

JANUARY 9, 2013

TO: MEMBERS OF COUNCIL

FROM: JEFFREY A. ABRAMS
CITY CLERKRE: REFERRED ITEM:
SITE PLAN CONTROL PROCESS – FOLLOW UP REVIEW
CITY OF VAUGHAN
FILE 12.28
ALL WARDS – CITY WIDE

<u>C /</u>
COMMUNICATION
CW - <u>January 15/13</u>
ITEM - <u>20</u>

At its meeting of December 4, 2012, Committee of the Whole (Working Session) requested that the City Clerk report to Committee of the Whole in January with options for a bump-up procedure enabling Members of Council to elevate to Council certain site plan decisions which otherwise would have been made by the Commissioner of Planning (or designate) under delegated authority. The recommendation of the Committee was approved by Council on December 11, 2012, by its adoption of Item 1, Committee of the Whole (Working Session) Report No. 51.

In making the request Council sought to ensure that sufficient community input (through the offices of Members of Council) was obtained on issues of significant importance to the community. At the same time, Council was aware of the importance of a timely and efficient site plan approval process. It was also cognizant of the need to protect the primacy of Council decisions, giving rise to the concern over an activation mechanism which could be triggered by a single Member of Council.

Having heard these concerns, the following considerations were applied in the development of the options shown below:

1. The primacy of Council and the transparency of its processes must be protected. While a triggering mechanism initiated by a single member of Council may be a concern, so too is a mechanism which requires approval by a majority of Council achieved outside the conduct of a formal meeting of a committee or Council;
2. The delegation of certain categories of site plan approvals to staff is for the purpose of achieving administrative efficiency, timely service, and certainty in decision making. Bump-ups should be reserved for situations where there is a substantive rationale for the bump-up.

Accordingly, the following options are respectfully submitted for Council's consideration. Not all options are mutually exclusive:

Option 1

Exclude from delegated authority those categories of site plan approvals which Council anticipates will generate applications for bump-ups. While technically not an option for activating the bump up process, this option provides for an efficient site plan approval process for those categories of applications which Council does not anticipate would result in a need for broader community consultation involving their offices.

Option 2

Provide for a process whereby two or more (but fewer than five) Members of Council are required to advise the Commissioner of Planning within the circulation period for site-plan applications (typically three weeks) in writing that the site plan approval process for a particular application is being bumped-up to Council. The expiry of the circulation period would be a firm deadline after which if not bumped-up, the site plan application will be administered by the Development Planning Department under the delegated authority. A requirement for a minimum of two Members of Council follows what is required, procedurally, for a motion in Committee or Council to be considered for debate. A quorum of Council is still required to decide the ultimate merits of the site plan. A three or four Member threshold follows the same principle, but sets an obviously higher bar for the bump-up process to be triggered.

Under Option 2, a bump-up request effectively cancels the delegated authority to approve the particular site plan in question.

Option 3

Option 3 follows the principles of Option 2, but in addition establishes a format for the communication submitted to the Commissioner of Planning to initiate the bump-up. Rather than simply the appearance of two (or more, but fewer than five) signatures of Members of Council, there would be a requirement to provide information in answer to standard questions such as the following:

- a) Is there anticipated to be broad or persistent community interest in the issues embodied in this site plan approval?
- b) Is there value in holding a community meeting?
- c) Is there an issue with the application that cannot reasonably be resolved through informal discussions between the parties involved and City staff?

Option 3 differs from Option 2 in that the reasons for the bump-up must be articulated. The need to articulate the issues will encourage interested constituents to take a disciplined approach when seeking Member of Council support to initiate bump-ups.

As was the case with Option 2, under Option 3, a bump-up request effectively cancels the delegated authority to approve the particular site plan in question. As above, the expiry of the circulation period would be a firm deadline.

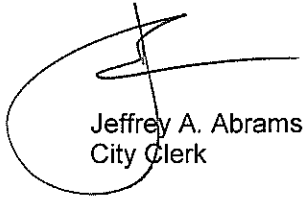
Option 4

Option 4 builds upon Option 3, however in lieu of a communication to the Commissioner of Planning within the site plan circulation period, it requires the submission to the City Clerk of a Member's Resolution reciting why a particular site plan ought to be removed from the delegated authority and elevated for Council approval. The effect of the submission of the Member's Resolution within the circulation period is to *pause* the process. If the Resolution does not carry at Committee of the Whole at its next meeting, the Commissioner of Planning's authority to approve the site plan will resume.

The implementation of Option 4 requires that Committee of the Whole be delegated the authority to make final decisions on bump-up requests (unless that element of the option is excluded). Implementation may also require procedural modifications to allow for the introduction of bump-up Member's Resolutions on committee agendas as addendum items.

One significant defect in Option 4 is the impact a bump-up request would have should circulation occur during the summer hiatus or such other times as Committee of the Whole meetings are not being held. In such circumstances it might be advisable to increase the threshold for submission to two or more (but fewer than five) Members of Council, since the length of the 'pause' could be protracted. It should be noted that in some cases a more timely decision would be made under the current system of approvals under which the Commissioner of Planning would submit a report in first instance.

All of which is respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a horizontal line and a vertical stroke.

Jeffrey A. Abrams
City Clerk