

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 10, 2013

Item 12, Report No. 52, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on December 10, 2013, as follows:

By approving the following:

That Communication C5 from Mr. Michael S. Goldberg, Goldberg Group, Avenue Road, Toronto, dated November 26, 2013, be received.

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**VAUGHAN OFFICIAL PLAN (VOP) 2010
MODIFICATION TO POLICIES 10.1.2.9 – 10.1.2.12
BONUSING FOR INCREASES IN HEIGHT OR DENSITY
SECTION 37 OF THE PLANNING ACT AND
IMPLEMENTATION GUIDELINES (FILE #25.6.1)**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated November 26, 2013, be approved;**
- 2) That a status report be provided to a Committee of the Whole (Working Session) meeting one year after implementation of the policy;**
- 3) That the requests contained in Communication C13, from Ms. June Little, Toronto and Region Conservation Authority, Shoreham Drive, Downsview, dated November 25, 2013, be considered in the implementation of the policy;**
- 4) That the deputation of Mr. Chris Atkins, Smart!Centres, Applewood Crescent, Vaughan, be received;**
- 5) That the following Communications be received:**
 - C9 Ms. Paula Bustard, Smart!Centres, Applewood Crescent, Vaughan, dated November 25, 2013;**
 - C11 Mr. Quinto Annibale, Loopstra Nixon LLP, Woodbine Place, Queens Plate Drive, Toronto, dated November 25, 2013;**
 - C14 Ms. Danielle Chin, BILD, Upjohn Road, North York, dated November 25, 2013; and**
 - C18 Mr. Ryan Mino-Leahan, KLM Planning Partners Inc., Jardin Drive, Concord, dated November 26, 2013.**

Recommendation

The Commissioner of Planning recommends:

- 1. That the revised Policies 10.1.2.9 – 10.1.2.12 forming Attachment 1 to this report, be approved as a modification to the Vaughan Official Plan – 2010, regarding “Bonusing for Increases in Height or Density (Section 37 of the Planning Act)”;**
- 2. That the parties to the Ontario Municipal Board appeals of the VOP 2010, including the Region of York, be advised that the City will be seeking approval of the revised Policies 10.1.2.9 – 10.1.2.12 as referenced in 1. above; including the following modification:**
 - a) the addition of the following benefit to the list of benefits provided in policy 10.1.2.9 (ii):**

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“The provision of affordable housing in the form of land, residential units or cash contributions to be transferred to the Region of York (Housing York, Inc.) or to a non-profit housing provider, free of cost, (including maintenance and condo fees if applicable).”

3. That the Implementation Guidelines once finalized, be submitted to Council for adoption as a Corporate Policy, subsequent to the Ontario Municipal Board's approval of Policies 10.1.2.9 – 10.1.2.12 of VOP 2010, including the incorporation of any changes made necessary by the Board's decision; and
4. That it be recognized that at such time that the Implementation Guidelines are submitted to Council for adoption it will be necessary to authorize the Commissioner of Finance/City Treasurer and City Clerk to amend the Consolidated Reserve Policy and By-law to incorporate the “Section 37 Reserve” as outlined in the Implementation Guidelines.

Contribution to Sustainability

The use of Section 37 to enhance the environment of Intensification Areas, and other specific sites as considered appropriate, contributes to the goals and objectives within “Green Directions Vaughan”, and the City's “Sustainability and Environmental Master Plan”, specifically:

Goal 1: To significantly reduce our use of natural resources and the amount of waste we generate.

Objective 1.3 “To support enhanced standards of stormwater management at the City and work with others to care for Vaughan's watersheds”

Goal 2: To ensure sustainable development and redevelopment.

Objective 2.2 “To develop Vaughan as a City with maximum greenspace and an urban form that supports our expected population growth”

Goal 4: To create a vibrant community for citizens, businesses and visitors.

Objective 4.1 “To foster a city with strong social cohesion, an engaging arts scene, and a clear sense of its culture and heritage”

Objective 4.2 “To ensure that the City of Vaughan attracts businesses and investment that will result in well-paying jobs for Vaughan citizens, a sustainable tax base, and continuing prosperity into the 21st century”

Goal 5: To be a leader on sustainability issues.

The use of Section 37 can help to promote goals which directly relate to those of Green Directions Vaughan, including integrating transit infrastructure with the emerging urban fabric and supporting the pedestrian, cyclist, transit and motorist experience for all ages and abilities.

Economic Impact

The cost of the study is funded from the Policy Planning Operating Budget.

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Communications Plan

Notice of this meeting has been communicated to stakeholders by the following means:

- Posted on the www.vaughan.ca online calendar;
- By Canada Post to the VMC landowners, Vaughan BILD Representatives and to all registered City Ratepayer Associations; and
- By email to all appellants, parties, and participants involved in the appeal relating to the VOP 2010, Volume 1(OMB File no. PL111184).

Purpose

The purpose of this report is to present modified Policies 10.1.2.9 – 10.1.2.12 of VOP 2010 in regard to “Bonusing for Increases in Height or Density (Section 37 of the Planning Act)” and corresponding Implementation Guidelines, as refined through input received at the Committee of the Whole (Working Session) of September 10, 2013, for Committee of the Whole’s consideration. The modified policies will form the basis for the City’s position at the Ontario Municipal Board in light of appeals of the affected sections of VOP 2010. The Implementation Guidelines will be finalized and brought forward to Council for subsequent approval, after the Board has approved Policies 10.1.2.9 – 10.1.2.12, and with the benefit of additional input on valuation of the benefit.

Background - Analysis and Options

Background

Provincial Policy

Section 37 of the Planning Act permits the City to authorize increases in height and/or density through a site specific zoning by-law in return for community benefits such as specified facilities, services or other matters from the landowners, provided that there are enabling Official Plan policies in place.

Section 37 of the Planning Act states that:

“A municipality may, through a zoning by-law, approve increases in height and/or density beyond what the zoning by-law would otherwise permit, in return for facilities, services or matters (community benefits) as are set out in the by-law.”

and,

“The Official Plan must first contain provisions authorizing the use of Section 37, and that community benefits may be secured in an agreement that may be registered on title.”

The Region of York Official Plan

The Region of York Official Plan requires local municipalities to adopt Section 37 policies for Regional Centres and Corridors (section 5.4.15.). The Regional Official Plan includes the following list of community benefits for Municipalities’ inclusion in their Official Plans for Regional Centres and Corridors:

- a. transit station improvements;
- b. social housing;
- c. direct pedestrian connections to transit stations;
- d. regional community and health facilities;

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- e. regional emergency medical services and police stations;
- f. additional facilities and services identified by local municipalities; and,
- g. appropriate provisions for pedestrian and cycling facilities.

The City of Vaughan Official Plan 2010 (VOP 2010)

Currently, Policies 10.1.2.9 – 10.1.2.12 of Chapter 10, “Implementing the Plan”, of the Council adopted and Region of York endorsed VOP 2010, provides policies permitting the use of height and density bonusing through a Section 37 Agreement in the VMC, Primary Centres or as specified in a Secondary Plan. The existing policies speak to the basic requirements of the Planning Act policies respecting the use of Section 37. The VOP 2010 also lists community benefits which shall be considered in a Section 37 Agreement.

Stakeholder Consultation Process

Public consultation respecting the use of Section 37 Agreements began June 28, 2012 with a presentation to the Vaughan Metropolitan Centre Sub-Committee of Council on the potential use of Section 37. In March of 2013, the City retained the services of Gladki Planning Associates to report on Section 37 practices in other municipalities and to help develop more comprehensive Section 37 Policies and Implementation Guidelines for the City of Vaughan.

On May 7, 2013, members of the City of Vaughan Senior Management Team (SMT) and representatives of several departments were invited to attend a presentation by the City's Consultant to introduce the use of Section 37 of the Planning Act, including the guiding principles and related practices of other municipalities. The development review process for applications proposing a Section 37 Agreement was also addressed to set the framework for the development of more detailed City Section 37 Policies and Implementation Guidelines. Shortly after the May 7th meeting, staff circulated a draft Section 37 Policy and Implementation Guidelines to SMT for review. Comments received from the circulation were incorporated into a draft Policy and Implementation Guidelines.

On June 24, 2013, a consultation meeting was held with VMC Stakeholders, Vaughan BILD Representatives, registered Ratepayer Associations, Vaughan Councillors and City staff. External participants were notified by mail two weeks prior to the meeting date. The purpose of the meeting was to present the (draft) Section 37 Policies and Implementation Guidelines, and to provide an opportunity for input into the policy development process. Issues raised by participants included:

- (i) The proposed percentage range of 25-35 % for the property value uplift to be recovered by the City through a Section 37 Agreement was considered to be excessive by some landowner representatives;
- (ii) the perception that the use of this tool could lead to an expectation of greater heights/densities in an area than is envisioned or permitted by the current Official Plan; and,
- (iii) the request for reproducible methodology for Section 37 development applications.

On September 10, 2013, a Committee of the Whole (Working Session) was held, to present modified Policies 10.1.2.9 - 10.1.2.12 of VOP 2010 (Bonusing for Increases in Height or Density, Section 37 of the Planning Act) and Implementation Guidelines for Committee of the Whole's and stakeholders' consideration and input. Notice of the meeting was sent to Vaughan BILD Representatives, to all registered City Ratepayer Associations; and, to all appellants, parties, and participants involved in the appeal relating to the VOP 2010, Volume 1 (OMB File no. PL111184).

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At the following Council meeting of September 17, 2013, Council received all related deputations and communications, and approved the recommendation of the Commissioner of Planning, including the following direction to staff:

“That the revised policies set out in Attachment 1 applying to Policies 10.1.2.9-10.1.2.12 of the Vaughan Official Plan 2010 regarding “Bonusing for Increases in Height or Density (Section 37 of the Planning Act)” be further refined on the basis of any input received at this Committee meeting.” (see Council Extract, Attachment 3)

Comments received at the Committee of the Whole (Working Session) and responses to each, are provided in the “Refinements to the draft Policy and Implementation Guidelines” section of this report.

Ontario Municipal Board Appeals

On July 23, 2013 the Ontario Municipal Board granted partial approval to Volume 1 of VOP 2010. The subject policies (10.1.2.9 – 10.1.2.12) were among those not approved. Fourteen parties have appealed the Section 37 policies. At this time, the appellants have not listed specific issues regarding the wording or content of the affected policies. It is expected that the specific issues will be refined and positions clarified through the mediation process. Ultimately the appeals will be resolved through the Ontario Municipal Board process through further negotiations, Board mediation or a hearing.

The Board approved policies will be incorporated into the Official Plan. Modifications to the original version of Policies 10.1.2.9 – 10.1.2.12, adopted by Council through this process, will form the basis for the City’s position at the Ontario Municipal Board. The Board and the Region of York will be advised of any such decision taken by Council and a recommendation will be provided.

Refinements of the Draft Policy and Implementation Guidelines

The draft Section 37 Policy modifications and the corresponding proposed Implementation Guidelines were presented to Committee of the Whole and stakeholders at the September 10, 2013 Committee of the Whole (Working Session). Consideration of the comments received through deputations and from communications for the Working Session, have resulted in Staff’s further refinement of the draft Policy and the commissioning of additional work by the Real Estate Department on the valuation of benefits. Comments received at the Committee of the Whole (Working Session) meeting, and staff’s responses to each are provided below. Where revisions are proposed to either the Policy or the Implementation Guidelines, as explained in the “Response” sections, these changes are also reflected in the proposed drafts of the documents (Attachments 1 and 2).

A. Comments respecting the Draft S. 37 Policy and Recommended Responses

1. Comment:

It appears premature to be implementing Section 37 policies at this time given the Minister of Municipal Affairs and Housing’s announcement of the Province’s intention to launch a consultation process that may impact Section 37 policy.

Response:

Discussions with Ministry of Municipal Affairs and Housing (MAH) indicate that the review by MAH will take many months and the timing of the outcome is uncertain. Ministry staff are interested in Vaughan’s Section 37 initiatives and are looking at

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Vaughan as a potential for piloting best practices as they conduct their review. In addition, the City is currently receiving and processing requests for Section 37 development applications under the provisions of older in effect Official Plans; a more transparent, reproducible approach for the use of this tool is therefore needed as soon as possible. Should refinements to the Section 37 Policy and Guidelines be required later as a result of a Provincial study and subsequent legislative/policy change; amendments to the relevant sections of VOP 2010 and the Implementation Guidelines will be made as necessary.

2. Comment:

There seems to be overlap between what is funded through Development Charges, the site plan process, and parkland dedication funds; and what the City is seeking through Section 37 charges. Clarification is required.

Response:

Reference is included in the proposed Section 37 Policy and Implementation Guidelines to recognize that Section 37 benefits are in addition to what would be provided to the City through other policies of the Planning Act or through the Development Charges Act.

The Policy states:

10.1.2.9 Increased Height and Density Provision

“1.1 (ii) A by-law may be enacted by Council to achieve the City’s objective of obtaining certain facilities, services or other matters which would not otherwise be secured under the other provisions of the Planning Act or the Development Charges Act, ...”

The Guidelines state:

Valuation of Community Benefits

“5. (paragraph 2): The community benefits will be over and above what could otherwise be achieved through other sections of the Planning Act, such as Section 41, 42 and/or 50. Section 37 Agreements do not in any way entitle reductions in Development Charges.”

3. Comment:

It is unclear as to whether the provisions of Section 37 will be applied to increases in density/height above the limits set by the Official Plan or the zoning by-law.

Response:

The City’s new Vaughan Official Plan 2010 introduces a number of changes to densities and heights in the Intensification Areas; once this Plan has final approval it will inform subsequent up-dates to the City of Vaughan By-law 1-88. It is understood that the final approved VOP 2010 height and density ranges, will in most cases be used as the base lines from which most Section 37 development applications are reviewed. However, there may be cases where recently approved by-laws established through the development process or through area specific

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studies, will inform the Section 37 application review, and in such cases the by-law may be used as the baseline in combination with the Official Plan. This was previously indicated in the Implementation Guidelines presented at the Committee of the Whole (Working Session), and has now also been clarified in the draft Section 37 Policy (see policy 10.1.2.9 i., Attachment 1). Further research into the setting of the base line values is currently underway, the findings of which will be integrated into the Implementation Guidelines.

4. Comment:

The development standards with respect to architectural design and sustainability for the Vaughan Metropolitan Centre are higher than for other areas; could there be some differentiation in the Section 37 policy for the VMC relative to other areas of the City?

Response:

The VOP 2010 calls for good design and implementation of sustainability measures throughout the City, and in particular refers to high standards for design, architecture and the urban realm in all Intensification Areas of Vaughan. Recognizing that the Vaughan Metropolitan Centre has a unique role in the urban structure of Vaughan, the Section 37 Policy for this area has been tailored to specifically address the needs of the City's downtown through the VMC Secondary Plan. These needs are identified as a series of possible community benefits in the VMC Secondary Plan.

5. Comment:

Consideration should be given to including affordable housing to the list of benefit criteria for the proposed Section 37 policy 10.1.2.9.

Response:

The Region of York Official Plan encourages municipalities to consider density bonusing as a means to achieve affordable housing (Section 3.5.10). With reference to Intensification Areas, the YROP further addresses affordable housing as a required Section 37 benefit in Secondary Plans for Regional Centres and Corridors (Section 5.4.15).

Affordable housing is included in the list of Section 37 benefits in each of the five surveyed municipalities (Toronto, Ottawa, Mississauga, Markham, and Burlington). These policies identify affordable units, land or cash contributions as acceptable benefits under Section 37, which typically represent one component of a broader package of community benefits secured by a given municipality. Upon execution of the Section 37 Agreement, the conveyance of residential units and long term maintenance costs etc., are then subject to an agreement between the developer and the non-profit provider.

It is noted that affordable housing is listed as a benefit in the adopted VOP 2010 policy- 10.1.2.9. Staff had initially proposed deleting it until such time as the Region of York has completed its Affordable Housing Implementation Guidelines; however, given the importance of this initiative, it is recommend it be included in policy 10.1.2.9 (ii) at this time, as follows:

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“The provision of affordable housing in the form of land, residential units or cash contributions to be transferred to the Region (Housing York, Inc.) or to a non-profit housing provider, free of cost, (including maintenance and condo fees if applicable).”

Refinements to the application of the affordable housing benefit may be required once the Region of York has finalized its Affordable Housing Implementation Guidelines and the City in turn, has developed its Affordable Housing Strategy (VOP 2010, section 7.5 -Housing Options).

6. Comment:

The requirement to execute the Section 37 Agreement prior to the enactment of the Section 37 by-law by City Council may cause delays for the marketing of a project; could we use a holding zone which could then be lifted once the Section 37 Agreement is executed.

Response:

Since the benefit to the community may be a critical factor in the Section 37 application approval decision, it is important to confirm that an appropriate benefit can be agreed on prior to enacting the corresponding Section 37 by-law. This will ensure the development, including any Section 37 benefits, is derived through a transparent process where all the known factors are available for decision makers in the Committee of the Whole (COW) Comprehensive Staff Report. The duration of the negotiation and valuation process is dependent both on City administration and the landowner. Every effort will be made on the part of the City, to expedite the scheduling of negotiation meetings and the completion of the valuation for the subject property, concurrent with the preparation of the Comprehensive Staff Report.

To assist in meeting timelines the City Real Estate and Planning Departments are retaining an independent consultant to prepare a supportable and reproducible user friendly valuation formula. The formula will then be used by applicants and staff to determine the value of benefits in the early stages of the development process, concurrent with the preparation of the COW Comprehensive Staff Report.

B. Comments respecting the Draft S. 37 Implementation Guidelines and Recommended Responses

1. Comment:

Would we consider a narrower range with respect to the required benefit value; 20-35% appears to be a wide range. In addition, the range is still considered high by some members of the development community.

Response:

The range is a guideline and is intended to provide some flexibility regarding the value uplift the City may identify as appropriate in order to reflect contextual issues on a case by case basis. For example, if a specific development application will entail certain infrastructure improvements, or value added contributions to the community by addressing cultural heritage or sustainability priorities, the lower end of the range might apply. Whereas a development

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application requesting a relatively greater height and density than permitted in the Secondary Plan, and that does not achieve other City objectives, may be subject to the higher end of the value uplift range.

With respect to the question of the range being considered too high by some members of the development industry, it is noted that Vaughan's proposed range is the average range provided across other Ontario municipalities.

2. Comment:

The City of Vaughan's development threshold for application of Section 37 is lower than the other municipalities mentioned in the report; the same threshold of 5,000 to 10,000 should be used to remain competitive.

Response:

There may be circumstances in lower density areas where a proposed development may not meet the minimum threshold size noted above but could still be a suitable candidate to provide a Community Benefit contribution. Such lands could include large vacant or under-developed parcels, greyfield sites or smaller properties assembled for larger infill redevelopment. There should also be a means to permit staff to pursue Section 37 Agreements for smaller developments, as has typically been the case in the Woodbridge Commercial Core, and in other local centres.

Staff propose that Guideline 4. respecting a development GFA threshold for the application of Section 37 Policy be generally set at 4,000 sq.m, but that similar to Mississauga's S. 37 Policy and Guidelines, a second clause be included to permit consideration of smaller development proposals as follows:

Guideline 4. Size Threshold:

"Section 37 density/height bonusing will generally be applied to building projects which are larger than 4,000 sq.m in GFA, and where the proposed density will exceed 1,000 sq.m in GFA over what would otherwise be permitted.

While this guideline is not intended to apply to smaller development projects, there may be circumstances in lower density areas where a proposed development may not meet the minimum threshold size noted above, but could still be a suitable candidate to provide a Community Benefit contribution. Such development sites may include larger vacant or under-developed parcels, greyfield sites, smaller properties assembled for larger infill redevelopment, and smaller sites in local centres."

3. Comment:

The process for the evaluation of the increase in property value as a result of the additional height/density permitted through Section 37 should be clarified; the landowner should be consulted with respect to terms of reference for the increase in value of property estimate.

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Response:

The City agrees that the process and the terms of reference for the valuation of the increase in property values must be transparent. The terms of reference will consist of two components:

- Standard guidelines for valuations as set by the Appraisal Institute of Canada and emerging best practices
- The City of Vaughan's policy in reference to a base density to be used in the valuation

The City is currently drafting a policy respecting the base density to be used in the valuation, which once completed, will be integrated into the Guidelines. The Implementation Guidelines will then be brought forward for consideration at a future Committee of the Whole meeting, as part of the process of reporting on Section 37 VOP 2010 OMB appeals.

4. Comment:

Given the City's economic development objectives with respect to Major Office development in the VMC, it may be appropriate to apply a lower requirement for the percentage of value uplift in a Section 37 development application for major office in the VMC.

Response:

The economic prosperity of the VMC is a corporate priority and the City is currently reviewing different methods of incenting major office development in the VMC to develop an incentives program. Policy Planning staff will work with the Economic Development Department to ensure that the Section 37 policies specific to the VMC Secondary Plan are aligned with the office incentives program. This issue will be addressed through future reports on Office Incentives, and any direction received will be reflected in the Implementation Guidelines.

5. Comment:

It is important to emphasize that Section 37 should be used primarily in the "Intensification Areas" of Vaughan; could we clarify this by adding text to the proposed Section 37 Policy / Implementation Guidelines.

Response:

Staff concur that the use of Section 37 is primarily intended for the Intensification Areas of the City. A section has been added to the Implementation Guidelines (see Attachment 2, number 2.1), to clarify that although Council may request the use of Section 37 in other areas of the City, the use of this planning tool is primarily intended for the Intensification Areas.

6. Comment:

Consider including the Regional Councillor and Mayor in the Section 37 negotiation process.

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Response:

Including the Regional Councillors and the Mayor as suggested, may be beneficial in increasing transparency and bringing a wider City perspective to the negotiation process. Staff have made revisions to Guideline 6.3 (see Attachment 2), accordingly.

7. Comment:

Consideration should be given to the inclusion of purpose built rental housing as a benefit in the proposed Section 37 policy.

Response:

The availability of affordable rental housing is important to the Region's and City's objectives to provide choices for residents that are inclusive of those who cannot afford to purchase, or rent their housing accommodations at current rental rates. It is proposed that the following revision be incorporated into the Guidelines for Implementation of Section 37, number 2., paragraph 2:

“Council may exempt certain non-profit or public facilities where such facilities provide a demonstrable public benefit, such as social housing, or affordable rental housing, from contribution of additional community benefits under the Section 37 Policy and Guidelines. Affordable rental housing is defined as housing rented at or below the average CMHC rents in the York Region CMA. The landowner will be required to enter into an agreement with the City to maintain the housing as affordable over a 20 year time horizon.”

Specific conditions which will be applicable to affordable rental housing will be defined and included as an appendix to the Guidelines, at the time that the Implementation Guidelines are being considered for approval.

Continuing Research

City Staff will continue to confer with the relevant agencies and to research best practices with respect to the process and Terms of Reference for the valuation of the increase in property values. A draft policy will be brought forward for Council's consideration in the near future, which will outline the principles applied to the determination of both the Terms of Reference and the proposed base density to be used in the valuation.

Since the Implementation Guidelines will not be brought forward for Council approval until the Section 37 Policy has received final approval by the OMB, there is sufficient time to have further stakeholder consultation on the valuation process, or any other input received at this Committee of the Whole meeting respecting the proposed Guidelines.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in the Vaughan Vision 2020 Strategic Plan, through the following initiatives, specifically:

Service Excellence:

- Lead and Promote Environmental Sustainability
- Preserve our Heritage and Support Diversity, Arts and Culture

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Organizational Excellence:

- Manage Corporate Assets
- Ensure Financial Sustainability
- Manage Growth and Economic Well-being

Regional Implications

The Region of York is a stakeholder in the process in that Section 5.4.15 of the Regional Official Plan requires local municipalities to adopt policies and related zoning by-law provisions to provide community benefits in Regional Centres and Corridors in exchange for additional height and density. This policy of the York Region Official Plan is in effect except for one site specific appeal. The proposed policy is consistent with the requirements of the Region of York Official Plan.

Conclusion

The proposed modifications to the VOP 2010 Section 37 Policy and the proposed Implementation Guidelines, as further refined through input received at the Committee of the Whole (Working Session) of September 10, 2013, provide greater direction and a transparent, reproducible approach to the use of this planning tool. Only one change has been proposed to the Policy since the recent Committee of the Whole (Working Session) meeting, and that is the addition of "Affordable Housing" to the list of community benefits in policy 10.1.2.9 (ii).

Overall, the proposed Section 37 Policy better articulates the conditions for determining when and where it may be applied and refines the list of community benefits that may be considered. As noted, the original version of the VOP 2010 Policies 10.1.2.9 – 10.1.2.12, regarding "Bonusing for Increases in Height or Density (Section 37 of the Planning Act)", is under appeal. Subject to Council approval of the modified Section 37 Policy, it is recommended that the OMB and York Region be advised that the City will be seeking its approval.

The proposed Implementation Guidelines will serve as a separate Corporate Policy document that provides a step by step procedure for the review of Section 37 zoning by-law amendment applications. Additional work to update the Guidelines with respect to valuation criteria is also underway. The Guidelines will be the subject of a future report to Council seeking their final approval once the Ontario Municipal Board has approved the relevant modified VOP 2010 Policy. This process will be undertaken with the benefit of further stakeholder consultation. The input received on the Implementation Guidelines, as set out in this report will be given further consideration, and adjustments will be made at that time based on the information obtained from on-going City research into the best practices for the implementation of Section 37 policies.

Attachments

1. Proposed Section 37 Policy
2. Proposed section 37 Implementation Guidelines and Development Application Process Flow Chart
3. Council Extract from September 17, 2013 – Item 2, Report No 38

Report prepared by:

Anna Sicilia, Senior Policy Planner, ext. 8063
Roy McQuillin, Manager of Policy Planning, ext. 8211

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)