

Committee of the Whole (2) Report

DATE: Tuesday, June 6, 2023 **WARD(S):** ALL

TITLE: 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

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for City-initiated Official Plan Amendment File 25.7 to update Policy 10.1.3 of Vaughan Official Plan 2010, regarding the City's "Pre-Consultation and Complete Application Submission Requirements". The proposed amendment responds to the recent changes made to provincial policy and the *Planning Act*, specifically Bill 109 (*More Homes for Everyone, 2022*).

Report Highlights

- Summary of the verbal and written comments received from internal staff, external agencies and the industry stakeholders.
- Chapter 10.1.3 of VOP 2010 sets out the City's Pre-Application Consultation ('PAC') process and the types of reports, studies and information that the City requires to deem a development application complete for the purposes of initiating the review.
- Updating these policies is necessary due to changes to provincial policy and the *Planning Act* (particularly Bill 109) thereby streamlining the development review process to meet the challenge of the new application processing timelines set out in the *Planning Act*.
- This amendment will continue the City's current practice of requiring applicants to consult with the City prior to submitting development applications and provides a list of reports, studies or information subject to associated Terms of Reference, Standards and Guidelines, where applicable, that may be requested to form part of a complete application.
- The amendment will result in a review process that places greater emphasis on ensuring the quality of development applications is adequate prior to application submission with the aim of reducing processing times after an application is received, including quickly deeming an application complete.

Recommendations

1. THAT Official Plan Amendment File 25.7 BE APPROVED, to amend the City of Vaughan Official Plan 2010, Volume 1, Policy 10.1.3 respecting the Pre-Consultation and Complete Application Submission Requirements; and
2. THAT the amendment to By-law 278-2009, as amended by By-law 125-2013, BE APPROVED, to update the City of Vaughan Pre-Consultation process.

Background

City staff previously brought forward a report to a Statutory Public Meeting on September 13, 2022

At the September 13, 2022, Public Meeting, City staff brought forward a report to respond to Bill 109 (*More Homes for Everyone Act, 2022*) which amends the *Planning Act* in a fundamental way.

Public Notice was provided in accordance with the Planning Act and Council's Notification Protocol for City-wide Policy Amendments

Public Notice of this proposed amendment to the Vaughan Official Plan 2010 ('VOP 2010'), regarding "Pre-Consultation and Complete Application Submission Requirements", was given in the following manner.

- a) The Notice of Public Meeting was published:
 - In the Vaughan Citizen and the Liberal on August 18, 2022
- b) The Notice of Public Meeting was posted on the City's website at www.vaughan.ca.
- c) The Notice was sent to:
 - All Registered Ratepayers' Organizations in the City, and
 - The Building Industry and Land Development Association ('BILD')

City staff received comments and input from internal staff, BILD, Toronto and Region Conservation Authority ('TRCA'), York Region, Liberty Development Corporation, Stikeman Elliot on behalf of 2748355 Canada Inc., Dentons Canada LLP on behalf of Canadian National Railway Company and Goodmans LLP on behalf of SmartCentres. No deputations or written submissions were received at the September 13, 2022, Public Meeting. City staff also participated in several meetings with members of BILD and a series of roundtable discussions with other Ontario municipalities to discuss potential process improvements that efficiently respond to Bill 109 and benefit all parties.

On December 7, 2022, the Deputy City Manager of Planning and Growth Management submitted a staff communication to the December 12, 2022 Committee of the Whole (2) meeting to defer this report to 2023 in light of correspondence from the Minister of Municipal Affairs stating new legislation will be introduced to delay the refund requirements under Bill 109 to July 1, 2023.

The draft amendment to Policy 10.1.3 is provided in Attachment 1 and comments have been received from external agencies and industry stakeholders

Attachment 1 provides a red-lined version of the proposed amendment to Policy 10.1.3 to illustrate what has been revised since the September 13, 2022, Public Meeting and December 12, 2022 Committee of the Whole (2) meeting. The intent of this amendment is to create a pre-consultation process that improves the current development approval process to assist in meeting the legislated timelines set out by the *Planning Act*, in response to the changing Provincial policy framework, particularly the changes made through Bill 109.

Staff have reviewed and responded to the comments summarized below and revised the draft policies accordingly, where appropriate:

City Staff Comments

The draft amendment to Policy 10.1.3 was reviewed by multiple internal departments who participate in the development application review process. City staff provided comments to address a variety of matters including consistent language, process, implementation and structure. The detailed comments received from City staff

strengthened the proposed policy and increased clarity. City staff comments were made to ensure the policy language outlines clear expectations as well as the required information, reports, materials and studies that will be required through the Pre-application Consultation ('PAC') process.

City staff response: The proposed policy was revised in accordance with staff comments and revisions, where appropriate. Comments relating to process with no impact to policy were noted but no revisions were made to the policy text. As a result of the comments received, the proposed policy was reviewed for language consistency.

York Region Comments

York Region staff provided comments that suggests specific modifications to the proposed policy language to address quality of the materials and information received and requiring sign-off from commenting agencies.

City staff response: The draft amendment to Policy 10.1.3 was revised in accordance with York Region comments and revisions, where appropriate.

Canadian National Railway Company Comments

The Canadian National Railway Company ('CN Rail') owns and operates the MacMillan Rail Yard and a network of rail lines throughout the City. CN Rail provided suggestions to include references to additional studies (i.e. Odour Studies, Development Viability Assessments, Hazard Impact Assessments) to be identified through the PAC process. CN Rail also directed that specific studies should always be required in the case where sensitive use(s) are proposed within 1000 metres of a railyard and 300 metres of a railway.

City staff response: City staff have revised the proposed policy accordingly to address CN Rail comments as appropriate.

TRCA Comments

TRCA maintains vital infrastructure and provides programs and services that promote public health and safety, protecting people and property. City staff relies on TRCA staff as subject matter experts for development applications and various city projects. TRCA staff provided extensive detailed comments in support of the proposed policy. TRCA comments focus majorly on ensuring the policy language relating to natural features and natural hazard requirements are up-to-date to ensure the correct and complete information, reports, materials and studies are provided through the PAC process to optimize their review. This includes the establishment of development limits through the revised PAC process.

City staff response: City staff have revised the proposed policy accordingly to address TRCA's comments and revisions.

Summary of Industry Comments on the Draft Amendment

BILD, Liberty Development Corporation; Stikeman Elliot on behalf of 2748355 Canada Inc. and Goodmans LLP on behalf of SmartCentres have provided comments. Overall, Industry Stakeholders are not opposed to formalizing and clearly defining the PAC process and requirements as it is a valuable tool that can identify issues early on but have identified concerns and questions to City staff. Staff has reviewed and summarized the comments into the following themes noted below:

- **Proposed Official Plan Amendment is not consistent with the Provincial mandate**

Industry Stakeholders are concerned with the proposed rigorous PAC process which requires City staff to conduct a fulsome review of a development proposal prior to the submission of a formal application. Industry Stakeholders are concerned that the proposed amendment will slow the development approval process. Within the comments, Industry Stakeholders find that the proposed amendment is not consistent with the Province's goal of increasing speed and affordability of housing and exceeds what is permitted by applicable statutory provisions of the *Planning Act*. Comments advise that the proposed changes to Policy 10.1.3 should be balanced with Bill 109 objectives.

Comments further state that additional consultation with stakeholders is required and the proposed amendment should be reconsidered.

City staff response: The proposed amendments to Policy 10.1.3 are necessary to comply with the timelines implemented by Bill 109 as the refund mechanism will take effect for applications submitted on or after July 1, 2023. City staff and external review agencies anticipate the proposed amendments, along with the continued development of standard Terms of Reference in conjunction with York Region, will assist in receiving the "quality information, material, reports and documentation" with the "right content" on the first submission. This is necessary so that staff can provide their comments and conditions of approval in a timely fashion and comply with the requirements of Bill 109, while improving the efficiency of the process. It is important to note that the proposed amendments are focused on strengthening and clarifying the complete submission requirements which must be provided to make a complete application, and not to shift the entirety of the review to the PAC process. The City will still be obligated

to meet the *Planning Act* requirements of the application process, which the proposed amendments will assist in achieving.

- **Emphasis on PAC**

Industry Stakeholders find that the proposed process is too reliant on the approvals process being conducted under the PAC process that has no set timelines rather than the established timelines in the *Planning Act*. As a result, Industry Stakeholder question how the City will ensure a timely review of PAC materials. Further clarity regarding process is needed.

City staff response: Comments were reviewed by City staff and considered fulsomely during the analysis and standardization of the revised PAC process, completed in conjunction with York Region and all its lower tier municipalities. Approvals will not be provided during the PAC process. They will continue to be provided under the formal application process subject to the established timelines in the *Planning Act*. The proposed amendments to Policy 10.1.3 focus on strengthening and clarifying the PAC process, which is an essential exercise to support the City and its review partners in delivering decisions which comply with Bill 109 requirements under the formal application process.

- **Policy 10.1.3.8 - Concurrent Applications**

Proposed Policy 10.1.3.8 states that when Official Plan Amendment ('OPA') and Zoning By-law Amendment ('ZBA') applications are submitted, a ZBA application is not deemed complete until the OPA is in full force and effect. This policy was modified since it was presented to Industry Stakeholders to consider concurrent review of Minor OPA and ZBA applications. Where the required OPA is deemed minor by the City, the associated ZBA may be deemed complete and the two applications be reviewed concurrently. The policy also states that where a site plan application is submitted, the application shall not be deemed complete until a ZBA or a minor variance application is approved and in full force and effect.

Industry Stakeholders are concerned that the proposed policy will create significant delay in development as they would be unable to submit simultaneous applications for a site. Additionally in the event of a municipality non-decision, Industry Stakeholders would be unable to appeal all the applications at the same time to the OLT. As separate OLT hearings will need to be initiated for the same site, resources, time and costs will be increased. The policy would allow City staff to utilize a sequential approach to processing OPA, ZBA and Site Plan applications. Industry Stakeholders do not support this policy and recommend it to be removed.

City staff response: City staff have reviewed the comments and modified part of the requirement. An OPA (Minor or Major) may proceed concurrently with the associated Zoning By-law Amendment application. With respect to concurrent Site Plan applications, the City cannot approve a Site Plan application which does not comply with the Zoning By-law. As such, if a Zoning By-law Amendment Application which implements a development is ongoing, the associated Site Plan application will not comply with the Zoning By-law, and therefore cannot be approved. In this circumstance, the issue of timing arises as the established timelines under the *Planning Act* to make a decision on a Site Plan application is only 60 days, whereas the timeline for Zoning By-law Amendments is 90 days, therefore deeming a concurrent Site Plan applications complete is no longer possible. The City will however accept and process a Site Plan application concurrently to avoid delay where an applicant still chooses to submit them concurrently, however the Site Plan application will not be deemed complete. The proposed amendments to Policy 10.1.3 are necessary in order to comply with and meet the prescribed timelines set out in Bill 109.

- **Alternative Solutions**

In addition to the proposed Official Plan Amendment, a stakeholder inquired whether City staff have considered other alternatives to better utilize current resources and deliver applications within prescribed timelines.

City staff response: City staff have considered potential options to ensure they are able to process applications within the new prescribed timelines of Bill 109. In previous years, additional Committee of the Whole meetings were added to assist in achieving more timely consideration of applications. City staff are not only currently working on refining the current PAC process, but also reviewing, updating and optimizing all application review processes to ensure that applications are processed efficiently from start to finish. The proposed amendments to Policy 10.1.3 are a necessary step in order to comply with the changes implemented by Bill 109, but are not the only steps being taken. The City will continue to seek opportunities to improve efficiency as the new processes are implemented.

- **Development Application Review Process**

In response to the proposed amendments, multiple comments spoke to how the changes impact the development application review process.

Design Review Panel ('DRP')

The proposed policy amendment requires a minimum of one DRP meeting to be held if City staff determines it to be necessary. Industry Stakeholders request a criterion to provide clarity on what determines a meeting is necessary.

Additionally, the DRP currently meets once a month and reviews a limited number of applications per meeting. Industry Stakeholders request that the number of DRP meetings be increased to allow flexibility and in order for the process to proceed without delay.

Zoning Review

The proposed amendment requires the confirmation of a zoning compliance. The current process requires a copy of the draft amending By-law as part of the application submission materials. The finalization of the amending By-law is typically completed following a fulsome review of the application, which sometimes require multiple resubmissions. Industry Stakeholders recommend that following the finalization of a development application, the amending By-law be submitted as part of the formal application approval process.

Appropriate Staff at PAC Meetings

To ensure consistency in approach, Industry Stakeholders request that the appropriate staff members, who are able to provide further or specific direction through dialogue and make decisions, attend PAC meetings.

Initiating Application Review Process

One comment spoke to how City staff should initiate review of an application upon initial receipt to determine completeness of the application.

Criteria

As the proposed amendments allow for a more rigorous PAC process, Industry Stakeholders request that City staff establish a criterion (i.e. Terms of Reference) that would be used to outline clear requirements of materials and information as well as expectations. A criterion will also be necessary to provide clarity on what determines the need for a peer review or more information if required as part of the PAC process. The criterion would ensure consistency in approach. The proposed policy also speaks to requiring public consultation when the City determines it to be required. Industry Stakeholders need clarity regarding the criteria the City will utilize to determine if public consultation is required.

Duplication of Work

Industry Stakeholders strongly encourage City staff to utilize discretion during the PAC application process. Specifically, the same study should not be required for every planning application within the same area. To avoid duplication of work, Industry Stakeholders request that City staff organize, recognize and categorize all available information at the time of the application in order to avoid redundant information gathering.

External Agencies

The proposed amendment to Policy 10.1.3 requires work to be undertaken by external review agencies. Industry Stakeholders expressed concern regarding how City staff will ensure a timely review while collaborating with external review agencies that have their own internal approvals system and reporting structure.

Public Engagement

Industry Stakeholders do not support public consultation as part of the PAC process as they believe it would lead to significant delay. Comments also questioned how the proposed amendment will impact the current process where Council wishes to hold a pre-application public consultation after considering an application. Industry Stakeholders request that the number of pre-application public consultation be capped. Industry Stakeholders suggest that if a pre-application public consultation is required as part of the PAC process, only one pre-application public consultation be held and that requirements for a pre-application public consultation following a formal application be waived.

Fees

Industry Stakeholders would like to understand the cost implications that may result from this OPA. Specifically, the Stakeholders inquired whether the fees would remain the same or if there will be a request for Council to increase the PAC fees.

City staff response: All comments were reviewed by City staff and have been considered fulsomely during the analysis and standardization of the development application review process. City staff will continue to collaborate with external review agencies to ensure timely review and approvals. City staff relies on external review agencies as subject matter experts throughout the development review application process. As the comments do not speak to policy but to process, no revisions to text were made to the proposed amendment. The proposed amendments to Policy 10.1.3 are necessary to comply with and meet

the prescribed timelines set out in Bill 109. The below responses address the process questions which were raised:

- The requirement for DRP will continue to be identified at the PAC stage to advise applicants well ahead of the Application process. A Terms of Reference already exists for the DRP process which identifies criteria for when a DRP meeting is requested and will continue to apply.
- The requirement for Zoning Review prior to the Application being made only applies to Site Plan Applications as these must comply with the Zoning By-law in order for them to be approved.
- The intention of PAC meetings is to have the relevant commenting departments and agencies provide their submission requirements. While every effort is made to have representatives from each group attend the PAC meeting, the City cannot control external agency attendance while providing a 2-week turnaround for scheduling PAC meetings.
- York Region, in consultation with all 9 of its lower tier municipalities, have been developing standard TORs to guide applicant submission, which the City is adopting and utilizing with ongoing refinements as necessary. If a particular TOR is not available, staff will continue to review applications for completeness using current best practices and expectations.
- Generally, peer reviews shall be required where the City does not have inhouse staff of a particular review discipline, and the requirement for which will be identified at the PAC meeting stage.
- The previously proposed requirement for pre-application public consultation will now be strongly encouraged but not required. The requirement for a statutory Public Meeting after an application has been submitted cannot be waived.
- The City has implemented a new fee by-law for 2023, however further changes are expected to respond to Bill 109. Fees may be re-evaluated for 2024 as the process is implemented and efficiencies are made.

Pre-Application Consultation is an important part of the City's Development Review Process

This City-initiated amendment applies throughout Vaughan wherever a development application is submitted. The *Planning Act* permits municipalities to require applicants to consult with the municipality before submitting their applications for development approval and request two types of information when applications are submitted. They are:

- Information and material that is required by regulation; and

- Other information or material that may be requested by the Council, but only if the official plan contains provisions relating to these requirements.

Until Council has received this information and material it may refuse to accept or further consider an application. Once the information is submitted to the satisfaction of the City, it is deemed a “complete application” within 30 days of receipt, and its circulation commences. It is noted that if there is a dispute as to whether the submission is or is not complete, the applicant may make a motion to have the Ontario Land Tribunal (‘OLT’) determine whether the necessary information and material has been provided or whether the requirement is reasonable. If the OLT determines that the necessary information and material was provided, the municipality must use the original submission date as the date in which the timeline commences to make a decision on the application.

Since the adoption of the Vaughan Official Plan, the City has been authorized to:

- Require a PAC meeting with an applicant;
- Require specific information that would constitute a complete application;
- Require, through the PAC meeting, the information, studies and materials that may be required to be submitted in support of a complete application;
- Through the review processes, require additional studies, reports and information;
- Where it has been determined by the City that a peer review of any study submitted in support of a development application is necessary, it can be required at the expense of the applicant;
- Require that an applicant enter into development agreements for the equitable contribution of funding of services, if deemed necessary by Council, as a condition of development approval; and
- Implement through development approvals the equitable contribution of funds, lands and commitments for services, prior to or coincident with the occupancy or use of the land.

The policies of Policy 10.1.3 are proposed to be revised to reflect current and emerging conditions. These are discussed below.

Changes to the Planning Act and the role of the OLT requires a repositioning of the Pre-Application Consultation Process

In 2022, changes to the *Planning Act* were made through Bill 109 (*More Homes for Everyone Act, 2022*). Timelines for Site Plan Approval were increased from 30 to 60 days. Changes were also made which will require municipalities to issue refunds up to 100 percent of certain application fees at set intervals if decisions are not made within

the statutory timeframes. Those changes regarding refunds take effect with respect to applications submitted on or after July 1, 2023, and are shown in the table below:

Fee Refund Amount:	If No Decision on ZBA Within:	If No Decision on OPA-ZBA Within:	If Site Plan Not Approved Within:
50%	90 days	120 days	60 days
75%	150 days	180 days	90 days
100%	210 days	240 days	120 days

To mitigate this risk, staff are working to streamline the application review process. The City proposes to revise the PAC process as later discussed in the Analysis and Options section of this report to consist of two steps that provide for a more thorough review of complete submission requirements to ensure that each formal application can be subject to an expeditious but still rigorous review, while providing for quality outcomes, consistent with the intent of VOP 2010. The creation of Terms of Reference for various required studies and reports is also proposed to provide clarity for applicants on submission requirements with the intent of leading to quicker determination of a complete application, formal reviews and ultimately less resubmissions.

This will entail placing greater reliance on the PAC process and making it a more integral part of the development review process. The emphasis will need to be placed on ensuring that the City and agency reviewers get the “quality information, material, reports and documentation” with the “right content” on the first submission so they can provide their comments and conditions of approval in a timely fashion. Under the new regime, there will be limited opportunity for resubmissions of reports, public consultation or lengthy negotiations on content. These matters, to the extent practical, should be settled or significantly advanced prior to the submission of the application.

This includes demonstration that certain key parameters or tasks have been established or undertaken prior to submission. For example, since the timelines are strict, there may not be time to do Council directed public consultation as currently occurs on occasion during the statutory review period beyond the required public meeting. Therefore, evidence of pre-application public consultation will be encouraged at the PAC process.

This would result in a blended two-step process more closely integrating pre-consultation with the application review

As such, new policies are proposed to be added to reposition the PAC process to make it the critical first step in the City’s review process before the countdown commences when the formal applications are submitted and deemed complete. This requires a more rigorous PAC process that takes the time to get the submission material right the first time to minimize occasions where a recommendation for refusal is a better option than a “No Decision”.

Establishing the required information, materials and studies required to support a complete application

Identification of the required information, materials, studies and documentation that may be requested through the PAC process is the most significant aspect of the pre-application consultation policy. The City shall identify potential submission requirements and required public engagement through pre-application public consultation through amendments to VOP 2010 and PAC By-law 278-2009, as amended, to ensure the City can request these requirements as part of a complete application.

The current policy in the VOP 2010 has not been updated since its adoption in September of 2010. Since then, considerable changes have been made to the provincial context in which land use planning decisions are made. In general, the following changes have played a role in shaping the requirement for the studies:

- The Provincial Plan Coordinated Review (2017)
- The Provincial Policy Statement (2020) and Growth Plan for the Greater Golden Horseshoe (2020)
- Approval of the updated York Region Official Plan (2022)
- The *Planning Act* (Bill 139-2017, Bill 108-2019, Bill 109-2022, Bill 23, 2022 and Bill 97, 2023)

In many instances, to meet the current requirements, more detailed information, materials and studies are required. In addition to identifying the appropriate submission materials, greater emphasis is to be placed on completeness and quality. For this reason, a policy has been added to permit the City or any commenting agency the ability to issue terms of reference and/or guidance documents to guide the applicant's preparation of their supporting document submissions.

It will be essential that the new policy identify the full range of information, materials and studies that may be requested; and ensure that they are of a quality that will address the technical need of the City and/or the reviewing agency and allow for their timely review.

Previous Reports/Authority

Amendment to the Vaughan Official Plan 2010, Volume 1 "Pre-Consultation and Complete Application Submission Requirements", Policy 10.1.3, File 25.7, September 13, 2022, Committee of the Whole (Public Meeting), Item 6 - <https://pub-vaughan.escribemeetings.com/filestream.ashx?DocumentId=117325>

Analysis and Options

Currently, all applicants submit a PAC meeting request to the City to initiate a PAC meeting, where high level comments and a list of submission requirements are identified by City staff and relevant review agencies. A PAC Understanding is prepared by the City which outlines the information and submission requirements discussed, and is signed by both the City and applicant, which is valid for a period of 180 days from the date of the PAC meeting. No further consultation is currently required in between the PAC meeting and the applicant making formal application submissions, unless the PAC Understanding has expired before submission.

Throughout 2022 and 2023, York Region has engaged in discussions with the City and all of its other lower tier municipalities to standardize data and process improvements across one another. One important process improvement was the development of the Collaborative Application Preparation ('CAP') process whereby municipalities shall require a multi-stage pre-consultation process. The CAP process aims to enable municipalities to meet the legislative timelines under Bill 109 by focusing on high quality formal application submissions through robust consultation and clearer requirements, while providing more predictability to applicants.

In September 2022, the City engaged KPMG LLP to help implement changes to the development application review process in response to Bill 109. In consultation with City staff, recommendations were developed to enhance the PAC process to include two steps and introduce the new Pre-Application Submission ('PAS') review process. The changes were presented to the Growth Management Committee on November 24, 2022 and align with the CAP process developed in consultation with York Region.

The City shall implement a revised two-step PAC process to improve the efficiency of formal application review

The revised PAC process will consist of two steps to assist in clarifying complete application submission expectations up-front, identifying and resolving certain matters earlier in the process and making the issuance of a decision more feasible through the subsequent application processes within the required *Planning Act* timeframes. Revised fees for various steps shall be implemented to reflect the new process, which will be identified in the fees and charges by-law at a future date. Those steps shall generally be as follows:

Step 1: Mandatory PAC Meeting

The applicant shall submit a PAC meeting request along with the required fee as applicable, a written overview and conceptual plans of the proposal to City staff, who will then arrange a meeting with the applicant and required commenting authorities to

identify the necessary application types, submission materials to deem the future applications complete and high-level feedback of potential issues or considerations for the proposal. A written PAC Understanding is issued to the applicant by the City and signed by both parties which outlines the above noted items and provides information on the application process and expectations on the quality of submission materials, which shall be accompanied by Terms of Reference where available to help guide the preparation of submission materials. The City may identify requirements for peer reviewed studies at the time of the PAC meeting as required, to be provided in Step 2 outlined below.

Step 2: PAS Review

The applicant shall submit all materials as outlined in the PAC Understanding to City staff along with the required fees as applicable, who will then circulate the materials to the required commenting authorities to confirm whether the materials meet quality standards for review and/or the various Terms of Reference as applicable, including the review of peer reviewed studies, within 30 days of submission. The intention of this step is not to provide a full review or approvals of any submitted documents. Resubmissions may be required at this stage to address deficiencies identified during the Step 2 review. If identified in the PAC Understanding, the Owner/Applicant will be encouraged to hold a pre-application public consultation at this stage. Once City staff and all required commenting authorities have confirmed that all requirements of the PAC Understanding have been met to the required quality, the City shall issue a clearance letter which must accompany the formal submission of an application. This clearance letter shall be valid for 180 days from the date of its issuance. Should formal applications not be submitted within 180 days, the applicant will be required to repeat the PAC process.

The applicant shall not submit formal applications until the requirements of the new two-step PAC process have been met to the satisfaction of the City. The proposal identified through this process must match the details provided in the subsequent formal application submission. These checks are necessary to ensure the quality of the submission materials are provided in advance of a formal application being submitted, enabling an efficient and timely review process to arrive at a decision on the applications.

The City shall reflect the revised PAC process and submission requirements through an amendment to its PAC By-law 278-2009, as amended, and may periodically amend the PAC By-law further as required.

Formal Application Submission

Once the PAC process has been completed, the applicant will be able to submit their formal planning applications with the required fees for review. The proposal identified through the first submission cannot undergo significant revisions without requiring a new application submission. As noted previously, the City will still be obligated to meet the *Planning Act* requirements of the application process; however, given the level of review and coordination completed through the revised PAC process, the City will be better positioned to process and issue decisions on applications in an efficient and timely manner to meet these requirements. To further improve efficiencies, the staff/Planner who managed the Step 2 process noted above will continue to manage the applications once formally submitted. The formal application process will include standard elements depending on application type including, but not limited to, statutory public meetings, preparation of technical reports, review and drafting of conditions, implementing official plan amendments and zoning by-laws, agreements/letters of undertaking and condition clearance.

No amendment to the VOP 2010 is required to implement the formal application review process. The review process may be amended periodically at a staff level as efficiencies and best practices are identified and refined.

Financial Impact

There are no requirements for new funding associated with this report; however, failure to comply with prescribed timelines under the *Planning Act* would require the City to refund a portion, or all, of an application's fees which would have a significant financial impact on the City.

Operational Impact

The draft amendment to Policy 10.1.3 was reviewed by multiple internal departments, including Legal Services, who participate in the development application review process. City staff provided comments to address a variety of matters including consistent language, process, implementation and structure. Staff and agency comments have been responded to in the Background section of this report.

Broader Regional Impacts/Considerations

This amendment has been prepared to conform to the previously updated Provincial Plans (2020) and the current version of the York Region Official Plan 2022 (the YROP), in response to Bill 109. Policy 7.3.11 of the YROP identifies a series of planning studies that are required to assess proposed amendments to the Region's Plan. Policy 7.3.13 also states that the Regional Planning studies required in the YROP also be included in

the local official plans as part of their complete application listings. This will continue to be respected.

This amendment has been circulated to the York Region Community Planning and Development Services Department for review and comments. York Region is the approval authority for the proposed amendment to VOP 2010. The York Region Community Planning and Development Services Department, on November 22, 2022 exempted Official Plan Amendment File 25.7 from Regional approval as the matter does not adversely affect Regional planning policies or interests.

Conclusion

City staff have reviewed the comments and input provided by various groups, and the proposed amendment to Policy 10.1.3 reflects this process accordingly. Updating the City's pre-application consultation process and complete application requirements provides the opportunity to bring the current VOP 2010 policies into conformity with the Provincial Plans and identifies the full range of contemporary information, materials, studies and documentation that may be required for applicants to submit a complete application. Providing for a rigorous PAC process will ensure that complete applications have the thoroughness and quality that will ensure an efficient and effective review of development approval applications. This will minimize risk to the City of not meeting the required timelines prescribed by the *Planning Act* when the provisions of Bill 109 come into effect July 1, 2023. Accordingly, Development Planning and Policy Planning and Special Programs recommend that the Official Plan Amendments to VOP 2010, Volume 1, Policy 10.1.3 and amendments to By-law 278-2009 as amended by By-law 125-2013 be approved.

For more information, please contact Fausto Filipetto, Senior Manager of Policy & Sustainability and Policy Planning & Special Programs, ext. 8699.

Attachment

1. Redlined Draft Official Plan Amendment, "Pre-Consultation and Complete Application Submission Requirements", Policy 10.1.3, Vaughan Official Plan – Volume 1

Prepared by

Vivian Wong, Planner, Policy Planning and Special Programs, ext. 8623
Christopher Cosentino, Senior Planner, Development Planning, ext. 8215
Fausto Filipetto, Senior Manager of Policy & Sustainability, Policy Planning & Special Programs, ext. 8699

Carmela Marrelli, Senior Manager of Development Planning, ext. 8791
Christina Bruce, Director of Policy Planning and Special Programs, ext. 8231
Nancy Tuckett, Director of Development Planning, ext. 8529

Approved by



Haiqing Xu Deputy City Manager,
Planning and Growth Management

Reviewed by



Nick Spensieri, City Manager