

C18
COMMUNICATION
COUNCIL - DECEMBER 13, 2022
CW (2) - Report No. 46, Item 2

From: [Adelina Bellisario](mailto:Adelina.Bellisario)
To: [Adelina Bellisario](mailto:Adelina.Bellisario)
Subject: FW: Committee of the Whole (2) – December 12, 2022: Late Communication (Item #2)
Date: December-12-22 12:24:04 PM
Attachments: [image001.png](#)
[3646_001.pdf](#)

From: Clerks@vaughan.ca <Clerks@vaughan.ca>
Sent: Monday, December 12, 2022 12:06 PM
To: Jacquelyn Gillis <Jacquelyn.Gillis@vaughan.ca>
Subject: FW: [External] FW: Attached Image

From: Bill Kiru <BKiru@libertydevelopment.ca>
Sent: Monday, December 12, 2022 11:58 AM
To: Clerks@vaughan.ca
Cc: Marco Filice (Liberty Development Corp.) <mfilice@libertydevelopment.ca>; Michael Uster <Michael@libertydevelopment.ca>
Subject: [External] FW: Attached Image

To Clerks Department,

Good morning.

Please find attached our correspondence related to today's Committee of the Whole meeting, more specifically Item 6.2- Proposed Amendments to VOP2010.

Kindly provide to members of Council

Thank you.

Bill Kiru
Liberty Development Corporation
3601 Highway 7 East | Unit 401 | Markham, ON L3R 0M3
Phone: 905.910.1578 | Tel: 905.731.8687 | Ext: 1578
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From: scan@libertydevelopment.ca <scan@libertydevelopment.ca>
Sent: Monday, December 12, 2022 12:03 PM
To: Bill Kiru <BKiru@libertydevelopment.ca>
Subject: Attached Image

December 12, 2022

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

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

Dear Chair and Members of the Committee of the Whole,

**RE: Committee of the Whole Meeting- 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**

Liberty Development Corp., acting as a development manager for numerous land holders in the City of Vaughan, had submitted a letter to the City dated October 20, 2022. Our letter had identified a number of concerns and recommendations we had with the above noted report addressing Bill 109.

In reviewing the current report, we were disappointed to see a number of the concerns and suggested recommendations were not truly reflected in the staff commentary or draft Amendment. In addition, we had also requested that staff respond to our concerns and advise of any future meetings regarding this very important matter. Unfortunately, we received no response nor any further notice of this matter coming before the Committee.

In summary, we are still very concerned with the current draft policy framework which has been appended to the report. We respectfully request that the amending documents, the OPA and ZBA, not be adopted at this time until further engagement with the development industry has occurred that is more fulsome. Further clarity is needed to understand the modifications and the resultant impacts of the PAC process. To do so with less than a week of notice, wherein there is limited time for a full review, does not reflect a collaborative process with the development industry.

Our previous letter submitted to staff on this matter is appended for further reference. We look forward to having further dialogue with staff.

Yours truly,



Michael Uster
Liberty Development

October 20, 2022

Mr. Fausto Filipetto
Senior Manager of Policy & Sustainability
Policy Planning & Special Programs
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Dear Mr. Filipetto:

**RE: Amendment to the Vaughan Official Plan 2010
Volume 1 "Pre-Consultation and Complete Application Submission
Requirements"
(Chapter 10.1.3, File 25.7)**

Liberty Development Corp. acts as a development manager for numerous land holders in the City of Vaughan and we are submitting this letter as our response to the City's Official Plan policy review relating to streamlining the development review process.

Purpose:

To provide comments to the City of Vaughan on the proposed amendment to the Vaughan Official Plan 2010 ("VOP2010"), as it relates to Volume 1 "Pre-Consultation and Complete Application Submission Requirements", based on the staff report considered by the Committee of the Whole on Tuesday, September 13, 2022. The staff report addresses the impacts of recent amendments to Provincial policy and the *Planning Act* in order to streamline the development review process.

Background:

Ontario's Housing Action Plan identified "building housing takes too long and costs too much", and "there is red tape, unexpected changes and government fees that add years of paperwork and can also contribute tens of thousands of dollars to the cost of an average home".

The provincial government introduced Bill 109 ("the Bill"), as a response to address Ontario's housing crisis, with the stated intent that the changes were to "incentivize municipalities to make timely decisions".

Two key elements of the Bill in increasing the speed and supply of housing include:

1. establishing prescribed approval timelines, and



2. the potential refund of municipal application fees should approvals not be granted by the established statutory timelines.

Draft OPA Policy Review:

The staff report places a greater emphasis on utilizing the Pre-Application Consultation ("PAC") process as a means to conduct what appears to be a fulsome review of a development proposal, prior to the submission of a formal application. In essence, the City is advocating a process without any timelines and reporting requirements. A proposed two-tiered system of approvals would impact the ability of the City, and more specifically the development industry, to deliver approvals forward in a timely manner, which is not consistent with the Provincially stated goal of "increasing the speed and supply of housing".

Based on the foregoing, the following matters represent our concerns as they relate to specific policies contained in the draft Official Plan Amendment ("OPA").

Policy 10.1.3.2- Pre-Application Consultation Meeting

Although this policy is essentially the same as before, our concern is that in past PAC meetings there has been inconsistency in the approach by City staff when providing the necessary direction. In some cases, departmental staff would forward an email with general/high level comments which would require further follow-up. In some cases, key staff have not been able to attend these meetings and to provide further or more specific direction through the dialogue.

Request- for this meeting to be meaningful, we are asking the City to commit to ensure appropriate experienced staff, who can make decisions, are in attendance. This would provide clear direction and avoid potential delays.

Policy 10.1.3.4- Terms of Reference / Guidance Documents

This policy addresses the Terms of Reference ("ToR") or other Guidance Documents that the City or Agencies may issue to establish the standards and format of required information, which reflects no real change from the existing policy. What is required are clear criteria to be provided at the onset of the PAC process thereby identifying to all parties what is expected and what constitutes the need for a ToR or Guidance Document, given these documents can be very different in terms of scope and length. In addition, these documents should also be updated by the City based on changes to Provincial policy or other changes made in the industry. Unless there is clarity, this may add more time and cost to the approvals process as matters are negotiated between subject matter experts.

Request- we are asking the City to provide criteria, as well as the documents at the onset of the PAC process to ensure consistency in approach when these documents are required. This scopes the documents to be clear and requires less modifications prior to their respective approval.

Policy 10.1.3.5- Design Review Panel / Zoning Review

One of the requirements in deeming an application complete is the requirement that a minimum of one Design Review Panel ("DRP") meeting has been held, on the basis it has been determined by staff as being necessary. Is there a criterion that determines whether the meeting is necessary- how is that determined? Should it also not be identified as part of the OPA?

From a scheduling perspective, this will result in an onerous requirement considering the DRP meets once a month and has a limited number of applications brought before it, where the number of items on the agenda are controlled by City staff. Will the City expand the number of meetings, similar to what they did with Council and Committee meetings? As a reminder, DRP members are working professionals that volunteer their time.

Another requirement is the "confirmation of a preliminary zoning review". The process as currently established requires a copy of the draft amending By-law as part of the submission materials for review. The finalization of the amending By-law is typically done after the fulsome review of the application, which sometimes requires multiple resubmissions, and requested modifications to the development have been addressed.

Request- from a DRP perspective we are seeking to open the window on the addition of more DRP meetings in order to ensure development concepts/proposals can be brought forward more frequently. Once monthly meetings by the DRP and the need to have a minimum of one DRP meeting prior to the submission of an application will result in prolonged waiting times and ultimately delay. More meetings would allow proponents to modify their proposal sooner, should there be substantive issues.

Request- from a zoning perspective we recommend that once the finalization of the development has been agreed upon, that the amending By-law be submitted as part of the formal application approval process.

Policy 10.1.3.8- No Concurrent Applications

The policy to deem a Zoning By-law amendment application incomplete until the Official Plan Amendment ("OPA") is in force and effect is simply counter intuitive to moving municipal approvals forward in a more timely and efficient way. In its basic form, a By-law implements the policies of the OPA. These go hand-in-hand, why the need to separate these out?

Similarly, the policy with respect to Site Plan applications being deemed incomplete until a By-law or Committee of Adjustment application are in force and effect is counter intuitive. You are effectively reducing the ability to move matters in a more expeditious way.

By prescribing that the industry cannot submit concurrent applications goes against the very grain of what this whole process has been about, getting things done at the same time to move things along. We question why this is being contemplated given that in our opinion it is contrary to the intent of the effect of Bill 109- in order to ensure a supply of housing. In fact, the consideration of this component reflects a municipality exercising too much control in what it can and wants to consider.

Request- this needs to be deleted and concurrent applications should be required to reduce a repeat of the processing cycle for an application which gives effect to an OPA (in this case an amending By-law implementing the OPA).

Policy 10.1.3.10- Pre-Application Public Consultation

How does this impact the current process where a Councillor wishes to hold a Community Meeting after considering the application at the Public Meeting? Will they no longer do this or is this an unnecessary added step which can potentially result in an unintended consequence of delaying the processing of applications? We suggest if there is a community meeting, as a requirement under the PAC, that the requirement for a meeting after submission of the formal application be waived.

Should City staff not be at these meetings to know what was said and what next steps were agreed upon? There is a heavy reliance on the development industry to undertake multiple tasks that do not normally form part of the process.

What is also concerning is the note "when the City determines public consultation is required". There is no clarity with respect to what criteria the City will use to determine if a meeting is required.

Request- should staff recommend Community Meetings be held prior to the submission of an application, we suggest only one Community Meeting be held, and the City to decide if it is part of the PAC requirement or after the submission of the formal application.

Policy 10.1.3.10- Delineation of Environmental Development Limits

You are now asking an Agency, independent from the City, to undertake work that can prolong the ability to have an application deemed complete. The TRCA has its own internal approvals system and reporting structure, requiring approvals to be reported to the Board and Authority. How does the TRCA's approvals process fit in with the City's proposed process to ensure timeliness?

Request- request staff work with the TRCA to ensure a harmonized review process is created to provide timely responses on matters requiring the establishment of developments limits.

Policy 10.1.3.11- More Requirements

This policy allows the City to seek more information during the application review process. If the intent of this new way of doing business is so reliant on the PAC process why not do this sooner rather than later? Is that not the intent of the PAC process to get matters identified upfront?

Request- we are asking the City to provide criteria on what would determine the need for more information and said information should be required at part of the PAC process.

Policy 10.1.3.12- Peer Review

Although this is maintained from the current policies, what are the criterion in determining this, given the exhaustive and lengthy PAC process that needs to be undertaken under the current proposed OPA?

Request- similar to the ToR and Guiding Documents we are asking the City to provide criteria to ensure consistency in approach when considering the use of a peer review process.

Other Musings:

Timelines needed for PACs

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Recent reporting in the media indicated timelines vary from 10 months to 34 months for receiving municipal approvals in the GTA, and this under an Act that has prescribed timelines for approvals. How does the municipality ensure or is held accountable to undertake an expeditious review under the proposed PAC system if there is no end line or timeline to be met? How does this ensure the Province's recent push to get more housing into the market place gets achieved?

Dispute Resolution

Is there a dispute resolution to any of the proposed policies where there is a difference of opinion? See added reports/information and peer review.

"NIMBYism"

This has also been identified as part of the conversation of delayed development approvals. When engaging Ratepayers Groups, will the City address this matter in terms of capping the number of Community Meetings to be held during the processing of an application? Will the City cap the number of Community Meetings that Councillor's may seek?

Message to the Industry

The City suggests in the report this amendment would result in a review process that places greater emphasis on ensuring the quality of development applications with the aim of reducing processing times after a complete application is received. While a worthy goal, are they suggesting that the development industry in concert with their respective consultants have not done so previously? Does this not send the wrong message to everyone in the industry?

More Work Required by Industry

A lot of emphasis is placed on the development industry to undertake a lot of work before the formal submission of an application, at a high cost, without any certainty the application would be approved once formally submitted for review. Is there a point in the process where a decision on the validity of an application is provided for the proponent?

More Cost Recovery?

Based on our understanding of this report, the notion of front-ending the review onto the PAC process, will the fees remain the same or will there be a request for Council to increase the PAC fees substantially to recoup costs under the Tariff of Fees By-law? Our industry requires transparency and we need to know if there would be any further cost implications resulting from the proposed OPA.

Further Engagement

The report notes "prior to reporting to the Committee...with the Technical Report, staff will consult... **as necessary** (emphasis added) to ensure...input is taken into consideration in finalizing the recommended Official Plan Amendment." What does "as necessary" mean, is there a rationale/criteria on how this will be done? How will the process to seek further input, beyond the Public Meeting recently held, be undertaken? Will there be meetings with individual development companies and/or BILD only? What is the expected time when this will occur?

Full Cost Recovery

clg

As an overarching comment, it is our understanding all municipalities have gone to a full cost recovery model with their respective application fees in order to cover costs of staffing. Are there other alternatives or solutions that the City should be considering, in addition to the proposal to amend the Pre-Consultation and Complete Application Submission Requirements, in order to address how to better utilize current resources to be able to deliver applications within the prescribed timelines? We suggest the engagement process being advocated be used to explore this very significant question.

Conclusions:

The proposed process is too reliant on the approvals process being conducted under the PAC process rather than as established by the *Planning Act* requirements and without a timeline. One is left wondering if the Application approvals process will become the *de facto* rubber stamp of the PAC process. Greater clarity of the intent of this process is required. It is hoped this can be achieved through the future public consultation that the City will undertake.

If a municipality recognizes the current system will not work under the new policy changes, such as Bill 109 where there are regulatory timelines established and fees can be refunded, how will the City ensure the timely review of the PAC materials in the absence of any deadlines being added to the process? We are supportive of assisting the municipality in achieving a process that is timely and efficient but there needs to be a clear line where one process ends and the formal application process begins. By not doing so, it protracts the approvals process because it will be delayed in the PAC process.

Thank you for allowing us the opportunity to provide input to this very important component of the development approvals process. We reserve the right to add to this list at a future date as we continue to work with the City on this initiative. We are also seeking a response to the matters we have identified as a Request in our letter. Lastly, please notify us of all future meetings where this matter/file is to be considered or discussed by staff, Committee of the Whole and City Council.

Respectfully submitted,



Marco Filice
Senior Vice President and Counsel
Liberty Development Corp.
For and on behalf of various land holders in the City of Vaughan

cc. Haiqing Xu
Christina Bruce