

Committee of the Whole (1) Report

DATE: Tuesday, February 28, 2023

WARD(S): ALL

TITLE: MORE HOMES FOR EVERYONE ACT, 2022 – COMMUNITY INFRASTRUCTURE AND HOUSING ACCELERATOR

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

In response to the enactment of Bill 109, the *More Homes for Everyone Act, 2022*, this report provides recommendations on the specific provisions of this legislation related to the Community Infrastructure and Housing Accelerator ('CIHA'), which has become section 34.1 in the *Planning Act*. As a follow up to previous staff reports regarding the *More Homes for Everyone Act*, this report outlines the final provisions of the CIHA and associated Provincial Guidelines, which enable the use of this new tool under the *Planning Act*. The report also presents Guiding Principles intended to assist City Staff and Council in the review of development proposals that may be considered for a CIHA request.

Report Highlights

- The enactment of the *More Homes for Everyone Act* introduces amendments to the *Planning Act* that provide for the use of a Community Infrastructure and Housing Accelerator tool.
- Final Guidelines have been released by the Province, enabling municipalities to submit CIHA requests to the Ministry of Municipal Affairs and Housing for consideration.
- Guiding Principles have been developed to assist in the identification of appropriate development proposals for a CIHA request.
- To enable the processing of CIHA requests, an amendment to the Fees and Charges By-law 158-2021 is required to recover the fees associated with the review and processing of selected proposals.

Recommendations

1. THAT staff be directed to implement the Guiding Principles as proposed in this report to review appropriate development proposals eligible for a Community Infrastructure and Housing Accelerator request; and
2. THAT staff be directed to amend the City's Fees and Charges By-law 158-2021 to set the fees and charges required to recover the cost of processing a CIHA request.

Background

Bill 109, the *More Homes for Everyone Act*, 2022, was introduced in the Ontario Legislature on March 30, 2022, and received Royal Assent on April 14, 2022. Developed in response to the recommendations contained in the Housing Affordability Task Force Report released on February 8, 2022, the legislation made several changes to the development review process to address concerns related to housing supply, (see the "Previous Reports/Authority" section of this report for more information). Corresponding amendments have been made to several Acts, including the *Planning Act* (the 'Act').

Amongst a series of amendments, a new planning tool has been created, known as the Community Infrastructure and Housing Accelerator ('CIHA') or section 34.1 of the *Act*, which enables municipalities to submit requests to the Ministry of Municipal Affairs and Housing ('MMAH') for the issuance of a zoning order on a given site. The intent of the CIHA is to allow municipalities to request a Minister's zoning order for development proposals that achieve certain City building objectives, including the provision of different forms of housing as well as community infrastructure. This process provides an accelerated approval pathway for development proposals that would otherwise require a comprehensive review, particularly if amendments to the official plan and/or zoning by-law are required on a site-specific basis.

Previous Reports/Authority

[Tuesday, April 12, 2022. Committee of the Whole \(2\) Report. "Bill 109, More Homes for Everyone Act, 2022". Item 18, Report No. 19.](#)

[Tuesday, September 13, 2022. Committee of the Whole \(Public Meeting\) Report. "Amendment to the Vaughan Official Plan 2010, Volume 1 'Pre-Consultation and Complete Application Submission Requirements', Chapter 10.1.3, File 25.7". Item 6, Report No. 33.](#)

[Monday, December 12, 2022. Committee of the Whole \(2\) Report. "Proposed Amendment to Vaughan Official Plan 2010, Volume 1, Policy 10.1.3 and By-law 278-](#)

Analysis and Options

The CIHA is similar to a Minister's Zoning Order

Bill 109 amends Section 34.1 of the *Planning Act* to provide for the use of the CIHA. Similar to the existing provisions for a Minister's Zoning Order ('MZO'), wherein the Province is able to issue a zoning order outside of the development review process as required under the *Planning Act*, the CIHA enables the Minister of MMAH to issue a zoning order to establish the permitted land uses and built form on a given site, at the request of a municipality.

In response to a CIHA request, the issuance of a zoning order is intended to approve the regulatory permissions required to implement the proposed development identified by a municipality as a candidate for this process. In order for a CIHA request to be submitted to MMAH, a municipality must fulfill specific requirements contained in the *Planning Act* and associated Provincial Guidelines relating to the CIHA, which outline the CIHA request process and submission materials.

A council resolution is required to submit a CIHA request to MMAH

As the basis for a CIHA request, a municipality must submit a council resolution to MMAH that includes several components: the resolution must identify the lands where the zoning order will apply and include a description of the proposed development. A municipality may also request that any subsequent application processes, including site-plan and draft plans of subdivision, be exempt from conformity or consistency to any applicable Provincial plans (including the Provincial Policy Statement, 2020 ('PPS 2020'), and a Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020), and municipal official plans and policies. It should be noted that lands located within the Greenbelt Plan Area are not eligible for CIHA requests.

As a supplement to the council resolution, the CIHA request must also include additional information: the identification of any licences, permits, approvals and permissions required to fully permit the proposed development, and a draft by-law which permits the intended use on the subject site. In an instance where a municipality has requested that any subsequent application processes be exempt from conformity to applicable Provincial and municipal plans, as noted above, a plan must be submitted to MMAH that demonstrates the mitigation of any impacts associated with the exemption. Additional conditions may also be imposed by the Minister to require the submission of any studies, assessments or specific consultation to be undertaken.

Public consultation is required as part of the CIHA process

The *Planning Act* requires that a public consultation process be conducted as part of a CIHA request. Prior to submitting the CIHA request to MMAH, a municipality must demonstrate that a public consultation process regarding the proposed development has been completed, which includes notification, public engagement and indigenous consultation components. The *Planning Act* enables the municipality to determine the parameters of the consultation process.

Provincial Guidelines provide direction on CIHA processing requirements

The CIHA provisions of the *Planning Act* require the Province to publish supporting Guidelines, which were released on October 25, 2022. The intent of the Provincial Guidelines is to assist municipalities in the processing and submission of a CIHA request to MMAH. The Provincial Guidelines provide an enhanced level of detail regarding the process by which municipalities must follow as part of a CIHA request, including information concerning public consultation, resolution formulation and final submission to MMAH.

The Provincial Guidelines also include a wide range of suggested development proposals that a municipality may consider for a CIHA request. These include proposals that provide a public service, such as health care facilities, as well as different types of non-market and market housing.

The Act and Provincial Guidelines give municipalities flexibility in utilizing the tool

The existing MZO provisions require limited municipal involvement, however, the CIHA process enables municipalities to exercise greater authority in the development and submission of a zoning order request. Specific components of a CIHA request, including the identification of eligible development applications and public consultation process, have not been prescribed through legislation and require the municipality to determine where and how the use of a CIHA may be appropriate.

To assist City staff and Vaughan Council in the identification of development proposals that may be considered for a CIHA request, the following Guiding Principles have been developed. These Guiding Principles are intended to prioritize potential development proposals that contribute to overall City-building objectives and address areas of a CIHA request that require municipal decision.

Geography

Priority consideration for development applications that may be considered for a CIHA request should meet locational criteria and contribute to the City's overall intensification objectives. These areas include:

- Areas located within the Urban Boundary, as identified by Vaughan Official Plan 2010 ('VOP 2010'). Note, sites located within the Greenbelt Area are not eligible for a CIHA request
- Intensification Areas and Regional/Primary Intensification Corridors, as identified in Schedule 1 Urban Structure of VOP 2010, supported by completed Secondary Plans
- Areas where rapid transit service is in operation (ex. TTC Subway, VIVA BRT)
- Areas where municipal water/wastewater/stormwater servicing capacity and regional wastewater servicing allocation are available

Development Applications – Land Use and Contributing Features

Priority consideration for CIHA requests will be granted to development proposals that meet City objectives for creating complete communities. These objectives should include a significant contribution to one or more of the following:

- Priority Housing Types:
 - Purpose-built rental housing
 - Affordable housing (including market and non-market sector, as defined in the PPS 2020 and/or York Region Official Plan 2022 ('YROP 2022'))
 - Minimum number of family-sized units within a high-density residential development
 - Seniors housing (ex. Long-Term Care Facilities)
 - Supportive housing for persons with disabilities
- Office Development
- Developments that incorporate significant sustainable development features, which includes achieving a Gold performance level as defined in the Council approved Sustainability Metrics Program
- Developments that provide a significant contribution to or restoration of the City's Natural Heritage Network
- Developments which contribute to sustainable transportation and mitigating congestion by providing zero net new parking spaces (i.e. no more parking than what already exists on-site)

Alignment with City of Vaughan Priorities and Policies

- Contribution to the Term of Council Strategic Priorities

- Development applications that do not require exemption from Provincial and municipal plans and policies for subsequent processes, including site plan and/or draft plan of subdivision
- In general, CIHA requests should only be considered for development applications that Vaughan Council does not have the authority to adopt or approve

The City is establishing a procedure to process CIHA requests

The CIHA legislation and Provincial Guidelines provide municipalities the opportunity to determine components of the process by which development applications will be reviewed and submitted to MMAH.

The following key steps will guide the review of CIHA requests:

- Pre-Application Consultation requirements outlined in policy 10.1.3 of VOP 2010 are submitted
- Development Application fees associated with a CIHA request will be equivalent to the combined fees charged for the processing of an Official Plan and Zoning By-law Amendment. Staff retain the ability to determine whether an Official Plan and/or Zoning By-law Amendment is deemed major or minor in nature
- The proposal is deemed “complete”
- The proposal has been circulated to relevant internal and external departments, and major concerns preventing the advancement of the proposal have not been raised
- The Notification and Meeting requirements associated with Public Meetings, as outlined in the *Planning Act* and City policy (policy 10.1.4, VOP 2010), must be fulfilled
- A staff (technical) report is prepared for Council’s consideration recommending the submission of a CIHA request to MMAH
- The CIHA request package is prepared and submitted to Council in support of a Resolution

It is anticipated that the review and processing of development applications including a CIHA request will take four (4) months, consistent with the timeline requirements of an official plan amendment and zoning by-law amendment under the *Act*.

Financial Impact

It is not anticipated that the processing of CIHA requests will impact the budgets of affected City Departments. As part of the recommendations of this report, planning fees associated with the processing of CIHA requests will be recovered through amendments to the City’s Fee and Charges By-law #158-2021.

Broader Regional Impacts/Considerations

Development proposals that are successful in obtaining a zoning order through the CIHA process may not conform to the YROP 2022.

Conclusion

The CIHA tool provides the City the opportunity to accelerate the review and approval of development proposals that meet City objectives. The Guiding Principles presented in this report are intended to assist City Staff and Council in evaluating development proposals that may be eligible for the CIHA process.

For more information, please contact: Christina Bruce, Director, Policy Planning and Special Programs, ext. 8231.

Attachments

None

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