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| COMMUNICATION |
| CW - <u>JUNE 5/18</u> |
| ITEM - <u>5.13</u> |

DATE: JUNE 4, 2018

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: JASON SCHMIDT-SHOUKRI, DEPUTY CITY MANAGER, PLANNING AND GROWTH MANAGEMENT

RE: ITEM 5.13 - COMMITTEE OF THE WHOLE- JUNE 5, 2018

CITY OF VAUGHAN OFFICIAL PLAN - VOLUME 1 AND VAUGHAN METROPOLITAN CENTRE SECONDARY PLAN- VOLUME 2, SECTION 37 POLICIES AND SECTION 37 IMPLEMENTATION GUIDELINE REVIEW

Recommendation

The Deputy City Manager, Planning and Growth Management recommends:

1. That Recommendation 1 of the staff report dated June 5, 2018 be deleted and replaced with the following as Recommendation 1:
 - i) That staff be directed to provide Notice in accordance with the *Planning Act* for a Statutory Public Hearing to be held in September 5, 2018; and
 - ii) That staff bring forward an Official Plan Amendment to the Vaughan Official Plan 2010, Volume 2, (Vaughan Metropolitan Secondary Plan- Chapter 11.13) in the first quarter of 2019 for Council adoption.

Purpose

To amend the Vaughan Metropolitan Centre Secondary Plan (VMC SP) to introduce an amendment that exempts development applications in the Vaughan Metropolitan Centre (VMC) from having to be processed as an Official Plan Amendment if a Section 37 contribution is being provided, only after it has been determined that the proposed development is considered to be good planning.

Background and Analysis

Council on December 11, 2017 considered a Communication (C2, Item No. 3) (Attachment 1) from the Deputy City Manager, Planning and Growth Management, and the Director of Policy Planning and Environmental Sustainability. The purpose of the Communication was to seek a resolution of Council to allow for Official Plan Amendments to the VMC SP to be made despite the two-year moratorium set out in the *Planning Act*, and to seek direction from Council for staff to investigate and report back on the potential elimination of the need for an Official Plan Amendment in the VMC SP area for a change in height and/or density that is initiated by a landowner in conjunction with a Section 37 bonusing request. The Communication was presented to address the matters identified above as raised by the Applicant.

In considering the communication, Council recommended that staff be directed to report no later than June 30, 2018 on an amendment to the VMC SP to clarify that modifications to height and/or density in the VMC SP area, that are being requested through Section 37 bonusing shall be implemented through a Section 34 zoning by-law amendment and that an Official Plan Amendment would not be required notwithstanding Policy 9.4.4 in the VMC Secondary Plan and Policy 10.2.1.7 in Volume 1 of the Vaughan Official Plan 2010 (VOP 2010).

The Vaughan Metropolitan Centre is Vaughan's new downtown. The effective and efficient approvals of development applications in the VMC, for which the terminus station of the \$4.2 billion TTC Line 1 extension has been built, the \$32.1 million SmartCentres Place bus terminal has been built, and the \$1.4 billion York Viva bus rapid way connection, is paramount to the continued success of the creation of a world class transit hub. The current VMC SP establishes heights and densities through Schedule I of the Plan. Development applications currently being approved and submitted in the VMC have established greater heights and densities than those that are prescribed. Given this significant investment in the downtown, flexibility is required in order to ensure the timely approval of applications to support the growth adjacent to the subway station.

The timely approval of applications within the VMC, upon being considered as appropriate or good planning, will provide the City with Section 37 contributions. These Section 37 contributions provide greater opportunities for the City to increase the community benefits that would otherwise not be available or have to be funded by the City. This is particularly important as implementation of the VMC is a long term build out that will be phased over time. As such, it is imperative that the City has flexibility to secure the necessary community benefits to support the continued growth of the downtown as it builds out over time.

Planning Act, R.S.O. 1990, c.P. 13

Section 37, subsection (1) of the *Planning Act* allows municipalities to secure public benefits “in a by-law passed under Section 34, to authorize increases in the height and density of development otherwise permitted by the by-law”. Subsection (2) also states that “a by-law shall not contain the provisions mentioned in subsection (1) unless there is an Official Plan in effect”.

Although Section 37 of the *Planning Act* provides a municipality to pass a by-law pursuant to Section 34, it does not distinctly state that this must occur by way of an Official Plan Amendment.

City of Vaughan Official Plan 2010 (VOP 2010)- Volumes 1 and 2

Policy 10.1.2.9 a) of VOP 2010 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 also states under Policy 10.1.2.12 “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 is a more specific policy direction provided in both Volumes 1 and 2 of VOP 2010, as it relates to prescriptive or defined heights and densities, which have been previously identified in the communication of December 2017 and the current staff report (Item 5.13).

Notwithstanding the above noted references, similar to the *Planning Act*, there is no requirement in VOP 2010 that requires an Official Plan Amendment, if a Section 37 contribution is being secured.

Conclusion

Council directed that staff review amendments to the VMC SP to permit an increase in height and density beyond the current maximums outlined within the VMC SP without the need for an Official Plan Amendment if a Section 37 contribution is supported by Council. Based on the recent investment in the VMC consisting of the TTC Line 1 expansion, the Bus Terminal and York Viva bus rapid way connection, in conjunction with the current development activity in the core, it is important to provide flexibility in order to allow development applications to proceed in a timely manner. Accordingly, staff recommend that an amendment to the VMC SP be brought forward for Council adoption as follows:

- i) That staff be directed to provide Notice in accordance with the *Planning Act* for a Statutory Public Hearing to be held on September 5, 2018; and

- ii) That staff bring forward an Official Plan Amendment to the Vaughan Official Plan 2010, Volume 2, (Vaughan Metropolitan Secondary Plan-Chapter 11.12) in the first quarter of 2019 for Council adoption.

Respectfully Submitted,



for

JASON SCHMIDT-SHOUKRI
Deputy City Manager, Planning and Growth Management

cc. Daniel Kostopoulos, City Manager
Todd Coles, City Clerk
Bill Kiru, Director of Policy Planning and Environmental Sustainability
Mauro Peverini, Director of Development Planning

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