



BOUSFIELDS INC.

Project No. 18189

December 9, 2022

Sent via e-mail to: clerks@vaughan.ca

Committee of the Whole
City of Vaughan
Civic Centre
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Dear Chair and Members of the Committee of the Whole,

**Re: *Committee of the Whole Meeting on December 12, 2022*
 Item 6.2 – Proposed Amendment to Vaughan Official Plan 2010,
 Volume 1, Policy 10.1.3 and By-law 278-2009, as Amended, in Response
 *to Bill 109 (More Homes for Everyone, 2022) File 25.7***

We are the planning consultants to the Block 27 Landowners' Group (the "**LOG**") with respect to the 400-hectare tract of land bounded by Keele Street, Teston Road, Jane Street and Kirby Road.

On November 17, 2022, Bousfields Inc. submitted a letter, attached hereto as **Attachment A**, to the City of Vaughan's Planning Department (the "**Letter**"). The Letter provided our opinion with respect to the City's proposed changes to its Complete application submission requirements, as outlined in the statutory public meeting held on September 13, 2022. We are concerned that our comments have not been captured in the Staff Report or addressed in the recommended Official Plan Amendment (the "**Draft OPA**"), attached to the Staff Report.

Though many of the concerns in the Letter remain unaddressed, we wish to highlight that the proposed policies regarding Block Plans are particularly challenging and of paramount concern. The remainder of this letter provides further detail on the Block Plan issue.

1. Requirement for an approved Block Plan to form part of a complete application

Policy 10.1.3.14 in the Draft OPA states that if development applications are subject to a Block Plan, an approved Block Plan shall also be a component of a complete application. A Council-approved Block Plan would need to be in place prior to the submission of a draft plan of subdivision, rezoning, or other development applications.

In our opinion, this policy should be deleted. The reasons for deletion include:

The Block Plan process is not a statutory process, and therefore has no associated approval timelines or right of appeal. Accordingly, there would be no mechanism to ensure that a Block Plan is processed in a timely fashion. That outcome directly conflicts with the intent of Bill 109, which seeks to accelerate approval timelines, allowing more homes to be built, faster.

Potential delays to application filing timelines run contrary to the intention of the recently passed legislation in Bills 108 and 23, which “freeze” development charges and parkland dedication rates as on the date certain applications are made. The intent of those “freezes” is to make development costs more predictable and homes more affordable. The Draft OPA could delay rezoning and site plan application filings, leading to the risks of: land valuation increases (increasing parkland fees), and, increased development charges due to indexing adjustments and new by-law enactment.

Historically, it has been common for the Block Plan to be revised while subdivision (and other) applications are being processed concurrently. Block Plans therefore evolve over time as their implementation progresses. This is reflected in the City of Vaughan’s Official Plan Policy 10.1.1.25, which states:

Where Council has not approved a Block Plan, a proposed plan of subdivision may be draft approved or other development approval granted once the proponent has completed all work required to formulate a Block Plan in accordance with and in conformity to the provisions of this Plan. The proposed plan of subdivision or other development approval application may be evaluated in the context of the proposed Block Plan.

Policy 10.1.1.25 provides flexibility by allowing the processing and approval of Block Plans and other development applications to happen concurrently. In our opinion, Draft Policy 10.1.3.14 directly conflicts with Policy 10.1.1.25.

We also note that the Block Plan application for Block 27 was filed by the LOG on August 24, 2022, prior to the changes proposed in the Draft OPA. It is our opinion that

our Block Plan process should not get caught up in a new process that results in unpredictable approval timelines. As Council and Planning Staff are aware, the LOG has entered into a Servicing Agreement with the Region whereby the LOG front-funded approximately \$156 million to advance servicing in order to support housing construction in early 2025. If the filing of development applications is stalled until the Block Plan is approved, it will be impossible for the Block 27 lands to utilize the services that will be available in 2025.

Lastly, it is our understanding that the Province is proposing to introduce legislation to delay the effective date of the application fee refund provisions of Bill 109 from January 1, 2023 to July 1, 2023. Accordingly, we request that Agenda Item 6.2 of the Committee of the Whole Meeting of **Monday December 12, 2022** be deferred in its entirety to allow all stakeholders the opportunity to better understand the implications of Bill 109 and any forthcoming legislation.

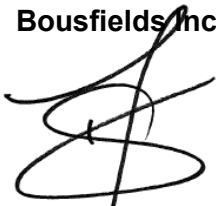
Recommendation:

In addition to our comments made in the Letter we respectfully request that Policy 10.1.3.14 of the Draft OPA be **deleted** in its entirety and that Agenda Item 6.2, of the December 12, 2022 Committee of the Whole, be **deferred** in its entirety.

Thank you for the opportunity to provide input into this important policy change. Should you require additional information or clarification, please contact the undersigned at 416-418-5422 or via e-mail at dfalletta@bousfields.ca.

Respectfully Submitted,

Bousfields Inc.



David Falletta, MCIP, RPP

AW/df:jobs

c.c. M. Ghassan, Delta Urban Inc., via e-mail

Attachment A - the Letter



BOUSFIELDS INC.

Project No. 18189

November 17, 2022

SENT VIA E-MAIL

Christina Bruce, Director of Policy Planning & Special Programs

-and-

Nancy Tuckett, Director of Development Planning
City of Vaughan - City Hall
Level 200
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Dear Christina and Nancy,

**Re: VOP – Pre-consultation and Complete Application Submission
Requirements, Chapter 10.1.3, City File No. 25.7**

We are the planning consultants to the Block 27 Landowners' Group with respect to the 400 hectare tract of land bounded by Keele Street, Teston Road, Jane Street and Kirby Road. We have reviewed the City's proposed changes to its Complete application submission requirements, as outlined in the Staff Report for File No. 25.7 and detailed in the Draft Official Plan Amendment (the "**Draft OPA**"), and we are providing the following comments:

1. Front-ending the process

The Draft OPA seeks to push most of the application processing prior to the submission of a formal application. It appears, this will allow the City to process development applications in the legislated timelines.

In our opinion, this could be beneficial as it would mean quicker development application processing times. However, the Draft OPA does not set any pre-application processing times. For example, the Draft OPA requires pre-application community meetings, DRP meetings, delineation of environmental features, etc., but does not apply timelines for these elements.

Recommendation:

We recommend that the Draft OPA be revised to include timelines related to the pre-application submission process, which will ensure the pre-application phase does not drag on and frustrate development. In this regard, we recommend the following revisions:

- **New Policy be added to require the City to host a pre-consultation within 14 days of the submission of a pre-application consultation meeting request and the City will issue a Pre-Application Consultation Understanding form within 21 days of a pre-application consultation meeting.**
- **That Draft Policy 10.1.3.4 be revised as follows:** The City and/or external review agencies may issue terms of reference or other guidance documents to establish the technical standards and format for any required information, reports, studies, and materials through the pre-application consultation process. In the absence of written terms of reference and guidance documents, applicants will rely on the instructions provided by the City and review agencies at the pre-application consultation meeting in the preparation of their development application(s). Applicants may be required to prepare a terms of reference for any information, reports, studies, and materials that are identified as being required through the pre-application consultation process to the satisfaction of the City and/or review agencies prior to the submission of a development application(s). **The City and/or review agencies shall be required to confirm the terms of reference for all the information, reports, studies, and materials identified as being required to accompany an application within the Pre-Application Consultation Understanding Form.**
- **New Policy 10.1.3.10 I. – The City and/or review agencies shall provide any required background information required to complete the required information, materials and studies identified in the Pre-Application Consultation Understanding Form and Policy 10.1.3.10, including the delineation of environmental development limits and preliminary zoning review. This information is to be provided within within the Pre-Application Consultation Understanding Form.**
- **That Draft Policy 10.1.3.1 be revised as followings:** A pre-application consultation meeting with the City will be held prior to the submission of development applications for Official Plan Amendments, Zoning By-law Amendments, ~~Consents~~, Draft Plans of Subdivision, Draft Plans of Condominium and Site Plan Approval.

2. Pre-Application Public Consultation

Draft Policy 10.1.3.10 a. requires that pre-application public consultation occur for certain applications, however, it does not outline the timelines associated with the consultation meeting. In our opinion, draft policy 10.1.3.10 a. should be revised to clearly state that any pre-application public consultation should be driven by the applicant.

Recommendation: We recommend that Draft Policy 10.1.3.10 a. be revised as follows:

a. Demonstration of Pre-Application Public Consultation:

*There will be cases where an application(s) will benefit from **an applicant led** pre-application public consultation, which can inform the preparation of the submission material, resolve contentious issues and minimize the need for further consultation within the time-sensitive processing period for development applications. When the City determines pre-application public consultation is required, the development application will include a Public Consultation Summary Report, which will include:*

- i. the date, time and location of the meeting;*
- ii. the public notification protocol;*
- iii. the representatives of the applicant in attendance;*
- iv. the number of people in attendance, including the sign-in sheet;*
- v. a copy of the applicant's presentation material(s);*
- vi. meeting notes identifying the issues that were raised and discussed, and the responses from the applicant's representatives; and,*
- vii. any commitments to undertake further work to address the issues. The City may provide further articulation on the pre-application public consultation process in the form of a guideline and/or standard reporting format.*

*The City will provide the required circulation notice list as part of the **Pre-Application Consultation Understanding Form**.*

The applicant shall notify the neighbourhood residents of the meeting at least 2 weeks prior to the meeting and be required to invite City Planning Staff and the Ward Councillor.

Draft Policies 10.1.3.10.h.xvii and xxi authorizes the City to require a Record of Site Condition and Water and Wastewater Servicing Plans to deem an application complete. A Record of Site Condition, if required, is considered applicable law and required to be filed prior to the issuance of any building permit. A Water and Wastewater Servicing Plan is typically completed at the detailed design phase of development and is not required at the application submission stage for staff to assess the appropriateness of a development.

Recommendation: Remove Draft Policies 10.1.3.10.h.xvii and xxi.

Recommendation: Revise Draft Policy 10.1.3.10.j xv. to: “any other plans, information, reports, studies and/or materials the City and/or external review agency deems necessary to properly review and evaluate the development proposal, **as identified in the signed Pre-Application Consultation Understanding Form.**”

3. Non-Statutory Approvals

Draft Policy 10.1.3.13 states that the City may require a pre-application consultation process for Block Plan approvals or other non-statutory comprehensive planning measures.

Recommendation: In our opinion, Draft Policy 10.1.3.13 should be deleted, since non-statutory approvals, such as Block Plans, do not have legislated timelines or requirements. The City’s current protocols for Block Plans should continue to apply and not be subject to the proposed updated pre-consultation process.

4. Restriction to filing a ZBA and Site Plan

Draft Policy 10.1.3.8 states that where an OPA and ZBA applications are submitted, an application for a ZBA shall not be deemed complete until the OPA is approved and in full force and effect. Similarly, where a Site Plan application is submitted, it shall not be deemed complete until a ZBA or minor variance application is approved and in full force and effect.

Recommendation: In our opinion Draft Policy 10.1.3.8 should be deleted, since it removes legislative permissions enabled by the Planning Act. In our opinion, the Planning Act does not restrict ZBA applications to only applications that conform to the Official Plan and, as such, the City of Vaughan’s Official Plan should not remove this legislative permission. Furthermore, in our experience an OPA may be required to modify one policy or technical element of the Official Plan, such as height or density, which is an item and/or performance standard

that is carried forward and reviewed as part of a rezoning application. In our opinion, the proposed policy conflicts with the intent of Bill 109, which is to make the development application process more efficient.

Thank you for the opportunity to provide input into this important policy change. Should you require additional information or wish to meet to discuss this further, please contact the undersigned at 416-418-5422 or via e-mail at dfalletta@bousfields.ca.

Respectfully Submitted,

Bousfields Inc.



David Falletta, MCIP, RPP

/DF:jobs

c.c. M. Ghassan, Delta Urban Inc., via e-mail