote the use of the commuter parking lots at Pioneer Village Station (1,881 spaces) and 407 Station (583 spaces) for those transit users that wish to park and ride. Staff will continue to monitor the movement of all modes of travel in the mobility hub and adapt the strategy to most effectively manage traffic as the area develops and transitions into a downtown urban environment over the coming years.

The next phase of the VMC Parking Strategy will establish the long-term elements of the study and implementation plan. Some considerations for long term parking may include commercial parking, parking under parks, on street parking, shared public/private parking (partnership) and/or City owned parking lots. The second phase of the Parking Strategy is anticipated to be advanced through 2020.

The VMC Parks and Open Space Framework is moving forward

Staff are currently working on various initiatives to ensure that parks and open spaces are available in a timely manner to support the current trend of residential development in the VMC. These initiatives include the planning and design of various parks secured through the development application process, as well as development of the VMC Parks Master Plan and Implementation Strategy.

The Expo City strata park is the first-of-its kind in the City of Vaughan

Staff are currently working with The Cortel Group on design and implementation of the park located within the Expo City development lands, located in the north-west quadrant. The design process for this strata park was captured as part of the Edgeley Pond and Park design assignment, which included a public engagement process through 2017. In 2018, the landowner submitted a development application for the third phase of their development, which included the park block. Staff and the landowner are working with their consultant team to finalize the detailed design, along with advancing the development and permit approval process. The park construction is planned to commence in 2020.

Design of the first phase of the Urban Park will begin next year

In June of 2016, SmartCentres and their landscape architect Claude Cormier presented to the VMC Sub-committee a vision for “Central Park,” which is slated to be Vaughan’s first Urban Park. Given the subway opening date, the landowner and the City decided to focus their attention on the TTC Plaza project to ensure that it was done in time for the subway opening in December of 2017.

Through 2017 and 2018 SmartCentres and their partner CentreCourt Developments brought forward three development applications that will transform the Mobility Hub into a consolidated close-knit community. To make sure that a diverse parks and open space system is available to this emerging community, SmartCentres and Staff will start the detailed design process of the first phase of the Urban Park through 2020, with plans to start construction in 2021.

The Millway Avenue Linear Park is proposed to be extended

In 2018 QuadReal brought forward two development applications in the south-west quadrant that will include the conveyance of a linear park planned along the east side of Millway Avenue between Interchange Way and Exchange Avenue. The application for Block 2 included a proposed amendment to the VMC Secondary Plan to extend the Millway Avenue Linear Park south of the urban park to Exchange Avenue. The City and the landowner are currently working collaboratively through the development application process to advance the design of the portion of the linear park south of Interchange Way, which will be composed of temporary facilities until the neighboring lands to the east are ready to be developed. The park construction is forecasted to commence in 2021 or 2022.

The VMC Parks Master Plan and Implementation Strategy will help crystalize an exciting and inspiring vision for the downtown’s parkland network

Staff are currently in the process of recruiting a VMC Parks Development Project Manager to help move this study forward and advance the design of the parks initiatives previously mentioned. The VMC Parks Master Plan and Implementation Strategy will review residential development trends, real estate opportunities and constraints, and provide recommendations to achieve parkland goals, provision targets and implementation guidelines.

The VMC Parks Master Plan and Implementation Strategy will be informed by the visioning exercises currently underway with SmartCentres and QuadReal for their respective quadrants. It is expected that the VMC Parks Master Plan will start later this year.

Financial Impact

There are no economic impacts resulting from this report.

Broader Regional Impacts/Considerations

Building a downtown is an ambitious goal. The Region of York's Official Plan places tremendous importance on the Centres and Corridors within its local municipalities as the cornerstone to achieving provincial population and employment growth targets. Collaboration with broader regional stakeholders continues to be an important factor in ensuring the success of the VMC.

Regional staff has participated and will continue to be involved throughout the duration of these initiatives to ensure successful implementation and coordination of these catalytic projects.

Conclusion

The VMC team will continue to work closely with Toronto and Region Conservation Authority, York Region, York Region Rapid Transit Corporation, and VMC landowners to facilitate the advancement of priority projects in the downtown.

These catalyst projects, together with the momentum generated by development activity, are rapidly contributing to the realization of Vaughan's downtown.

For more information, please contact: Jennifer Cappola Logullo, VMC Manager, Development Engineering ext. 8433 and Gerardo Paez Alonso, VMC Manager, Parks Development, ext. 8195.

Attachments

1. VMC Priority Infrastructure Projects

Prepared by

Jennifer Cappola-Logullo, Manager, Development Engineering (VMC), ext. 8433
Gerardo Paez-Alonso, Manager, Parks Development (VMC), ext. 8195
Christina Bruce, VMC Program Director, ext. 8231
Andrew Pearce, Director of Development Engineering, ext. 8255

(A copy of the attachment referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the Office of the City Clerk.)

4 VMC TRANSIT CITY TOWER 3 PUBLIC ART PLAN UPDATE

The Vaughan Metropolitan Centre Sub-Committee advises Council:

- 1) That the recommendation contained in the following report of the Deputy City Manager, Planning and Growth Management dated March 5, 2019, was approved; and

- 2) That the presentation by the VMC Senior Manager, the Senior Art Curator and Planner, Economic and Cultural Development, Ms. Paula Bustard, Vice President, Development, SmartCentres, Brad Hindson of Studio F Minus and Mike Szabo of Diamond Schmitt Architects, and Communication C3, presentation material titled “*Transit City Tower 3 – Public Art Program*”, was received.

Purpose

To provide an update on the status of the Vaughan Metropolitan Centre (VMC) Transit City Tower 3 Public Art Plan following Council approval of the project on May 23, 2018.

Report Highlights

- On June 7, 2016, Council approved the Vaughan City-Wide Public Art Program and the VMC Culture and Public Art Framework.
- The VMC Culture and Public Art Framework identified the installation of a large scale public art project at heart of the Mobility Hub as an important quick win placemaking opportunity for the City’s downtown.
- On May 23, 2018, Council approved the Transit City Tower 3 development with a condition for the Owner to provide a \$3.5 million contribution towards an on-site public art budget for the creation of a public art piece that is integrated with the architecture of the building, subject to the City of Vaughan’s Public Art Program, as a community benefit in exchange for increased height and density pursuant to Section 37 of the *Planning Act*.
- On October 25, 2018, the Transit City Tower 3 Public Art Plan was presented to the Vaughan Design Review Panel, which currently serves as the City’s interim Public Art Advisory Committee providing input on site and artist selection processes.
- The Public Art Plan has evolved into a “light wall” that will enable a rotation of contemporary digital art media as a curated gallery.
- This project represents the first public art work implemented through the City’s Public Art Program and will serve as a key landmark for the downtown.

Recommendation

1. THAT this report BE RECEIVED

Background

On June 7, 2016, Item 6, Report No. 26, of the Committee of the Whole (Working Session), was adopted without amendment by Council which included recommendations that staff work with the development community on advancing the integration of public art into development proposals where possible or appropriate, and that staff pursue and seek partnerships for a public art installation within the Mobility

Hub as a quick win placemaking opportunity that considered the potential use of any secured VMC Section 37 funds.

Since Council approval, staff have been working with the development community to identify opportunities for the inclusion of public art as part of urban development projects in the downtown, and throughout other areas of the City. Through the review of Site Development File DA.17.062 VMC Residences III GP INC, staff were able to propose the inclusion of an integrated public art project as an on-site community benefit, in exchange for an increase in the height and density of the development, pursuant to Section 37 of the *Planning Act*.

On May 23, 2018, Item 26, Report No. 18, of the Committee of the Whole, was adopted without amendment by Council which included the following requirement:

“THAT prior to March 31, 2019, the Owner and the City shall execute a Public Art Agreement, which will detail the commissioning process and installation of a permanent piece of public art that is integrated with the architecture of the south, six storey podium façade of the building as a public art contribution with a budget of \$3.5 million, secured through the \$3.5 million Letter of Credit identified in the Section 37 Agreement, consistent with the principles of Site 10 – Private Development as outlined in the City’s VMC Culture and Public Art Framework, to the satisfaction of the City. The Public Art Agreement shall detail the following, but not limited to, public art contribution options; public art contributor triggers/timing; public art program requirements; the Owner and City responsibilities; accounting requirements; and copyright and maintenance. The Owner shall develop a Public Art Program that follows the approved process outlined in the City-wide Public Art Program, to the satisfaction of the City. The Owner will own and maintain the public art piece and shall enter into a maintenance agreement with the City”.

Following Council approval of OPA File OP.17.003, Zoning By-Law Amendment File Z.17.028 and Site Development File DA.17.062 VMC Residences III GP INC (Attachment 1), the Owner procured Studio F Minus Curatorial (SFM) to develop the Transit City Tower 3 Public Art Plan (Attachment 2) to further detail the commissioning process for the publicly-accessible privately-owned public art project.

Previous Reports/Authority

[City-Wide and VMC Public Art Program Council extract June 7, 2016](#)

[Vaughan City-Wide Program Document](#)

[VMC Public Art Framework Document](#)

[Extract from Council Meeting Minutes of May 23, 2018 for OP.17.003, Z.17.028 and DA.17.062](#)

Analysis and Options

Realizing the vision of the VMC Culture and Public Art Framework

The realization of the VMC's vision as a vibrant downtown with exciting activities, social capital and cultural events is predicated on collective efforts in creating a sense of 'place'. Culture and public art initiatives contribute to that sense of place, by creating memories and experiences that draw people to use and frequent the VMC on a 24/7 basis versus just passing through.

Public art plays many roles in the urban context. As outlined in the City-Wide Public Art Program, some of its key roles include:

- Placemaking - creating and enhancing public spaces that promote people's health, happiness, and well-being
- Gateway Marker - an entrance feature that signifies a boundary and assists with wayfinding
- Landmark - an easily recognized feature in the cityscape that contributes to placemaking and orientation
- Wayfinding - visuals used to convey location and directions
- Interpretation - a work of art that illuminates the character or history of its context
- Activation and Animation - a work of art that energizes a space, can be interacted with and/or can move independently

The development of a large scale integrated public art installation occupy the majority of the six storey south façade of the Transit City Tower 3 podium will serve as a gateway and landmark at the heart of the VMC Mobility Hub. The context of the site, located adjacent to the SmartCentres Place Bus Terminal, mixed use building with PwC, YMCA, and public library and publicly accessible pedestrian mews, provides an exceptional opportunity to help define a contemporary identity wayfinder and activation catalyst for the downtown. Given the prominence and scale of the installation, it will also be visible from Transit Square and the TTC Subway Station and areas beyond (see perspectives provided in Attachment 2). This project achieves one of the quick win placemaking opportunities endorsed by Council in June 2016, represents the first public art project implemented through the City-Wide Public Art Program and follows the design considerations outlined for private developments outlined in the VMC Culture and Public Art Framework.

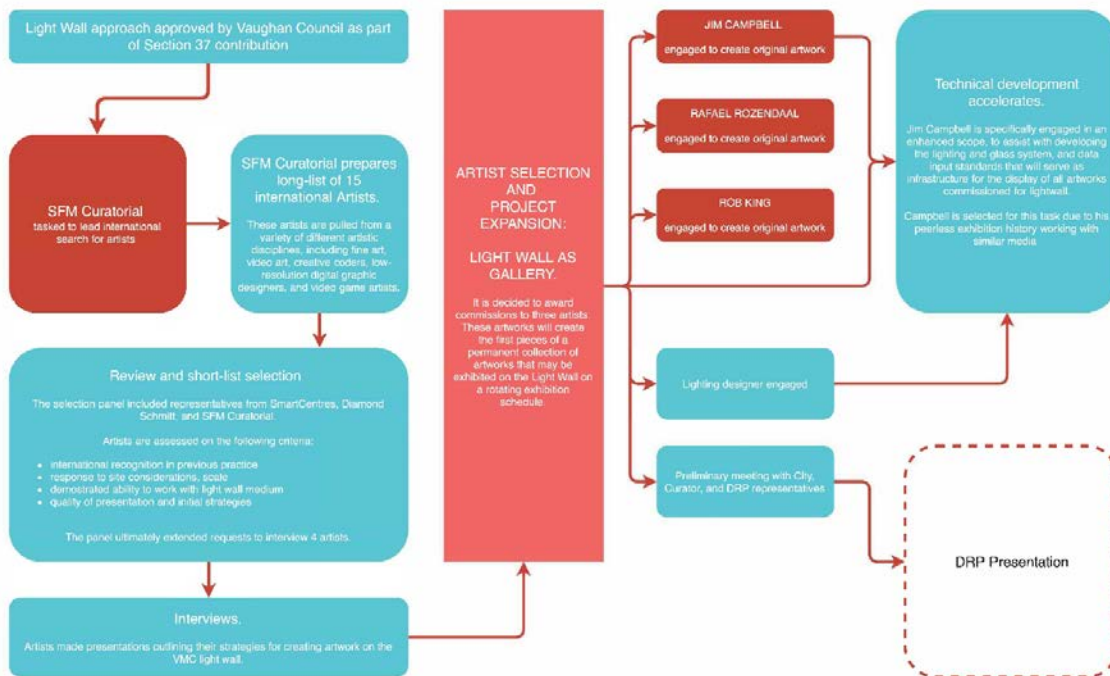
A comprehensive Public Art Plan for the downtown's first public art project has been developed

The Transit City Tower 3 Public Art Plan (Attachment 2) outlines the comprehensive developer-led commissioning process managed by SFM Curatorial, in collaboration with Diamond Schmitt Architects, to determine the artist selection process for the project. The Plan also details the framework for refinement of the public art vision for the development as approved by Council in May 2018 (Attachment 1), with consideration of context, precedents, site selection, scale and structural design. The evaluation and selection processes outlined in the Plan have been conducted in accordance with the guidelines established in the City of Vaughan's Public Art

Program.

The result of this process is the creation of a 920 m² (nearly 10,000 ft²) light wall which acts as an exhibition venue for a permanent collection of original digital work. This public art initiative will result in the production of not just a single artwork, but an infrastructure vehicle that can be used to exhibit a variety of digital works to be commissioned in the future. At this point in the curatorial process, three artists have been selected to create artworks for the light wall in its initial phase as shown in the diagram below. Curation of these artworks, and any future commissions, will follow the City's Public Art Program, with involvement of City Staff leading the Public Art Program.

ARTIST SELECTION PROCESS



The Transit City Public Art Plan meets the objectives of the City's Public Art Program, is supported by Staff and was well-received by the Vaughan Design Review Panel on October 25, 2018, which is acting as the City's interim Public Art Advisory Committee in the initial phase of the Public Art Program's implementation and administration.

Development of the Public Art Agreement is underway

The Owner and City will enter into the required Public Art Agreement which includes information related to: public art contribution options; public art contributor triggers/timing; public art program requirements; the Owner and City responsibilities, including curated content; accounting requirements; and copyright and maintenance. Given the scale and

digital nature of the art, the Agreement will also outline operating hours and performance measures for the works to ensure that light pollution and nuisance for adjacent properties is minimized. The Owner will own and maintain the public art piece.

Financial Impact

The development of the City-Wide Public Art Program provides the framework for acquiring public art from development projects through Section 37 policies, deriving community benefits for the City which would otherwise be unachievable through property taxation. There are no economic impacts resulting from this report, as this project is fully offset by Section 37 funding and owned and maintained by the Owner. A \$3.5 million-dollar Letter of Credit has been posted to secure the works.

Broader Regional Impacts/Considerations

The Region's policy for Economic Vitality recognizes culture as an important element in making the Region a place to work, live and play. Vibrant and healthy communities will attract and retain a skilled labour force.

The policies for An Urbanizing Region direct Regional Centres to recognize the importance of creating a sense of place and high quality open spaces "that include meeting places and urban squares that incorporate art, culture and heritage" (s. 5.3.7).

The Region also sets the requirements for Regional Centre secondary plans to include policies addressing the need for public art to be incorporated into major Regional and City buildings and to encourage the inclusion of public art in significant private sector developments.

Conclusion

The Transit City Tower 3 Public Art Plan builds on the requirement for an integrated public art project for the Transit City development as approved by Council in May 2018 and meets the objectives of the City's Public Art Program. As a contemporary piece of public art, the Plan is supported by Staff and the Vaughan Design Review Panel.

The result of this process is the creation of a 920 m² (nearly 10,000 ft²) light wall which acts as an exhibition venue for a permanent collection of original digital works. This public art initiative will result in the production of not just a single artwork, but an infrastructure that can be used to exhibit a variety of curated artworks to be commissioned in the future.

As a progressive piece of contemporary art for the downtown and the City's first piece of public art secured through the Public Art Program, this progressive project helps realize the vision for placemaking as a gateway feature and activator in the Mobility Hub, as defined in the VMC Culture and Public Art Framework.

For more information, please contact: Amy Roots, VMC Senior Manager, extension 8035

Attachments

1. Attachments 12 and 13 Extracts from Council Meeting Minutes of May 23, 2018 for OP.17.003, Z.17.028 and DA.17.062
2. Transit City Tower 3 Public Art Plan

Prepared by

Sharon Gaum-Kuchar, Senior Art Curator and Planner, extension 7328

Amy Roots, VMC Senior Manager, extension 8035

Rob Bayley, Manager of Urban Design, extension 8254

Christina Bruce, VMC Program Director, extension 8231

(A copy of the attachment referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the Office of the City Clerk.)

The meeting adjourned at 11:38 a.m.

Respectfully submitted,

Mayor Maurizio Bevilacqua, Chair