



BUILDING A GREATER GTA
Building Industry and Land
Development Association

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Communication
CW: Nov 26/13
Item: 12

November 25, 2013

Mayor Maurizio Bevilacqua and Members of the Committee of the Whole
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Dear Mayor Maurizio Bevilacqua and Members of the Committee of the Whole,

**RE: Committee of the Whole – November 26, 2013
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)**

On behalf of the York Chapter members of the Building Industry and Land Development Association, we submit the following comments to the City of Vaughan with respect to the 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 to be discussed at the November 26th Committee of the Whole meeting.

We acknowledge that the purpose of the report is to present modified Policies (10.1.2.9 – 10.1.2.12 of the VOP) 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 and that 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. Furthermore, we also understand that the Implementation Guidelines” will be finalized and brought forward to Council for subsequent approval after the Board has approved the policies.

With respect to the Modifications to the VOP Policies for Bonusing for Increases in Height or Density, Section 37 of the Planning Act:

In principle, the topic of Section 37 is of the utmost importance to our membership. Through our lessons learned in other municipalities, we know that it is a complex tool and its application to development projects must be consistent for its effectiveness. In order to meet the goals and objectives of the Provincial Growth Plan and the VOP, the creation of Section 37 policies must consider its effects on the affordability of housing, on (non-residential) businesses, and the overall economic impact. When implemented, the application of Section 37 must be fair, transparent, predictable and relevant.

In light of the Ministry of Municipal Affairs and Housing’s current consultations underway regarding Land Use Planning and Appeal and Development Charges Systems Review, and specifically the direction to consult on the application of Section 37, we recommend that the City ‘**pause**’ this review until the Province has completed its consultation exercise. We acknowledge, as found in the City’s report that waiting on the completion of the provincial process would delay the adoption of the VOP policies, but we ask for this ‘**pause**’ to avoid duplicating efforts by dealing with these changes now and having to revisit them later. Any provincial changes to the application of Section 37 will require a review of these proposed policies and adopting new policies now will only create confusion in the interim.

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With respect to the Implementation Guidelines for Section 37 we submit the following recommendations:

- Pre-zone lands to achieve the intensification objectives of the VOP and Growth Plan/Provincial Policy Statement. This will ensure that Section 37 is being appropriately applied.
- Early consultation is an essential component of the process. A reasonable Section 37 negotiation package should be made available at a consultation meeting, well in advance of a final staff report being finalized. This will ensure that no *surprise* additional costs are incurred very late in the development approval process without a clear rationale. Most notably, last minute negotiations should not be permitted.
- For complete transparency, Municipalities should be required to create community needs assessments for projects that would benefit from Section 37 funding. Section 37 funding should not be collected in perpetuity for unassigned projects.
- Geographical proximity of the proposed community improvements must be taken into account to ensure that those that are paying for the new improvements have the appropriate access.
- An independent appraiser should be used to calculate the value of the increased height and/or density. Section 37 benefits that involve conveyances of property or buildings should also have their value determined by an independent appraiser.
- Initial contributions should be based on a clearly articulated methodology and should be subject to refund if it is not expended.
- Additionally, in situations where the height or density of the building has been reduced from a predetermined Section 37 negotiation, a correlating reduction in amount of Section 37 monies should apply.

Again, we thank you for the opportunity to submit comments and we trust that you will take these comments into consideration. As partners in building complete communities, we look forward to our continued consultation. If you have any questions or concerns, please don't hesitate to contact the undersigned.

Sincerely,



Danielle Chin MCIP RPP
Senior Planner, Policy & Government Relations

CC: *Michael Pozzebon, BILD York Chapter Chair*
Paula Tenuta, Vice President, Policy & Government Relations, BILD
BILD Chapter members