

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 10, 2007

Item 1, Report No. 57, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on December 10, 2007.

1 **SYSTEMS INTEGRITY REVIEW**

The Committee of the Whole (Working Session) recommends:

- 1) That the recommendation contained in the following report of the Chief Information Officer (CIO), dated November 27, 2007, be approved, subject to inserting at the end of Clause 4 “and that staff be directed to make every effort to ensure that this does not compromise transparency to the City of Vaughan citizens”;**
- 2) That the presentation material entitled, “Information Technology Systems Integrity Review Fall 2007”, be received; and**
- 3) That the deputation of Mr. Richard Lorello, 235 Treelawn Boulevard, P.O. Box 927, Kleinburg, L0J 1C0, be received.**

Recommendation

The Chief Information Officer (CIO) in consultation with the Deputy City Manager / Commissioner of Finance & Corporate Services and the Director of Information Technology & Telecommunications recommends:

1. That this report be received for information, and
2. That the presentation by the Chief Information Officer (CIO) be received, and
3. That the presentation by Legend Corporation be received, and
4. That Council confirms that staff are to proceed with item #18 contained in the Systems Integrity Review Recommendations (Attachment 1), and
5. That item #19 contained in the Systems Integrity Review Recommendations (Attachment 1) be referred to the Budget Committee.

Economic Impact

The overall assessment of the City’s Information Technology (IT) Security framework is that it is effective and compares well with other organizations with similar security requirements as the City. A number of further improvements to the overall security framework were proposed and are in the process of being implemented. Most of these improvements are focused on internal procedures and controls and sufficient funding is available in previously approved budgets.

One initiative that will require additional funding is the implementation of a structured journaling and archiving technology solution for the corporate eMail system (item #19 contained in the Systems Integrity Review Recommendations – Attachment 1). It is estimated that this solution may cost in the range of \$60,000 to \$160,000. A Capital Budget request has been submitted for consideration by the Senior Management Team and the Budget Committee for this initiative.

Communications Plan

n/a

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Purpose

The purpose of this report is to provide Council with an executive summary of a recent comprehensive Information Technology (IT) systems integrity review and the resulting undertakings to further enhance overall computing environment security.

Background - Analysis and Options

The City's Information and Technology Management (ITM) department conducts regular assessments of corporate computing environment security. Such assessments are intended to identify potential weaknesses in the overall computing environment security framework, assess risk levels of identified weaknesses, and to implement appropriate remedies to mitigate significant risk.

Typically, security assessments are focused on single specific elements of the City's computing environment security framework, such as applications security, network security, device security, etc. During the Summer of 2007, a comprehensive IT integrity review was carried out which focused on multiple critical elements of the IT infrastructure, including internal procedures and controls.

System Integrity Review Methodology

The objective of this IT systems integrity review was to identify opportunities to enhance the overall IT security framework in order to increase protection of data and to improve auditing capabilities for data access. To accomplish this objective, current internal processes, procedures and controls were compared to IT industry best practices for systems security. To ensure objectivity and enable access to the most comprehensive IT industry benchmarks for security, the ITM department engaged the services of external IT security experts.

Legend Corporation is a Microsoft Gold Certified partner, and an IT industry award-winning expert in security solutions. Under the leadership of Legend Corporation, the following elements of the City's corporate IT computing environment were assessed and benchmarked:

- eMail Security Controls
- eMail Audit Trailing practices
- Enterprise Security Policy Management (Active Directory Services)
- Administrative Procedures and Controls
- Data Recovery Procedures and Controls
- Biometric Identification Technologies
- eMail Encryption
- Information Rights Management

Bell Security Solutions Team is a division of Bell Canada Enterprises and a recognized IT industry expert in network security. Under the leadership of Bell Security Solutions Team, the following elements of the City's corporate IT computing environment were assessed and benchmarked:

- Firewall Devices Configuration and Management
- Network Architecture and Perimeter Review
- Vulnerability Testing Against Hacking Attacks from the Internet

Both Legend Corporation and Bell Security Solutions Team used proven auditing methods for their respective assessments and benchmarking. The audit methodology included:

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- Interviews with key IT personnel
- Acquisition and review of existing configuration documentation
- Acquisition and review of existing procedural documentation
- Interactive observation and review of network systems and resources
- Acquisition and analysis of data through the use of tools and utilities
- Testing and validation of established controls

In addition to the security assessments performed by external experts, ITM staff have also reviewed internal procedures surrounding the administration and use of BlackBerry devices and eMail journaling and archiving solutions. Internal staff findings and recommendations are reflected in the IT systems integrity review findings section below.

IT System Integrity Review Findings

The respective comprehensive IT system integrity reviews carried out by Legend Corporation and Bell Security Solutions Team concluded that the overall City of Vaughan IT security framework compared well to the IT industry best practices. The City's overall IT security framework is effective and meets the City's functional and business requirements. In some areas of the City's IT security framework, the controls exceed other companies of similar size and risk tolerance.

During the course of the review, opportunities to improve system integrity based on the City's current internal practices compared to IT industry best practices were observed. These were classified as minor in nature and do not pose significant security risk. ITM staff has acknowledged all observations in the external experts' reports and have undertaken to implement appropriate remedies to further enhance the City's overall IT security framework.

The primary recommendations and their status are listed in Attachment 1. In Attachment 1 there are a total of 19 recommendations, with the exception of #18 and #19, staff are proceeding to implement the changes. Recommendation #18 relates to the encryption of members of Council messages. The presentation will include comments regarding encryption and staff are requesting confirmation if Council wishes to proceed. Item #19 requires funding and is recommended be referred to the 2008 budget process for consideration.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities previously set by Council and the necessary resources to undertake the review have been allocated and approved. Additional resources will be required to fully implement the recommendations. Specifically, the recommendations of this report support the following City strategic objectives:

- A1 – Pursue Excellence in Service Delivery
- C1 – Demonstrate Leadership and Promote Effective Governance
- C2 – Enhance Productivity, Cost Effectiveness and Innovations

Regional Implications

n/a

Conclusion

The comprehensive IT integrity review that was carried out by Legend Corporation and Bell Security Solutions Team concluded that the overall City of Vaughan IT security framework compared well to the IT industry best practices. The City's overall IT security framework is effective and meets the City's functional and business requirements. In some areas of the City's IT security framework, the controls exceed other companies of similar size and risk tolerance.

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During the course of the audit, opportunities to improve system integrity based on the City's current internal practices compared to IT industry best practices were observed. These were classified as minor in nature and do not pose significant security risk. ITM staff have acknowledged all observations in external experts' reports and have undertaken to implement appropriate remedies to further enhance the City's overall IT security framework.

Attachments

ATTACHMENT 1 – Systems Integrity Review – Recommendations

Report prepared by:

Dimitri Yampolsky, Chief Information Officer (CIO) – 8352

Jack Dhaliwal, Director of Information Technology & Telecommunications – 8132

(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.)

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2 **SITE PLAN CONTROL PROCESS REVIEW**
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The Committee of the Whole (Working Session) recommends:

- 1) That staff bring forward a report to the Committee of the Whole meeting of January 21, 2008 incorporating the comments and concerns expressed by Members of Council and the deputants;
- 2) That the following report of the Commissioner of Planning, dated November 27, 2007, be received;
- 3) That the presentation material entitled, "Site Plan Control Process Review City of Vaughan Fall 2007", be received; and
- 4) That the following deputations be received:
 - a) Mr. Richard Lorello, 235 Treelawn Boulevard, P.O. Box 927, Kleinburg, L0J 1C0;
 - b) Mr. Nick Pinto, 57 Mapes Avenue, Woodbridge, L4L 8R4;
 - c) Mr. Daniel Belli, Trinistar Corp., 8600 Dufferin Street, Vaughan, L4K 5P5;
 - d) Mr. Angelo Baldassarra, History Hill Group, 8700 Dufferin Street, Vaughan, L4K 4S2;
 - e) Mr. Adriano Volpentesta, 182 Monte Carlo Drive, Woodbridge, L4H 1R3; and
 - f) Mr. Tony Baldassarra, 7800 Jane Street, Concord, L4K 4R6.

Recommendation

The Commissioner of Planning recommends:

1. THAT Council provide direction as to which is the preferred Site Plan Control Process Option to be implemented by the Development Planning Department, as identified in this report as follows:
 - a) Option #1: Minor Modification Model (Attachment #18)
 - b) Option #2: Major Modification Model (Attachment #19)
 - c) Option #3: Partial Delegation Model (Attachment #20)
 - d) Option #4: Full Delegation Model (Attachment #21)
2. THAT upon a decision by Council respecting the preferred Site Plan Control Process Option to be implemented, direction be given to hold a Public Hearing to consider amendments to OPA #200 and Site Plan Control By-law 228-2005 as amended by By-law 237-2007. The amendments to Official Plan and Site Plan control by-law would be required to implement the following changes to the Site Plan Control Process:
 - a) Option #3 - Partial Delegation of site plan approval to the Development Planning Department, if adopted;
 - b) Option #4 - Full Delegation of site plan approval to the Development Planning Department, if adopted;
 - c) apply Site Plan Control to freehold townhouse development on public streets.

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3. THAT the Letter of Credit for a Site Plan Application be calculated as follows:
 - a) the Landscaping component be based on 100% of the landscape cost estimate, with no maximum ceiling on the overall Letter of Credit amount. The minimum LC amount will continue to be \$50,000.
4. THAT the following changes to the Site Plan Letter of Credit Process be implemented:
 - a) require the first inspections for the release of the Letter of Credit by each of the Development Planning and Engineering Departments to commence within 18 months of the issuance of a Building Permit;
 - b) upon successful inspections, a two stage Letter of Credit release for the Landscaping component, based on:
 - i) a First stage release of 80% of the Landscaping component upon completion of all soft and hard landscaping works being constructed; and,
 - ii) a Second stage release of the remaining 20% holdback of the Landscape component upon completion of a 12 month warranty period (following the First stage release) for the hard and soft landscaping.
5. THAT the duplication of review of site plan applications by Non-Statutory Advisory Committees (eg. Maple Streetscape Community Advisory Committee) be eliminated.

Economic Impact

N/A

Communications Plan

The Development Planning Department has consulted with relevant stakeholders including City Departments, the Region of York Transportation and Works Department, the Toronto and Region Conservation Authority (TRCA), and representatives from the development industry.

If Council selects either of the proposed site plan approval delegation models identified as Option #3 (Partial Delegation - Attachment #20) or Option #4 (Full Delegation - Attachment #21), a Public Hearing will be required to amend the Site Plan Control delegation provisions in OPA #200 and Site Plan Control By-law's 228-2005 as amended by 237-2007, which will require the placement of a news ad in the local newspapers.

Purpose

This report has been prepared in response to Council's request that the Development Planning Department review and evaluate the current Site Plan Control Process, to provide a more efficient and streamlined process resulting in increased time savings.

Background - Analysis and Options

- a) Vaughan Site Plan Control Process
 - i) Current Process

In the City of Vaughan, the Site Plan Control process is governed through an Official Plan (OPA #200, as amended by OPA #553 and #658) and By-law (228-2005 as amended by 237-2007), which designates the City as an area under site plan control, in accordance

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with Section 41 of the Planning Act. These documents set out the appropriate provisions for the use of site plan control within the municipality, including identifying the types of development that require the submission of a site plan application for approval by the City, or identifying the types of development that are exempt from the site plan approval process, and delegation of approval authority. Currently, all commercial, institutional, residential apartment and block development, and employment abutting arterial roads and highways, require site plan approval.

The current Site Plan Control process in Vaughan is shown on Attachment #17. A site plan application currently takes on average 46.5 weeks or 10.7 months to complete (based on consecutive calendar days). Generally, this process includes the Development Planning Department accepting, documenting and circulating the application; reviewing the comments received from internal City and external public agencies, and for the applicant to respond to any comments through resubmissions; staff report preparation and consideration of the report by the Committee of the Whole/Council; the applicant finalizing the site plan drawings and supporting consultant reports for Department/Agency approvals; and, preparation, circulation, execution and registration of the site plan agreement.

Since 2002, the number of site plan applications submitted each year has ranged between 70 to 97 applications, with an average of 83 applications. With each passing year, site plan applications have become more complex (eg. proposals requiring approvals by multiple government jurisdictions and high density residential) with a range of issues that need to be reviewed and resolved by the various participants in the site plan process, thereby increasing site plan approval times. Furthermore, recently there is more Provincial involvement in the Planning process with the introduction of additional legislation (ie. Places to Grow, Greenbelt, Oak Ridges Moraine, and Bill 51 – New Planning Act), thereby requiring additional review of development proposals to ensure all Provincial requirements are met.

ii) History - Amendments

The site plan control process has been reviewed and amended several times within the past ten years. These changes have ranged from revisions to the manner in which Letters of Credit are calculated; delegation of approval authority between Council and the Development Planning Department; residential exemptions; the manner in which employment development is reported to the Committee of the Whole; creation of the City Staff lead Site Plan Review Team; and, elimination of the Building Standards Department's Simple Site Plan Process. Many of these changes in procedure have required amendments to the Site Plan Control Official Plan and By-law, which are documented on Attachment #1.

iii) Current Review

In early 2007, Council requested the Development Planning Department to review the site plan control process with the goal of streamlining the process and reducing approval times.

To initiate the current Site Plan Control review process, the Development Planning Department prepared a Terms of Reference and Work Plan that set out the scope of work to be performed and timelines completion (Attachment #2). The Development Planning Department then established a Working Group, which included the Commissioner of Planning and senior members of the Development Planning Department, and representatives of the Building Standards, Reserves and Investments, Engineering, Legal, Clerk's, Economic Development, Public Works, and Parks Development Departments.

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The Working Group met four times beginning on June 1, and subsequently on June 26, July 12 and August 9, 2007, as well as, meeting independently with the Region of York Transportation and Works Department, the Toronto and Region Conservation Authority, and representatives of the development industry, in an effort to review and discuss the data collected and to identify preferred options and recommendations, with the goal to have a staff report at a Committee of the Whole Working Session meeting in Fall 2007.

b) Random Sample Survey of Site Plan Applications

1. The Sample

To obtain a better understanding of how long each step in the site plan process actually takes to complete by each City Department, external public agency and the applicant and/or their consultants, the Development Planning Department undertook a step-by-step procedural review of a random sample survey of 25 recent (2002-2006) site plan applications. The purpose of the survey was to determine the breakdown (in days) of processing times for each step in a typical site development application. The sample size is small, but is sufficient for the purposes of a better understanding the site plan process.

The applications surveyed ranged in complexity, and involved various land uses including industrial, commercial, high rise residential, mixed use, and institutional. The study was broken down into three groups: Internal processing, External processing, and Owner/Applicant response times. Various survey assumptions are identified in Attachment #3, to clarify the following survey results.

2. Survey Results

a) Application Processing Time

The random sample survey results (Attachments #4 to #9) identify the following statistics with respect to the various application processing times:

- i) The average processing time for a commercial application was 245 days (8 months).
- ii) The average processing time for industrial, residential and institutional applications was 345 days (11 months).
- iii) The average processing time for a typical site plan application was determined to be 10.7 months.

b) Internal City Department Processing Time

The random sample survey results (Attachments #4 and #5) indicate that the internal City Departments generally met the *initial* 3 week (ie. 21 consecutive calendar days) application circulation period, however, the more active participants in the process slightly exceeded the turnaround time, as follows:

1. Engineering (30.1 days).
2. Building Standards (Zoning Section) (27.3 days).
3. Development Planning (Urban Design Section) (22.8 days).

On average, the review period for the various City Departments shortens with each subsequent resubmission. Typical commenting periods for subsequent resubmissions ranges between 7 to 14 days (based on consecutive calendar days), and the graphs depict that City Departments are generally meeting these time lines.

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The survey also showed that the review of the draft site plan agreement by City Departments takes on average 7 to 9 days (based on consecutive calendar days), which is generally meeting the one week commenting period.

The survey also showed that the lesser involved City Departments generally reviewed one resubmission (Attachment #8), whereas the average number of resubmissions for the core reviewing City Departments was between 2-3.

c) External Public Agency Processing Time

The random sample survey results (Attachment #6) indicate that the majority of the site plan processing time is taken by external commenting agencies (ie. Region of York Transportation and Works Department, TRCA, and MTO), and the response times by the Owner/Agent, the latter which will be discussed in the next section of this report. These average process times are beyond the control of the City and are as follows:

1. Region of York Transportation & Works Department (63.6 days).
2. Toronto and Region Conservation Authority (54.8 days).
3. Ministry of Transportation Ontario (39.2 days)
4. PowerStream (17.8 days)

The survey shows that on average the review periods for the second resubmission increases with the MTO (71 days) and the Region of York (91.9 days), and then declines slightly with the third resubmission (MTO – 57 days and Region of York – 65.4 days), the latter which is considered to be a long turn around time to provide comments. The TRCA's second and third response times on resubmissions declined to 26.8 and 29 days, respectively, which can be improved upon in light of the Development Planning Department's discussion with the TRCA, as noted later in this report.

The survey also showed that the review of the draft site plan agreement takes on average 20.7 days for the Region of York, and 10 days for PowerStream. The TRCA and MTO do not review and are not party to the City's site plan agreement.

The survey also showed that on average, the MTO receives the most resubmissions (3.0) compared to City Departments and other external public agencies, followed by 1.9 for the Region of York, 1.7 for the TRCA, and 1.6 for PowerStream (Attachment #8).

d) Owner/Agent Response Time

The random sample survey results (Attachment #7) show that the Owner/Agent response times to address the comments of City Departments and external public agencies contribute to lengthening the overall site plan review process, which is beyond the control of the City. It takes the Owner/Agent, a low of 22 days (MTO) to a high of 76.3 days (Public Works) to respond to initial Department/Agency comments. The average response time for any resubmission by the Owner/Agent to a City Department or external public agency is 48.6 days.

Too often, the Development Planning Department receives an incomplete site plan application that is missing required plans and supporting documentation. The initial one month circulation typically yields comments indicating there is insufficient information to review the proposal, and that additional information is required. This subsequently results in the applicant taking 1 to 2 months (ie. 48.6 days as noted above) to prepare and submit the required information to the City, which is then followed by a subsequent recirculation. In this common scenario, the first 4 to 5 months has been consumed by

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circulation and recirculation periods and the applicant's preparation of documents, and is reflective of the survey results, which depicts 10.7 months to process a typical site plan application in Vaughan.

The requirement for mandatory pre-consultation and a submission of a complete site plan application, to reduce the overall number of resubmissions by the Owner/Agent, will have the effect of reducing City Department and external public agency review times and will be addressed later in this report.

c) Consultation with External Public Agencies

1. Toronto and Region Conservation Authority (TRCA)

The Development Planning Department met with the TRCA on July 5, 2007, to discuss the proposed changes to Vaughan's site plan control process. At the meeting, the TRCA was supportive of any changes to streamline the process and reduce commenting times and the number of circulations. In particular, the TRCA is supportive of pre-screening applications and pre-consultation, and suggests that the following additional measures that they have recently implemented or are in the process of implementing, will reduce TRCA review time:

- i) Provide Conditions of Approval, when appropriate, to keep the Planning process moving along (has been implemented). The TRCA acknowledges that this may just defer matters to the back end of the process, and if the applicant does not act upon the outstanding TRCA matters, it will cause delays later on.
- ii) Accept plans directly from the applicant (rather than from the municipality), provided the City Planner is aware and has given permission to do this (has been implemented), and is provided with a copy of all materials forwarded to the TRCA.
- iii) Ensure that all issues pertaining to the TRCA's jurisdiction are identified and resolved through the Block Plan and subdivision processes, to minimize or eliminate issues at the site plan stage.

In addition:

- i) The TRCA is updating their 1998 Site Screening Map, which they will be providing to the City shortly, to advise which applications need to be circulated to the TRCA and those that do not.
- ii) The TRCA strongly supports that all applicants participate in a pre-consultation meeting with the TRCA, which also includes any staking of the top-of-bank, prior to submitting an application, which they estimate could save months in review time.

2. Region of York Transportation and Works Department

The Development Planning Department met with the Region of York Transportation and Works Department on September 24, 2007. At the meeting, the Region was supportive of any changes to streamline the process. In particular, the Region is supportive of pre-consultation with the applicant, in which they discuss and then provide a letter with preliminary comments and submission requirements to the Owner, with the goal of having the applicant address all of the Region's requirements including the submission of the necessary consultant studies with the initial application to the City for circulation and

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subsequent review by the Region. The Region acknowledges that pre-consultation should reduce the number of resubmissions for review, and facilitate obtaining approvals from the Region much faster, with the goal of moving forward with the execution of the current tri-party site plan agreement between the City, Region and the Owner, or alternative means of securing the approved development (ie. Letter of Undertaking, to be discussed later in this report).

a) The Region has implemented or has initiated the following measures to streamline the site plan process:

- i) Assigned two full-time Regional staff members to process site plan applications in Vaughan, whereas other York Region municipalities are assigned one staff member (southern municipalities), or a staff member is assigned to multiple municipalities (northern municipalities).
- ii) Placed their application submission requirements on their web-page, which identifies the types of plans and documents and the number of copies of each that the Region requires for review purposes, which will be confirmed through pre-consultation.
- iii) Initiated meetings with all York Region municipalities in an effort to streamline the site plan approvals process uniformly across the Region. The Region will be consulting with the development industry through a questionnaire to be sent out in September/October 2007. The Region will also be creating several typologies of Regional requirements depending on particular development scenarios. The Region will then be summarizing its findings, and organize a joint meeting involving all York Region Planning Departments in November 2007 to discuss implementation. This is an ongoing process, and any efficiencies realized will assist to further reduce the site plan approvals process time lines.

b) The Region also indicated the following:

- i) Suggests that all York Region municipalities utilize a tri-party site plan agreement that is registered on title (to secure access, inter-connected driveways, and other matters of Regional interest, on title). The site plan agreement ensures that the applicant continues to work with the Region and that the Region receives its required Letter of Credit and securities prior to the applicant receiving a building permit from the City. Currently, all York Region municipalities use the tri-party site plan agreement, except for Whitchurch-Stouffville and Newmarket. The Region indicated that Newmarket will soon be going back to using the tri-party agreement. The Region has asked Vaughan staff to reconsider proposing the use of a Letter of Undertaking, in favour of maintaining the current tri-party site plan agreement.
- ii) The Region has its own Regional site plan agreement, which it uses to secure its interests in Whitchurch-Stouffville and Newmarket. If Vaughan adopts the proposed Letter of Undertaking that does not append Regional conditions of approval or require Regional signatures, the Region will secure its interests through their site plan agreement.
- iii) The Region supports any initiatives by the City to implement electronic circulation of applications between the municipality and the Region, which will allow for faster communication and potentially response times on development applications. The Region currently has an internal system in place to electronically circulate applications amongst Regional Departments.

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- c) The following explanation is provided by the Region for their commenting times as identified in the Development Planning Department's random sample site plan survey:
- i) The City's survey was based on site plan applications received between 2002 to 2006, when the Region had a high staff turn-over rate, which significantly affected processing times. Since the beginning of 2007, the Region of York Transportation and Works Department has experienced stability in its staffing, and has also initiated an internal system to track how long they take to comment on each site plan submission/circulation, which they report to Regional Council. The Region advises that in 2007, initial comments are provided within 4-5 weeks of the receipt of a submission.
 - ii) The 3 week commenting period is insufficient for the Region to review and provide comments back to the municipality. The first week of the circulation period is often consumed by the time it takes to mail an application submission from the municipality to the person reviewing the application at the Region. Also, other sections within the Transportation and Works Department need to be circulated for comments, which requires additional time. The comments are then compiled, together with any red-lined plans, and mailed back to the municipality, unless the response is in a state to be e-mailed or faxed. As noted earlier, the Region is supportive of any City initiatives to implement electronic circulation of applications to streamline the site plan approvals process.

On November 7, 2007 the Region of York Transportation Works Department arranged a meeting with all area municipalities to discuss the site plan process. The Region committed to continue working with its area municipalities for the purpose of establishing a consistent and streamlined site plan review process across the Region.

The Development Planning Department will continue to dialogue and meet with the Region of York Transportation and Works Department in an effort to streamline the Region's commenting and approval time frames. In light of the Region's current efforts to improve their own commenting times in 2007, and to streamline and provide a consistent site plan process throughout York Region, there should soon be a more noticeable difference in efficiency by the Region. However, if the Region's commenting and approval times do not change substantially, there will likely be minimal difference to the overall processing of site plan applications in Vaughan, as identified in the results of the recent random sample survey.

3. Ministry of Transportation Ontario (MTO)

The Ministry of Transportation (MTO) was not contacted, since it has been consistent in applying their regulations and guidelines, in their review of site plan applications. Given the relatively low number of applications reviewed by the MTO, the Development Planning Department has instead concentrated on the TRCA and Region of York, where real time savings can be achieved. Therefore, it is necessary that applicants pre-consult with the MTO to ensure their requirements and concerns are addressed prior to and as part of the initial site plan application submission.

d) Consultation with Development Industry

On October 16, 2007, the Working Group met with representatives from the development industry (ZZEN Group, History Hill, Remington Group, Arista Homes, TACC Construction, MAM Group, Metrus Development, A. Baldassara Architects, and Solmar Development)

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to obtain preliminary feedback on the proposed changes to Vaughan's site plan control process, as identified later in this report. At this meeting, the members of the development industry expressed the following comments:

- acknowledged that the City Departments had reasonable commenting times;
- acknowledged that the Region of York Transportation and Works Department, TRCA and MTO took longer to comment, and must improve their review times in order to realize time savings;
- eliminate the site plan agreement and replacing it using a Letter of Undertaking and Letter of Credit as security.
- support delegation of site plan approval to the Development Planning Department;
- support pre-consultation prior to formally submitting a site plan application, provided they receive written confirmation of the items discussed at the meeting from the City Departments and external agencies they consulted with, and that there are no significant changes requested once an application is submitted;
- a few individuals expressed keeping the SPRT process and allowing a partial submission (site plan and elevations only), rather than submitting a "complete" application; they were concerned that with a "complete" application, a few changes could require revisions to all of their plans, which is costly; in response, the development industry was advised that the onus is on their consultants to compile and co-ordinate comments, and to incorporate into their initial submission;
- consider issuing a Foundation Permit or Conditional Permit, prior to final site plan approval; and,
- City Departments are understaffed to process applications and perform inspections; need to increase budget to hire additional staff resources.

e) Site Plan Approval Process Comparison: Mississauga and Brampton

A comparison of Vaughan's process with Mississauga and Brampton was conducted, which is summarized on Attachment # 10. A brief summary of the main points are provided below.

i) City of Vaughan Site Plan Process

1. Council approves Site Plan Applications for properties abutting highways and arterial roads (industrial proposals within the interior of employment subdivisions proceed directly to the Building Department for Permit). A staff report with a recommendation is prepared by the Development Planning Department for Council's consideration.
2. Pre-consultation is recommended, but not mandatory.
3. The applicant can submit an application to receive preliminary comments from select City Departments on the site plan and building elevations by way of Site Plan Review Team Meetings (SPRT) held every two weeks. Written preliminary comments are forwarded to the applicant within a few days after the meeting for the applicant to address and resubmit a full submission of drawings (site plan, building elevations, landscape plan, engineering plans, and consultant reports). The SPRT process takes approximately 4 weeks. Alternatively, the applicant can submit a full submission package for circulation to all City Departments and external public agencies.

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4. The Planner, Senior Planner, Urban Designer and Senior Urban Designer stamp approve and sign the Site Plan, Landscape Plan, and Building Elevations, and the Engineering Department stamps and signs the engineering plans (site servicing, grading, and stormwater management), based on clearances received from City Departments and external public agencies.
5. A Site Plan Agreement is used, which is prepared by the Development Planning Department (standard template), and incorporates various internal and external agency conditions, and is registered on title. The Region of York is usually party to the Agreement. The Agreement is circulated for a week to City Departments for approval, prior to its release to the applicant for signature. The Agreement includes reductions of the final approved plans showing the approved stamp and signatures.
6. The Letter of Credit is based on the greater of Engineering Costs (ie. based on \$40,000/ha – minimum \$50,000 and maximum \$120,000) or 50% of the Landscape Cost Estimate. (Note: prior to the 1996 Site Plan Process Change, the LC was based on the above Engineering Costs plus 100% of the Landscape Cost Estimate).
7. A Certificate of Liability Insurance is required in the amount of \$2,000,000.00.
8. The Site Plan Agreement is executed by the Mayor and City Clerk and then registered on title.
9. The site plan process in Vaughan can take on average: 10.7 months for industrial; 8 months for commercial; and, 10.7 months for residential.

ii) Mississauga Site Plan Process

1. Site Plan Approval has been delegated to Staff. No staff reports to Council.
2. Pre-consultation is recommended, but will soon be mandatory.
3. Currently there is a Development Application Review Committee (DARC) comprised of Managers and Staff that review Zoning, Subdivision and Site Plan applications.
4. If an applicant does not agree with comments or changes requested by staff, an additional meeting between staff and Directors/Commissioners can be held at a "Partnership Meeting", to discuss the proposed development before they meet with the applicant.
5. A site plan agreement is not used in Mississauga. Instead, the Planning Department prepares a one page Letter of Undertaking (standard template – Attachment #11), to be signed by the applicant. The Letter of Undertaking is not registered. There are no conditions appended to the Letter of Undertaking, and all departmental and agency requirements are incorporated onto the approved drawings as notes or drawing revisions.
6. All drawings are stamped and signed by the Planner once they receive an electronic clearance from appropriate City Departments and external public agencies through their electronic mailbox (all circulations, correspondence and clearances are performed through computer interaction).
7. All drawings are finalized before the Letter of Undertaking is released to the applicant/owner.
8. The Letter of Credit (LC) consists of 100% of the landscaping cost, and a \$10,000.00 tree preservation LC for residential infill development. A Landscape Cost Estimate is required.
9. They do not require Certificate of Liability Insurance; however, they collect a Municipal Services Protection Deposit which is 100% of the dollar value of the municipal works on site (engineering component). The applicant submits a certified cheque as a security deposit.

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10. A By-law designates site plan approval to the Commissioner of Planning and/or designate. The Commissioner has delegated the authority to the Director of Planning, who signs the Letter of Undertaking.
11. The site plan process in Mississauga can take on average: 2-4 months for industrial; 4-5 months for neighbourhood commercial; and, 12 months for high density residential (up to 18 months in the City Centre).

iii) City of Brampton Site Plan Process

1. Site Plan Approval has been delegated to Staff. No staff reports to Council.
2. Pre-consultation is recommended, but not mandatory.
3. Site Plan Team Meetings (SPTM) are held weekly. Staff from various Departments attend the meetings and provide their comments. The Planner prepares a formal report that includes all departmental comments, which is forwarded to the applicant within three weeks. The applicant is expected to revise their drawings and resubmit.
4. If the applicant does not agree with the staff comments, an additional meeting is held amongst staff.
5. A Site Plan Agreement is used, which is prepared by the Legal Department, and incorporates various internal and external agency conditions, and is registered on title. The Region of Peel may also be party to the Agreement.
6. The Letter of Credit is based on 100% of the cost of the landscape works (a Landscape Cost Estimate is required); plus Engineering component: \$25/linear metre of frontage; plus, \$15,000 lot grading deposit for sites 2 ha or less, or \$20,000 lot grading deposit for sites greater than 2 ha; and, \$300/m² of retaining wall or toe wall face, if applicable.
7. A Certificate of Liability Insurance is required in the amount of \$3,000,000.00.
8. A By-law designates site plan approval directly to the "Director of Planning". The Director approves the site plan application in consultation with Planning staff.
9. The Planner stamps all approved drawings based on clearances received from City Departments and external public agencies.
10. The Planner adds a Schedule "B" (Schedule of Approved Plans) to the Site Plan Agreement (the actual approved drawings are not appended).
11. The Site Plan Agreement is executed by the Mayor and City Clerk.
12. The site plan process in Brampton can take on average: 3-4 months for industrial; 3-5 months for neighbourhood commercial; and, 6-12 months for high density residential.

f) Proposed Changes to Vaughan's Site Plan Control Process

In light of the data collected and analyzed through the review, the Development Planning Department has summarized the Pros and Cons of the proposed changes to the current site plan process on Attachment #12. There are 11 changes being proposed by the Development Planning Department, to streamline the current site plan process. As discussed later in this report, these recommended changes may be implemented in whole or in part, and are reflected in 4 proposed Options, with varying degrees of change and time savings expected to the site plan approval process. The 11 recommended changes are as follows:

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1. Implement Mandatory Pre-Consultation – The applicant will be required to meet independently with the City and the external public agencies, prior to a Site Plan Application being filed. This will facilitate the applicants obtaining all necessary information to finalize their site plan submission and supporting documents, and to undertake any necessary actions (such as top-of-bank site walk), which will allow for a thorough and complete initial application submission (Attachment #13), and therefore, minimize the number of submissions and circulations/commenting periods, which can reduce the length of the site plan process.

A site plan pre-submission checklist (Attachment #14) has been created by the Development Planning Department for the applicant's use, and will specify the items that should be considered and submitted by the applicant, prior to filing a complete site plan application. Both the pre-submission checklist and complete site plan checklist will be appended to the site plan application form, and the exact City Departments and external agencies to meet with, and supporting documents and actions will be confirmed through the pre-consultation meetings.

The applicant should request and/or promptly receive written correspondence acknowledging each pre-consultation meeting with City Departments and external public agencies, and include the items discussed at the meeting, as confirmation that pre-consultation has occurred. The confirmation letters should then be submitted with the site plan application, in order to verify that the applicant is submitting a complete application.

2. Eliminate the Site Plan Review Team (SPRT) Process – The proposal for mandatory pre-consultation will eliminate the need for the current SPRT process, as the first submission should include and address the requirements identified earlier by the City Departments and external public agencies. This will eliminate a minimum of 4 weeks that are currently allocated to the SPRT process for identifying preliminary comments to improve the site plan proposal, prior to the applicant submitting a full set of drawings for internal and external circulation.

Many applicants are by-passing the SPRT process because the perceived benefits are considered minimal, and are using pre-consultation instead.

3. Eliminate the Site Plan Agreement (and registration on title) and Implement a Letter of Undertaking (not registered on title) – The Letter of Undertaking is being used successfully in Mississauga and Hamilton, and can be executed by the applicant within a few days, as it is a one page document, signed by the applicant and Commissioner and/or Director of Planning, and is not registered on title. The Letter of Undertaking will require the applicant to undertake all site plan works in accordance with the approved site plan drawings, and will be accompanied by a larger Letter of Credit amount to ensure that the approved site works are completed. Unlike Mississauga, the Development Planning Department will be appending necessary conditions and a list of approved drawings to the Letter of Undertaking. A Building Permit Application will only be accepted by the Building Standards Department, once the Letter of Undertaking has been signed by the applicant and they have posted securities in the form of a Letter of Credit and Liability Insurance Certificate.

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4. Delegate Site Plan Approval Authority to Staff (no staff reports) through the Commissioner of Planning and/or his designate (ie. Director of Development Planning or his designate - Manager of Development Planning) for all or some classes of development – Delegation of site plan approval to the Planning Department is being used successfully in Mississauga, Brampton and Hamilton. Delegation can reduce processing times associated with report preparation, Committee and Council schedules, and review and consideration by the Committee of the Whole and Council.

Delegation to staff can occur either partially (certain types of development) or in full (all types), as will be discussed later in this report through the proposed options for change. Council is being asked to choose a Site Plan Control Process that either contains no delegation, or partial or full delegation of site plan approval authority to staff. Any efficiencies realized through partial or full delegation will expedite the overall process.

5. Implement the Expiration of Site Plan Approval after 18 months – In Vaughan, site plan approval is indefinite, unlike Mississauga (12 months) and Brampton (18 months), which have expiry dates. The implementation of an expiry date (eg. when a Building Permit has not been issued within 18 months of the signing of the Letter of Undertaking) will prevent older approved site plans that were never constructed, and which may now be inconsistent with existing surrounding development or current policies, from being constructed.

An expiry date will also ensure that all securities filed with the City are up to date and sufficient in dollar amount to address current costs. The expiry date could also be used to trigger a revocation of Building Permit that as issued but not constructed. This would assist in ensuring that any Building Code changes enhancing public safety are addressed through resubmission.

6. Continue to Dialogue with the Region of York to Reduce Commenting and Approval Times, with the view of having the Region provide essential comments on the site development to the City, to be followed-up by their approval/clearance – At the meeting held on September 24, 2007, the Development Planning Department clearly indicated to the Region that they should focus on sending key comments to the City that directly relate to the overall site design (ie. access locations, road widenings, traffic, lay-by parking, etc.), which is information that the City needs to review the appropriateness of an application proposal. Other information of Regional interest such as the submission of Regional processing fees and construction drawing information can be addressed in a separate letter, directly to the applicant, so that it does not delay timely receipt of comments and the City's further processing or approval of the application. The Region responded that this may be feasible and would be considered further in their site plan process review.

The Region was also advised that the Development Planning Department is supportive of working with the Region with the goal of obtaining timely comments and approvals/clearances from them, but is not supportive of waiting for the Region to secure its interests by withholding comments or approvals. Accordingly, the Region was advised of the Development Planning Department's proposal to replace the tri-party site plan agreement with a Letter of Undertaking that would not be registered on title, and would not be signed by the Region or have Regional conditions appended to it, which could increase time savings by 1-2 months. Although the Region preferred to maintain the current tri-party site

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plan agreement, they acknowledged that they could use their existing Regional site plan agreement (currently used in Newmarket and Whitchurch-Stouffville), as an alternative means to secure their interests.

The Development Planning Department's proposal for mandatory pre-consultation and a complete initial site plan submission will facilitate time savings by having the applicant address the Region's concerns prior to and as part of the submission thereby facilitating quicker approvals from the Region. Through pre-consultation, the Region and the applicant can discuss detailed site plan issues that are of interest to the Development Planning Department, as well as, other issues of Regional interest (ie. financial, construction drawings, etc.), which they can deal directly with each other.

The random sample survey analysis identified that the Region takes on average, 63 days to respond to the City's initial circulation, 92 days on a second circulation, 65.4 days for a third circulation, and 20.7 days to provide final approvals and execution of the site plan agreement. In order to expedite the site plan approval process and realize time savings from the changes being recommended by the Development Planning Department, the Regional approval process together with other external public agencies and the applicant/agent, must achieve better efficiencies.

7. Require a "Complete Application" with the intent of not accepting a site plan application until the application is considered to be "complete" and all required supporting documentation is submitted and all required actions (eg. mandatory pre-consultation, top-of-bank walk, etc.) have been undertaken. The Development Planning Department has created a "complete application" checklist (Attachment #13), and a "Pre-Submission Site Plan Checklist" (Attachment #14), which will be appended to the site plan application - The goal is to receive a complete application with all the required information in order to review the application, and to minimize the number of submissions and the number of circulations/commenting periods, which extend the length of the site plan process. A site plan pre-submission checklist has been created (Attachment #14) by the Development Planning Department for the applicant's use, and will specify all of the items and/or actions that must be undertaken and submitted by the applicant (including written confirmation from the external public agency that pre-consultation has occurred with the applicant, and identifying any issues or actions to be addressed, and the required materials to be submitted with the initial submission), to constitute a complete site plan application.
8. Eliminate duplication of review of a site plan application by Non-Statutory Advisory Committees (eg. Maple Streetscape Community Advisory Committee) – One such Non-Statutory Advisory Committee is the Maple Streetscape Community Advisory Committee (MSCAC). The official mandate of MSCAC as provided by the City Clerk's Department is as follows:

"The Maple Streetscape Community Advisory Committee shall provide input to the Implementation Committee on matters relating to the public realm of the Maple Streetscape Area using the Maple Streetscape and Urban Design Guidelines, December 9, 1996, as a reference and guiding document.

1. Foster community awareness and interest in streetscape improvements in Maple.

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2. Promote co-operation and communication among organizations, agencies and individuals in advancing improvements to the public realm.
3. Pursue alternative sources of funding for streetscape improvement initiatives through public and private organizations.
4. Consult with and encourage, where feasible and appropriate, the participation and collaboration of the corporate sector and community service groups in streetscape improvement projects.
5. Assist in prioritizing streetscape improvement projects to be recommended to Vaughan Council for inclusion in the City's budget and five-year capital projects."

The mandate of MSCAC is clearly defined to promote communication in advancing improvements to the "public realm", and not to review and provide comments to the Development Planning Department on the "private realm", which periodically occurs. MSCAC's consideration is limited to streetscape issues within the public right-of-way of the Maple Streetscape Area (ie. Major Mackenzie Drive between Jane Street and the GO Rail Line; MacNaughton Road; and, Keele Street between Rutherford Road and Teston Road), including but not limited to street lighting, sidewalk materials, banners, and public landscaping, and do not include issues related to the private internal site, landscaping and building design, and massing and scale of buildings, where appropriate guidelines and review processes exist.

The Council approved "Maple Streetscape and Urban Design Guidelines" document provides the basis and implementation details for the review and approval of the public realm area associated with development applications in the Maple Streetscape Area. Accordingly, there is no need for MSCAC to provide further review of site plan applications, as there is already sufficient review of the private realm by professionals and experts including Planners and Urban Designers in the Development Planning Department, Cultural Services Staff, Heritage Vaughan Committee (a Statutory Advisory Committee), and by the required licensed architect (for the applicant) who is a member of the Canadian Association of Heritage Professional Consultants and must confirm in writing that the proposed development conforms to the intent of the policies and design guidelines of the Council approved "Village of Maple Heritage Conservation District Plan". There are also sufficient policies and guidelines in place through the Maple Community Official Plan, Maple Heritage Conservation District Plan, and through Architectural, Urban Design and Streetscape Guidelines, to sufficiently review the public and private realms associated with development proposals.

The proposal to eliminate the MSCAC from considering site plan applications would eliminate the time delays inherent in the schedule of this Committee, which meets once a month (ie. last Wednesday of the month), and recesses in July and August, thereby expediting the site plan review process. It would also eliminate the potential for comments that conflict with City staff and expert review, and would ensure a uniform approval process and consistent time lines across the City. The goal is to eliminate unnecessary duplication of application review, resulting in time savings, which could be achieved through the proposed elimination of having MSCAC review site plan applications.

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9. Accept minor red-line revisions on the final site plans being approved by the Development Planning Department, where appropriate. These changes will reduce the number of resubmissions by the applicant, and expedite the approvals process. A copy of the final red-lined and/or revised approved plan will be forwarded to appropriate City Departments for their records.
10. Investigate the feasibility to enhance the existing Development Tracking Applications (DTA) System to permit Electronic Circulation and Receipt of Comments/Approvals from all City Departments, External Public Agencies, and the Applicant/Agent, and to identify any budget implications - The DTA (internal system) and DTA Web (external internet system) have the capability to allow for electronic circulation of applications, which can allow for instant circulation of applications, and faster receipt of comments and approvals from all involved parties. Time and financial savings could be realized through electronic communication. It will be necessary for the Development Planning and IT Departments to meet with internal City Departments, external public agencies, and frequent applicant/agents to investigate the implementation details including security features and passwords to allow access to the City's system by external public agencies and the applicant/agent, and to identify any budget implications in doing so. The electronic circulation process has been implemented in Mississauga, and appears to work well.
11. Amend the Site Plan Control By-law and Official Plan to apply Site Plan Control to freehold street townhouse development located on public roads – The proposed re-instatement of site plan control for freehold street townhouse development located on public roads will assist to ensure that this multiple-unit housing form can develop and interface with the streetscape in terms of appropriate and co-ordinated placement of garages, driveways, landscaping and utilities, and to ensure attractive building facades in accordance with the approved architectural design guidelines for each community. Through site plan review, the City can ensure that townhouse designs incorporate a variation in roof lines, materials, window and door treatment, and use approved colours, that will provide for a more interesting streetscape, and variations within and between adjacent street townhouse blocks. In addition, the Development Planning Department will require applicants to submit a landscape package for approval, to ensure that there will be sufficient and appropriate planting in front of each dwelling unit, and to adequately screen utilities (ie. meters) attached to the front building facade. Review and approval by the Control Architect for each Block Plan area will still apply, and complement the City's review and approval of this housing form through Site Plan Control.

g) Letter of Credit Process Comparison: Mississauga and Brampton

The Development Planning Department has reviewed and evaluated Vaughan's existing Letter of Credit process against the process in place for Mississauga and Brampton. The Letter of Credit administration, landscape inspection procedures and fees charged for that service vary with each municipality. The detailed comparison chart provided on Attachment #10 describes the similarities and differences between each municipality's respective Letter of Credit process. A brief summary of each municipality's process is provided below:

i) Current City of Vaughan Letter of Credit Process

1. A Letter of Credit for engineering and landscape works is calculated based on the greater of \$40,000.00 per hectare (minimum of \$50,000.00 to a maximum \$120,000.00), or 50% of the approved landscape cost estimate.

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2. The Finance Department circulates a request form for Letter of Credit release to the Engineering, Building Standards and Development Planning Departments.
3. Prior to any landscape inspection by staff, the Owner must submit a Certificate of Landscape Completion signed and sealed by a landscape architect.
4. Once the Owner completes the landscape and engineering works to the satisfaction of the City, 100% of the total Letter of Credit is released back to the Owner with no holdback for any specified hard and soft landscape warranty period.
5. The City does not specify a time period following the registration of the site plan agreement when the engineering and landscape works must be completed by.
6. The City does not charge a fee for conducting the first two Letter of Credit release inspections under a site plan agreement; however, a non-refundable fee of \$200.00 must be paid to the Finance Department prior to each additional inspection by any department.
7. The City does not conduct Letter of Credit inspections between the months of November and March, as the health of landscape plantings cannot be confirmed during these months.
8. In the event that the Owner does not complete the landscape works as shown on the approved drawings, the City may draw upon the Letter of Credit and complete the works, however, there is no time frame specified that triggers this action.

ii) City of Mississauga Letter of Credit Process

1. Once a final Letter of Undertaking has been released, signed inspection dates are posted 18 months from the time of release of the Letter of Undertaking.
2. A Letter of Credit is taken based on 100% of the cost of the approved landscape works (based on an approved landscape cost estimate), plus there is a separate Municipal Services Protection Deposit (for engineering works) as described earlier in Section (e)(ii) of this report.
3. If an inspection request has not been sent in after 18 months, a reminder letter is sent to the property owner advising them that the City has their securities and requires a Landscape Completion Certificate and inspection fee to be sent in to initiate an inspection. The City has the option to extend the 18 month deadline, provided the work is in progress.
4. Final approval of the landscape site works and release of the Letter of Credit are performed between the months of May to October (growing season).
5. If an inspection is conducted and deficiencies are noted, an inspection report is completed that identifies the deficient works and provides a time frame when the works are to be completed by the Owner. An inspection fee is always required to be paid prior to any inspection being conducted by staff. Typically a 3 week turn-around time frame is required from the initial request to the actual completion of inspection depending on the staff workload.
6. A second reminder letter will go out 3 to 6 months after the initial inspection depending on what was outstanding and the time of the year. An inspection fee is collected prior to an additional inspection being conducted.
7. After six months, a third reminder letter is sent to the Owner that outlines the outstanding deficiencies and a date that the works must be completed by, in addition to an inspection fee. After the third reminder letter, the City has the option to draw upon the Letter of Credit to complete the works in accordance with the terms stipulated in the Letter of Undertaking.

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8. After the landscape works have been completed to the satisfaction of the City, the Letter of Credit is reduced to 20% of the total amount, which is held for a minimum 12 month warranty period during which all deficient soft and hard landscape works are to be replaced to the satisfaction of the City.
9. Inspection fees currently charged are \$338.00 for the first inspection, and \$130.00 for each subsequent inspection.

iii) City of Brampton Letter of Credit Process

1. The Letter of Credit is based on 100% of the cost of the approved landscape works (based on an approved landscape cost estimate), plus an engineering component as described in Section (e)(iii) of this report.
2. The Owner initiates a request for inspection by the City inspector only when a Certificate of Landscape Completion is provided, signed and sealed by a landscape architect.
3. Once the engineering and landscape works have been completed to the satisfaction of the City, the full engineering component and 90% of the landscape component are returned, with the remaining 10% landscape component being held for a minimum 12 month warranty period in which all deficient landscape works are to be replaced to the satisfaction of the City.
4. At the end of the one year warranty period, the Owner will request a final inspection for release of the remaining 10% landscape component of the Letter of Credit.
5. The fees for inspection related to the Letter of Credit release are collected at the initial site plan application stage in accordance with the City's Fee By-law.
6. Final inspections are not conducted during winter months as the health of new landscape plantings cannot be ascertained.
7. In the event that the Owner does not complete the works within 18 months from registration of the site plan agreement, a registered notice is sent to the Owner advising that the City may draw upon the Letter of Credit to complete the works, in accordance with the terms of the registered site plan agreement. Any work completed by the City is subject to a 15% administration fee and the non-compliance is registered on title of the subject property.

h) Proposed Changes to Vaughan's Site Plan Letter of Credit Process

Based on the results of the survey and evaluation of the City of Mississauga's and the City of Brampton's Letter of Credit policies (Attachment #10), the Development Planning Department recommends that the City of Vaughan's current Letter of Credit process be revised to better address issues related to landscape/streetscape works and warranty periods. It has become evident that current site plan applications are becoming more complex with regard to urban design and landscape architecture, and this results in the Development Planning Department (Urban Design Section) dedicating more staff resources to perform Letter of Credit inspections (approximately 120 annually). As such, the Development Planning Department is proposing 3 changes to the current Letter of Credit process as follows:

1. Maintain a combined Letter of Credit (LC) for Landscaping and Engineering works, however, the calculation method would differ by increasing the landscape component to 100% - The Engineering component of the LC will be calculated the same (ie. \$40,000/ha (minimum \$50,000; maximum \$120,000), however, the

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Landscaping component will be based on 100% of the approved cost estimate (rather than 50%), and the two components will be added together, rather than taking the greater of the Engineering or Landscaping (50%) components. Accordingly, the following LC calculation is proposed:

- a) the Engineering component to be based on \$40,000/ha (minimum of \$50,000 to a maximum of \$120,000), plus the Landscaping component to be based on 100% of the landscape cost estimate, with no maximum ceiling on the overall LC amount. The minimum LC amount will continue to be \$50,000.

The provision of an LC based on 100% of the estimated hard and soft landscape works will better secure the City against deficient landscape works in case the applicant defaults in fulfilling all landscape obligations as identified on the approved landscape plan and as stipulated in the Letter of Undertaking.

2. Implement the following changes to the Site Plan Letter of Credit Release and Inspections Process:

- a) require the first inspections for the release of the Letter of Credit by each of the Development Planning and Engineering Departments to commence within 18 months of the issuance of a Building Permit;
- b) upon successful inspections, a 100% Letter of Credit release for the Engineering component upon completion of all required servicing works being constructed;
- c) upon successful inspections, a two stage Letter of Credit release for the Landscaping component, based on:
 - i. a First stage release of 80% of the Landscaping component upon completion of all soft and hard landscaping works being constructed; and,
 - ii. a Second stage release of the remaining 20% holdback of the Landscape component upon completion of a 12 month warranty period (following the First stage release) for the hard and soft landscaping.

The proposed procedure for release of the LC is as follows:

- a) The City would require each development application to include a section located on the drawings that reads “Letter of Credit Release Conditions”, and indicate the conditions for the release of the Letter of Credit below the title.
- b) The Letter of Undertaking would include a section that requires the first inspections for the release of the Letter of Credit by the Development Planning and Engineering Departments to commence within 18 months of the issuance of a Building Permit.

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- c) The inspections request would be initiated by the applicant through a request to the Finance Department. If after 18 months following the issuance of the Building Permit for the first required inspections, or following the 12 month warranty period for the second landscape inspection, the applicant has not applied to the Finance Department to initiate these inspections, a letter will be sent to the applicant by the Development Planning Department to contact the Finance Department to initiate the required inspections by the Development Planning and Engineering Departments. It will be necessary for the Development Planning and IT Departments to meet to discuss the implementation details for flagging inspection time limits within the Development Tracking Application (DTA) system for each new site plan application, and to identify if there are any budget and resource implications in doing so.
- d) The Development Planning Department has created a standard Letter of Credit Calculation Worksheet (Attachment #15) that it will use to breakdown the respective Engineering and Landscape component dollar amounts of the LC, and the 20% warranty holdback dollar amount of the Landscape component, which it will then forward to the Finance Department as reference for the later release of the respective LC amounts.

The inspection of the landscape works following a 12 month warranty period (after the First stage release) for the hard and soft landscaping will allow the City to require that all deficient work is satisfactorily completed. Also, the provision of a time limit for the completion of the engineering and landscape works will provide an appropriate monitoring system to ensure that the works are completed within a specified time frame.

- 3. The Development Planning Department will also investigate the feasibility of introducing inspection fees as a further implementation change to administer the Letter of Credit inspections process, and identify any budget and resource implications in doing so, in a subsequent report to Budget Committee – There should no longer be free inspections (development must pay for development), which should be accounted for to recover costs. The Development Planning Department will be consulting with the Finance Department to investigate amending Schedule “A” (“Inspections”) to the City’s Consolidated Fees and Charges By-law 396-2002, as amended by By-law 195-2007, to propose the following inspection fee amounts:

- \$350 for the first inspection for the release of the Letter of Credit by the Engineering Department;
- \$475 for the first inspection for the release of the Letter of Credit by the Development Planning Department, and this fee will also include the second landscaping inspection for the release of the 20% landscape warranty holdback; and,
- \$125 for each additional inspection to be performed by these respective Departments, to address deficiencies.

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i) Urban Design Assessment Checklist

The Development Planning Department is committed to achieving a high standard of urban design for site plan applications, to guide and assist the applicant and their consultants in the implementation of the City's urban design policies. The Development Planning Department has created an Urban Design Assessment Checklist (Attachment #16), which will be appended to the City's site plan application form, and is to be completed by the applicant and submitted with the initial application submission for review by the Urban Design Section of the Development Planning Department, to confirm the urban design elements that have been incorporated into the overall development.

The Urban Design Assessment Checklist represents a framework to implement Vaughan's future urban form, and it sets out a number of positive design requirements which should be followed and incorporated in the design of new buildings and site layouts. This checklist establishes urban design requirements to ensure that new development consistently achieves and implements the City's long term vision as established in the City's various Official Plans. The checklist is intended to be flexible and is not intended to prescribe specific design solutions, but rather to express preferred design objectives that can be consistently applied throughout the City.

The development process is viewed as a co-operative venture between the City and the development industry, and a successful site development can achieve the City's urban design vision while still meeting the individual needs of the applicant. There may be instances where physical site conditions or unique circumstances may require a different approach to urban design in order to provide a successful resolution to a site plan issue. In all cases, the development proponent is encouraged to discuss these issues with the appropriate City Departments through the pre-consultation process.

j) Urban Design Guidelines Manual

Over the next 12 months, the Development Planning Department (Urban Design Section) in consultation with appropriate City Departments, the development industry and external public agencies, will be developing an Urban Design Manual for Vaughan Council's consideration and endorsement. The design manual will include comprehensive urban design guidelines for "Community and Neighbourhood Design" - urban design at the community and neighbourhood scale; "Site Design" - detailed site planning issues; and, "Building Massing and Design" - specific building design and streetscape issues. The development and design of new communities and individual sites plays a vital role in the realization of the City's future urban vision, and accordingly, the Urban Design Manual document will set out to:

1. To facilitate the planning and urban design of new communities and individual development applications in accordance with the City's vision and urban design objectives.
2. Consolidate in one document approved design guidelines, standards and criteria to guide the development industry through the development design process.
3. Outline specific design guidelines and requirements to promote a consistent high level of quality in the design of new developments and their interface with existing communities.

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k) Liability Insurance

Through the site plan control process review, the Working Group decided that the City should maintain and continue to require an applicant to submit a Certificate of Liability Insurance naming the City of Vaughan as a co-insured in an amount of not less than \$2 million dollars. This form of security and amount is considered to afford the City with the required level of liability protection.

l) Site Plan Control Process: Proposed Options For Implementation

4 site plan approval process options (Attachments #18, #19, #20 and #21) are presented for the Committee of the Whole's consideration and choice. These options range in the degree of change from an implementation of a few administrative changes to full implementation of all recommendations, and include varying degrees of delegation of site plan approval (ie. from no delegation, to partial or full delegation).

i) Existing Site Plan Approval Process

The existing site plan approval process is illustrated on Attachment #17. Through the random sample survey of 25 site plan applications, it was determined that the site plan approval process currently takes 46.5 weeks or 10.7 months on average for industrial, residential and institutional applications, and 8 months for commercial applications.

The existing process includes optional pre-consultation; the option to submit a partial application and proceed to a Site Plan Review Team Meeting to receive preliminary comments, or full application submission for circulation (sometimes submitted incomplete); preparation of a staff report for consideration by the Committee of the Whole and Council; the preparation and circulation of a site plan agreement with execution by the Mayor and City Clerk; and submission of a Building Permit application following execution and registration of the Agreement.

The flow chart also shows a Minor Amendment Process, which is administered on a staff level, whereby the Development Planning Department reviews, circulates the application to select internal City Departments and external public agencies (only when necessary), and approves minor site plan revisions or building additions by way of an approval letter sent to the applicant, and copied to the Building Standards, Engineering and Finance Departments for their records. This process can take 1-3 weeks or less, and serves its purpose by allowing Development Planning Staff to approve minor site plan changes quickly, without proceeding to Council with a report. The Commissioner of Planning, or the Director of Development Planning or his designate, has been granted approval authority for minor site plan amendments under the City's Site Plan Control By-law, and this approvals process will continue to function with no changes on each of the proposed option flow charts.

ii) Option #1: Minor Modification Model

The proposed Minor Modification Model option is provided on a flow chart, which is shown on Attachment #18. This option is relatively the same as the existing process, in that, it retains the site plan review team and the requirement of a Planning report to Council and Committee's approval of the site application with the following changes:

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1. require a complete application submission; and,
2. utilize a Letter of Undertaking similar to that shown on Attachment #11, instead of a site plan agreement. A Building Permit Application may only be submitted to the Building Standards Department, once the Letter of Undertaking has been signed by the applicant.

This Option Model is expected to take approximately 37.5 weeks, and can save up to 9 weeks from the existing site plan process. The time savings will be realized at the back end of the process by utilizing a Letter of Undertaking, which is expected to take 1 week, and will require Development Planning Staff to fill in applicant, locational and letter of credit amount information on a one page template (and append any conditions), and then for the applicant to sign the Letter of Undertaking and return to the City, together with the Letter of Credit and Certificate of Liability Insurance. The applicant can then apply for their Building Permit application.

This Option could be implemented within a few months.

iii) Option #2: Major Modification Model

The proposed Major Modification Model option is provided on a flow chart, which is shown on Attachment #19. This option is similar to Option #1 except for the following additional changes:

1. mandatory pre-consultation with the City and external public agencies prior to a complete application submission;
2. elimination of the Site Plan Review Team (SPRT) process; and,
3. utilize a shorter 1-1/2 page staff report (Attachment #23) with emphasis on clear visual report attachments.

This Model is expected to take approximately 31.5-32.5 weeks, and can save up to 15-16 weeks from the existing site plan process. The time savings will be achieved throughout the process. The proposed mandatory pre-consultation will ensure that an applicant meets with City staff and external public agencies to identify issues to be addressed and actions to be taken (such as a top-of-bank walk with the TRCA), supporting studies to be undertaken and submitted, and to make the appropriate changes to the site plan to facilitate a better proposal, which would have the desired effect to reduce the number of submissions to be reviewed through the site plan approval process and improve efficiency in time savings. Pre-consultation promotes and reinforces the applicant's submission of a complete application at the start of each site plan process, thereby allowing the elimination of the SPRT process, which would no longer be necessary.

Also, moving towards shorter staff reports that are 1-1/2 pages in length and contain only pertinent information with reliance on clear attachments to provide visual information, should facilitate staff time savings that can be used to process applications. Although the staff report preparation and review and Committee of the Whole/Council consideration period remains the same, the shorter report format should allow reports to be completed earlier so that staff time can be spent productively elsewhere.

This Option could be implemented within a few months.

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iv) Option #3: Partial Delegation Model

The proposed Partial Delegation Model option is provided on a flow chart, which is shown on Attachment #20. This option includes the Major Modification Model, (Option #2) and includes:

1. Delegation authority for site plan approval for certain classes of development; and
2. Not requiring staff planning reports for Council approval for those delegated classes of development.

This model provides for the delegation of site plan approval authority to Staff for specified classes of development, thereby determining whether or not staff reports are prepared. Council may choose to delegate partial site plan approval authority to staff – ie. the Commissioner of Planning and/or his designate (ie. Director of Development Planning or his designate – ie. Manager of Development Planning), to approve certain classes of development (such as industrial; office; and, commercial other than in the Vaughan Corporate Centre, historical districts (ie. Kleinburg, Maple, Woodbridge and Thornhill), with the other classes (such as residential; institutional; and mixed use) requiring a staff report (ie. condensed as per Option #2) for Council's consideration.

For those classes of development that are delegated to staff, this Option Model is expected to take 26.5-27.5 weeks, and save up to 19-20 weeks from the existing site plan process, with the time savings coming throughout the process. The classes of development that are not delegated approval authority, will require staff reports and have overall processing times and time savings that are consistent with Option #2 (ie. take approximately 31.5-32.5 weeks, and save up to 15-16 weeks).

A Public Hearing must be held to consider amendments to OPA #200 and Site Plan Control By-laws 237-2007 and 228-2005, to reflect the recommended changes to the Site Plan Control Process, if partial delegation is chosen.

If site plan approval is partially delegated to staff, it is proposed that a member of Council may request that a specific delegated application proceed with a report to the Committee of the Whole.

This Option could be implemented within 6 months.

v) Option #4: Full Delegation Model

The proposed Full Delegation Model option is provided on a flow chart, which is shown on Attachment #21. This option further expands upon the Partial Delegation Model, and includes:

1. Full delegation authority to staff for site plan approval of all classes of development; and
2. No Staff reports required to be prepared for Council approval.

This model provides further full delegation authority to staff – ie. the Commissioner of Planning and/or his designate (ie. Director of Development Planning or his designate – ie. Manager of Development Planning), for site plan approval of all classes of development (industrial, office, commercial, residential, institutional, and mixed use), thereby not requiring staff reports to be prepared.

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This Option Model is expected to take 26.5-27.5 weeks, and save up to 19-20 weeks from the existing site plan process, with the time savings being achieved throughout the process.

A Public Hearing must be held to consider amendments to OPA #200 and Site Plan Control By-law's 237-2007 and 228-2005, to reflect the recommended changes to the Site Plan Control Process, if full delegation is chosen.

If site plan approval is delegated to staff, it is proposed that a member of Council may request that a specific delegated application proceed with a report to the Committee of the Whole.

This Option could be implemented within 6 months.

vi) Summary of Site Plan Control Option Models

A chart (Attachment #24) is provided which summarizes the steps in the existing site plan process compared with the proposed options.

The Development Planning Department is requesting that Council provide direction with respect to the preferred Site Plan Control Process option to be implemented. A comparison of the time savings based on all of the Option Models proposed is shown on Attachment #22. It is recommended that the changes be implemented immediately, where possible, including that a Public Hearing be held to consider amendments to OPA #200 and Site Plan Control By-laws 237-2007 and 228-2005, to reflect any recommended changes to the Site Plan Control Process respecting delegation of site plan approval, if partial or full delegation is chosen.

Also, the Development Planning Department will be moving forward immediately to investigate the feasibility of implementing full electronic circulation and receipt of comments between City Departments, external public agencies, and the applicant/agent, through the DTA, which will result in further additional time savings (undetermined and not reflected in any of the 4 options), and identify any budget and resource implications in doing so, in a subsequent report to Budget Committee.

n) Process Implementation and Public Involvement

Bill 51 (New Planning Act) requires each municipality to identify what constitutes a "complete application" in its Official Plan, and to also enact a by-law to facilitate "pre-consultation". The Development Planning Department will be preparing a report this Fall, to consider amendments to the City's Official Plan and By-law in regards to implementing these and other requirements of Bill 51. Until there is effective legislation in place, a site plan application pre-submission checklist (Attachment #14) has been created by the Development Planning Department for the applicant's use, and will specify all of the items that must be undertaken and submitted by the applicant, to constitute a complete site plan application (Attachment #13).

Relationship to Vaughan Vision 2007

This report is consistent with the priorities set forth in Vaughan Vision 2007, particularly 'A-1', "Pursue Excellence in the Delivery of Core Services".

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Regional Implications

The Development Planning Department will be continuing to dialogue with the Region of York's Transportation and Works Department in an effort to streamline the Region's commenting and approval time frames. The Region is currently meeting with all York Region municipalities in an effort to streamline the site plan approvals process uniformly across the Region. This will be an ongoing process, and any time savings that materialize will assist to further reduce the site plan approvals process time lines. If the Region's current commenting and approval times do not change substantially, there will likely be minimal difference to the overall processing of site plan applications in Vaughan, as identified in the results of the recent random sample survey.

Conclusion

The Development Planning Department, in consultation with the Working Group consisting of the Building Standards, Engineering, Public Works, Parks Development, Economic Development, Clerk's, Reserves and Investments, and Legal Services Departments, are proposing substantial changes to the City's Site Plan Control and Letter of Credit processes. It will be necessary for Council to identify an option that in its' opinion will best serve the residents and businesses in Vaughan in achieving a site plan approval process that is streamlined and efficient, and that will protect the interests of the Corporation. Some of the suggested changes, if desired by Council, can be implemented relatively soon, while others, if selected by Council, will require a Public Hearing or other further action. Partial and Full Delegation Options #3 and #4, respectively, have the greatest degree of changes and could require up to 6 months to implement, with Options #1 and #2 to be implemented within a few months.

The Development Planning Department in consultation with select internal City Departments and external public agencies, has undertaken a comprehensive review of the existing Site Plan Control process, with the goal of proposing appropriate changes to provide a more efficient and streamlined site plan approval process. The Development Planning Department has reviewed a random sample of 25 recent site plan applications to better understand how long each step in the site plan process actually takes to complete by City Departments, external public agencies, and the applicant and/or their consultants, to determine where the fast and slow areas are in the overall process.

The survey results indicated that on average, the site plan process is typically taking 10.7 months, with commercial applications averaging slightly less at 8 months. With respect to the initial 21 day circulation period (based on consecutive calendar days), the City Departments generally responded with comments within a reasonable time frame (23-30 days), whereas the external public agencies, particularly the Region of York Transportation and Works Department (63 days) and the Toronto and Region Conservation Authority (TRCA – 52 days), took longer to respond. The survey also indicated that the applicant and/or their consultants took on average 48.6 days to respond to comments provided to them by the City Departments or external public agencies, which contributed to lengthening the overall site plan processing times. Unless there is co-operation and noticeable effort on the part of the external public agencies and the applicant/consultants in providing greater turn-around times, the possibility exists for minimal overall time savings being realized through the initiatives being implemented and time savings being realized by the City Departments.

The Development Planning Department has consulted with the Region of York and the TRCA, as well as, having undertaken a detailed comparison of the site plan process in Mississauga and Brampton. These external public agencies will continue to dialogue and work with the City to streamline and make the existing process more efficient, which will take time and effort to implement, however, there is a commitment towards moving forward with responsible change. Both Mississauga, Brampton and Hamilton have similar and yet different site plan approval processes in place, parts of which Vaughan can incorporate into its' approval process in order to

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realize efficiencies. Of particular interest is the use of delegation of site plan approval authority from Council to the Commissioner of Planning or Director of Development Planning in both Mississauga and Brampton, which reduces the site plan process times as there are no staff reports prepared for Council, no time delays resulting from Committee or Council meeting schedules, and staff can allocate their time to complete or process other applications in the system. Also, Mississauga and Hamilton's use of a one page Letter of Undertaking that is not registered on title assists to reduce the overall processing time, in comparison to preparing, executing and registering a site plan agreement on title. Both delegation to staff and the use of a Letter of Undertaking are being proposed by the Development Planning Department.

Other proposed measures that are being recommended include mandatory pre-consultation, the submission of a complete application, the elimination of the staff lead Site Plan Review Team meetings, movement towards implementing electronic circulation and receipt of comments through modifications to the City's existing Development Tracking Application (DTA) system, red-lining minor revisions to site plans without the need to recirculate plans, and eliminating duplication of review by Non-Statutory Advisory Committees, all of which will assist to streamline the site plan process times.

The Development Planning Department is proposing an expiration date for site plan approvals, in which building permits must be issued within 18 months of the signing of a Letter of Undertaking. It is also being proposed that upon successful inspections, there be a 100% Letter of Credit release for the Engineering component upon completion of all required servicing works being constructed. There would also be a two stage Letter of Credit release for the Landscaping component, based on a first stage release of 80% of the Landscaping component upon completion of all soft and hard landscaping works being constructed; and, a second stage release of the remaining 20% holdback of the Landscape component upon completion of a 12 month warranty period (following the first stage release) for the hard and soft landscaping.

There will also be changes in how Letters of Credit will be calculated, which will increase, and include 100% of the cost of the estimated landscaping works plus engineering costs, with the amounts to be substantially high enough as a security to the City to ensure that all site plan works are completed by the applicant, and that sufficient funds are available for the City to undertake any work defaulted by the applicant.

Attachments

1. Recent History of Amendments to the Site Plan Control Process
2. Terms of Reference and Detailed Work Plan
3. Random Sample Survey of Site Plan Applications - Assumptions
4. Graph: Internal Group 1 - Average Processing Time Per Process
5. Graph: Internal Group 2 - Average Processing Time Per Process
6. Graph: External Group - Average Processing Time Per Process
7. Graph: Owner/Applicant - Average Response Time Per Process
8. Graph: Average Number of Resubmissions Per Department/Commenting Agency
9. Graph: Average Processing Time Per Use
10. Comparison Chart: Vaughan, Mississauga and Brampton
11. Sample Template of Mississauga's Letter of Undertaking
12. Suggested Site Plan Procedures Options (Pro and Cons) for Consideration
13. Proposed Site Plan Complete Application List
14. Proposed Site Plan Application Pre-Submission Checklist
15. Proposed Letter of Credit Calculation Worksheet
16. Proposed Urban Design Assessment Checklist
17. Flow Chart: Existing Site Plan Process
18. Flow Chart: Option #1 (Minor Modification Model)
19. Flow Chart: Option #2 (Major Modification Model)

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20. Flow Chart: Option #3 (Partial Delegation Model)
21. Flow Chart: Option #4 (Full Delegation Model)
22. Graph: Time Savings Comparison
23. Proposed Simplified Staff Report
24. Comparison Chart – Existing Site Plan Process and Options #1 to #4

Report prepared by:

Grant Uyeyama, Manager of Development Planning, ext. 8635

Rob Bayley, Senior Urban Designer, ext. 8254

Mauro Peverini, Senior Planner, ext. 8407

Arto Tikiryan, Senior Planner, ext. 8212

Stephen Lue, Planner, ext. 8210

(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.)

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Item 3, Report No. 57, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on December 10, 2007.

**3 CITY OF VAUGHAN PROCEDURAL BYLAW #400-2002, AS AMENDED
PROPOSED AMENDMENTS**

The Committee of the Whole (Working Session) recommends:

- 1) That this matter be referred back to staff to provide further information addressing the comments expressed by Members of Council; and
- 2) That the deputation of Mr. Richard Lorello, 235 Treelawn Boulevard, P.O. Box 927, Kleinburg, L0J 1C0, be received.

Recommendation

The Commissioner of Legal and Administrative Services and City Solicitor recommends:

That staff be directed to give Notice of the proposed adoption of amendments to the City's Procedural Bylaw #400-2002, as amended, and that the proposed amendments as set out in this report be prepared for presentation at the Committee of the Whole Meeting on January 21, 2008.

Economic Impact

There is no economic impact as a result of this report.

Communications Plan

The City's Notice Bylaw requires 10 days notice of proposed amendments to the Procedural Bylaw, to allow for public comment.

Purpose

The purpose of this report is to recommend amendments to the City's Procedural Bylaw.

Background

Staff have undertaken a review of the City's Procedural Bylaw to ensure compliance with the new *Municipal Act, 2001*, S.O. 2001, c. 25, as amended ("*Municipal Act*"). Staff have also conducted a comparative review of procedural bylaws of other municipalities, including Toronto, Mississauga, Brampton, Richmond Hill, Markham and the Region of York. Consideration has been given to amendments that would clarify the meaning and application of existing sections of the City's Procedural Bylaw #400-2002, as amended, and which would make changes to existing procedure, so that Council's public meetings are carried out as effectively and efficiently as possible. Proposed amendments also include prior Council directions.

Analysis and Options

Amendments are recommended with respect to the following sections of the City's present Procedural Bylaw:

- i. Closed Meetings [section 2.4] - education training
- ii. Deputations [section 3] – parameters
- iii. Ceremonial Presentations [section 3] – time limits

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- iv. Presentations [section 3]– time limits
- v. Special Purpose Committees [sections 5.11, 5.12, 5.13, 6.4] - to include Presentations and Deputations
- vi. Emergency Meetings of Council
- vii. “New Business”
- viii. Additional Information– cut off times
- ix. Use of electronic devices in Council Chambers and at Meetings
- x. Public Notice
- x. Headings and general house-keeping

Closed Meetings of Council:

The *Municipal Act, 2001*, provides that meetings of council or committee may only be closed to the public for certain specified matters. The recent amendments to the *Act* provide for an additional instance where a meeting may be closed to the public, namely, where training occurs.

Staff recommends that the City’s Procedural Bylaw be amended to provide that meetings of council or committee may be closed to the public where:

- (i) The meeting is held for the purpose of educating or training the members.
- (ii) At the meeting , no member discusses or otherwise deals with any matter in a way at materially advances the business or decision-making of the council, a local board or committee.

Deputations:

The existing Procedural Bylaw provides that any person may make a deputation to the Committee of the Whole on a matter not listed on the Agenda, provided that a written request is received in the Clerk’s office by 12:00 noon on the Wednesday being 12 days prior to the Meeting, and provided that the Clerk has placed the person’s name on the Agenda for a deputation at the particular meeting [Section 3.3(3)]. The person seeking to make a deputation must (i) advise of the specific nature of the matter to be presented, (ii) provide any related written material by 12:00 noon on the Friday prior to the Meeting, and, (iii) speak for no longer than 5 minutes [3.3(4)]. Also, any deputation on behalf of an organization, including any corporation, association or on behalf of any group, shall be made by a single representative [Section 3.3(4)].

The Agendas at the City’s Committee of the Whole Meetings are typically lengthy, and with the City’s rapid growth over the past years, the matters are increasingly complex and numerous. Senior staff are in attendance for all or part of the Meetings. Where deputations are listed to be heard, the normal order of business must often be interrupted for the hearing of deputations at the 3:00pm scheduled start-time. As a result, the matters scheduled to be dealt with on the Agenda for a particular day, may be delayed, or not fully addressed due to time constraints. In addition to the considerable use of staff and Council time when this occurs, there is also a concern about inconveniencing members of the public or various business representatives and professionals, who attend Committee of the Whole specifically to address or hear about matters that are listed on the Agenda. As the Committee of the Whole meetings on Monday’s are followed by Closed Session and Public Hearings, it may be more appropriate for deputations to be heard at the Working Sessions, rather than the Monday Committee meetings.

Working Session agendas include matters which usually require lengthy discussion. Accordingly, it is also recommended that a maximum of 5 deputations be listed on any one agenda, and that a deputant be restricted to one subject matter. This allows Committee adequate time to complete consideration of items on the agenda.

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Additionally, the present Procedural Bylaw does not restrict deputations to topics over which the City has jurisdiction, or to subject matters which are not otherwise more appropriately within the purview of City administration or management, or other Special Committees.

The Procedural Bylaws in some municipalities provide more detailed guidelines about the scope of deputations (often referred to as “delegations”). For example, in Toronto, persons may only speak at the particular Committee with a mandate related to the topic, and even then, only where an Information Report related to the intended subject matter is being presented at the particular Committee Meeting, and the Committee has given notice of its intention to hear public “presentations” on the particular Information Report. This means persons may only speak to any item on the agenda. Other matters or questions may be directed to Members of Council who may then place an item on an agenda, or not.

The City’s present Procedural Bylaw requires that those seeking to appear on deputation must only advise of the intended subject matter. In order to ensure that speakers do not digress from the stated subject matter, staff recommends an amendment that would provide for the requirement of written outlines. Written outlines would also assist members of Council in preparing for Committee Meetings.

Presently deputation requests are required by 12:00 p.m. on the Wednesday. However, Agenda Review meetings are held on Wednesday mornings. An amendment is suggested changing the deadline for deputation requests to 12:00 p.m. on the Tuesday, so that deputation requests are known when the draft agenda is reviewed, and proposed deputants may then be directed to the appropriate Committee, if any.

Occasionally, requests are received to speak regarding a recent Council decision. Proposed deputants are advised that a reconsideration motion will be required prior to Committee hearing the deputation. An amendment is suggested for inclusion to codify the City’s longstanding practice.

The following is a summary of the amendments which are recommended:

- i) That deputations for items not listed on the Agenda may be heard only at the Committee of the Whole (Working Session), commencing at 9:30am;
- ii) That proposed deputants may be required to appear before a Special Purpose Committee more appropriately able to consider the subject of the deputation (Audit and Operational Review Committee, Strategic Planning Committee, Budget Committee, Environment Committee);
- iii) That deputations be permitted only in relation to matters that are appropriately within Council’s purview, as opposed to the purview of City administration or management;
That deputations be permitted only in relation to matters over which the City has jurisdiction;
- v) That persons seeking to appear at deputation will be required to provide a written outline of the subject matter that he or she intends to discuss;
- vi) That a person may be listed to appear at deputation regarding only one subject matter per Meeting;
- vii) That a maximum of 5 (five) persons be permitted to provide deputations at any given meeting, and that the Clerk may further reduce the number of permitted speakers for deputation at any given Meeting of the Committee of the Whole (Working Session), or other Special Purpose Committee, where the matters listed on the Agenda are expected to require the time allotted for that Meeting; Persons that cannot be listed for deputation at a particular Meeting may be scheduled for the next Meeting;
- viii) That if a deputation is with respect to a matter that has been recently considered, it shall not be heard by the committee, council or other body that considered the matter, within the next four of its regular meetings after the meeting at which it was originally considered, unless a reconsideration motion is passed.

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It is recommended that the City maintain the 5-minute speaking limit, the restriction that deputations made on behalf of a group shall be made by a single representative, and also the notice requirements for deputation requests.

Ceremonial Presentations:

The City's present Procedural Bylaw permits "ceremonial presentations" [3.3(3)]. However, the Bylaw does not provide parameters surrounding the nature of matters appropriately dealt with through formal presentations to Council.

It is recommended that the Procedural Bylaw be amended to provide that a Ceremonial Presentation to Council, be on a subject matter within Council's purview and jurisdiction.

Presentations:

While persons making presentations are advised of a general 10 minute guideline, often presentations exceed this limit, and can be quite lengthy. In striving for efficiency, staff recommends that presentations at Committee of the Whole or Council Meetings be limited to 10 minutes.

Special Purpose Committees:

A "house-keeping" amendment is required to reflect the order of business for the Environment Committee [Section 6.4]. The Order of Business for all Special Purpose Committees will include "Presentations and Deputations".

Emergency Meetings:

It is recommended that the Procedural Bylaw be amended to permit the calling of an "emergency meeting" on less than 48 hours notice by the Mayor or the City Manager or without notice, and that notice be attempted by written or electronic mail, on the condition that a majority of Council members consent to the having of the Emergency Meeting, by providing written consent thereto, at the commencement of the Emergency Meeting.

This proposed amendment is in keeping with the City's emergency preparedness plans.

New Business:

Staff recommends that the Procedural Bylaw be amended to clarify what types of matters may be introduced under "New Business". These could include matters of a general nature, and requests for staff to attend public and/or neighborhood meetings held after normal working hours. Requests for staff reports for matters raised under "New Business", should be put over to a future Committee of the Whole meeting, to ensure that adequate time is provided for the preparation and consideration of these reports. This is codification of Council's resolution in April, 2004.

Additional Information:

The City's Procedural Bylaw presently provides that on the Thursday, 10 days prior to each regular meeting of the Committee of the Whole, the Clerk or his designate (under the supervision of the City Manager), shall prepare an Agenda of all business to be brought before the Committee. [Section 5.4(1)] For those affected parties, professional representatives, and/or members of the public who are not able to attend the Meeting in person to speak to items listed on the Agenda, the City also accepts written submissions or other written material for consideration when the item is being heard at the Meeting (referred to as "Additional Information").

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At times, individuals deliver, fax or email correspondence intended as “Additional Information”, to the Clerk’s Office shortly prior to or after commencement of the Meeting. Also, some individuals attend at the Meeting, and then seek to add their documents as “Additional Information”. The Clerks Office cannot ensure adequate distribution in a timely manner. Also, untimely submission of Additional Information requires that members of Council consider information on short notice.

It is therefore recommended that the Procedural Bylaw be amended to provide that any written material intended as “Additional Information” pertaining to an item listed on a Committee of the Whole or Council Agenda, must be addressed to the Clerk and received in the Clerk’s Office by no later than 11:00 am on the day of the Meeting.

Use of Electronic Devices in Council Chambers and Meeting Rooms:

The use of cellular telephones and other electronic devices has become increasingly common. The City’s Procedural Bylaw does not presently address their use during Meetings.

Therefore, it is recommended that the Procedural Bylaw be amended to provide that all electronic devices, including cellular phones must be turned to silent mode in Council Chambers and all other locations during the course of Meetings held in accordance with the Bylaw.

Public Notice

The *Municipal Act, 2001* requires the By-law to indicate public notice of meetings. The posting of the schedule of meetings on the City’s website shall be inserted in the Bylaw in compliance with this requirement.

Headings and other “House-keeping” Revisions:

It is also recommended that additional headings and subheadings be added to the present Procedural Bylaw, to make it more user-friendly.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities previously set by Council. In particular, striving to use Council Meetings in the most effective manner possible is consistent with a Guiding Principle in Vaughan Vision, whereby “Accountable to the electorate, Council’s role is to establish policy. Based upon this policy direction, Council empowers/authorizes Staff to deliver approved programs and services to the City of Vaughan”. This report is also consistent with subsection 1.3, to “Provide effective and efficient delivery of services”.

Regional Implications

None.

Conclusion

It is recommended that the amendments to the Procedural Bylaw be presented at the Committee of the Whole Meeting on January 21, 2008, and that appropriate public notice be given prior to the Meeting. Adoption of the recommendation herein should ensure consistent, efficient and effective use of Council public-meeting times, and the use of staff resources as determined by Council.

Subject to Council’s direction, staff will finalize a draft Bylaw and Public Notice will be issued in January 2008.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 10, 2007

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Attachments

None

Report prepared by:

Nancy Salerno, Solicitor
Sybil Fernandes, Deputy City Clerk
Heather A. Wilson, Director of Legal Services

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 10, 2007

Item 4, Report No. 57, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on December 10, 2007.

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CITY WATCH

The Committee of the Whole (Working Session) recommends:

- 1) That pending staffs comments with respect to Councillor Di Vona's questions contained in his written submission dated November 26, 2007, this matter be forwarded to the Safe City Committee; and
- 2) That the written submission of Councillor Di Vona, dated November 26, 2007, submitted by Regional Councillor Ferri, be received.

Recommendation

The Commissioner of Legal and Administrative Services and City Solicitor, in consultation with the Director of Human Resources, the Director of Legal Services, and the Director of Enforcement Services recommends:

1. THAT Committee of the Whole provide direction with respect to a City Watch Program.;
and
2. THAT this report be received

Economic Impact

The economic impact of the implementation of the program is dependent on the direction provided by Council and may include costs for training, and staffing, in addition to administrative costs.

Communications Plan

A news release will be provided on the direction of Council with respect to a City Watch program.

Purpose

The purpose of this report is to provide information to Council with respect to the City Watch Programs that are in effect in other municipalities and the steps that would be involved in establishing a similar program within the City of Vaughan.

Background – Analysis and Options

On April 2, 2007, Council approved a motion requesting staff to provide a report on implementing a City Watch program similar to that in place in the City of Toronto. On October 22, 2007, Council approved a motion that the City of Vaughan Legal Department investigates the opportunity to implement employee participation in the City of Vaughan Road Watch Program.

The City Watch Program for the City of Toronto was intended to enhance safety on the streets and in neighbourhoods through the involvement of City workers. It encouraged staff, on a voluntary basis, to take informed action to prevent and reduce losses associated with crime, injuries, accidents, health problems and hazards. This program recognized the efforts of the municipal employees who stop to assist the public. According to their website, the City Watch program in Toronto is currently inactive.

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In the City of Brampton, the Safe City Program is run as a separate entity and is driven by the community not the municipality. Their program was established 25 years ago and today the Association consists of four full time employees and one part time employee. They receive funding towards their operating budget from the City of \$125,000.00 per year and they raise an additional \$275,000.00 through corporate sponsorships and special projects. The program is very well established and multi-faceted including: Neighbourhood Watch, Safety Skills Workshops, Crime Alert Program, Youth Education and Safety Program, Road Watch Program, Road Safety Committee, Workplace Safety and Safety for Seniors.

The City of Mississauga had a Crime Prevention Association which provided similar services. This Association is currently being dissolved and the City is looking to move toward becoming designated a Safe City. The City of Mississauga typically provided approximately \$100,000 towards the budget for the Crime Prevention Association. Current budget estimates related to the restructuring of the Mississauga program are estimated at approximately \$200,000 for 2008, \$250,000 for 2009 and \$300,000 for 2010.

There are approximately 48 communities across Canada (nineteen in Ontario), which are designated as safe communities by the not for profit Safe Communities Foundation of Canada. These programs address a variety of safe communities' initiatives. A copy of the designation criteria is attached. Staff are continuing to contact the various municipalities to determine the issues that may have arisen in the development and implementation of their programs.

Through the discussions staff have had to date, the programs are generally established within the community and municipal employees voluntarily support the program by raising issues that they may observe that relate to the Safe City criteria while completing their duties within the community.

If Council were to direct the implementation of a model similar to that found in the Cities Toronto, Brampton or Mississauga, additional staff complement would be required to coordinate and oversee the program including the development, implementation of any forms that are to be utilized, coordinating the training that would be required, gathering the forms, directing the issues to the appropriate departments, following up, addressing any issues that might arise with the community and tracking and providing reports on issues and incidents as required. Further, the staff member would be responsible for coordinating the relationships between the volunteers, trainers, York Regional Police and program partners.

With regard to employee involvement staff has discussed the premise of the program with the Unit Chair of CUPE Local 905, who has indicated that the Union would be prepared to support the delivery of the message to the CUPE Local 905 employees in seeking voluntary participation.

Co-operation with and assistance from local police is crucial to the success of a City Watch program. We have begun preliminary discussions with York Regional Police and will continue discussions with them in this regard. York Regional Police have indicated that they require a terms of reference for the program and mandate of the goals and objectives of the program before we can continue discussions around the training that we may request that they provide to our staff volunteers.

Options

1. Should Council direct the appropriate staff to develop and implement a program similar to that in Toronto, Mississauga, and or Brampton, the following list should be considered next steps in the process:
 1. Determine detailed costs of the program and submit through the budget process

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2. Coordinate among the various departments and determine which will be responsible for the implementation and ongoing operation of the program
 3. Continue to work with CUPE Local 905 representatives to communicate information to their members about the program and to seek volunteers
 4. Recruit a full-time position to the complement to establish, coordinate and oversee the program.
 5. Develop appropriate forms and audit packages
 6. Continue to work with York Regional Police
 7. Communicate program to staff and seek out volunteers
 8. Train volunteers
2. An alternate model of the above program would seek out volunteers and provide training on observation skills and techniques. Volunteers would complete a checklist of information should anyone have to contact emergency services. Such a program would not require extensive forms or tracking of issues, as they would only be reporting emergency situations directly to emergency services. This alternate model would greatly reduce the costs involved.

Regional Implications

Co-operation of York Regional Police with regard to the implementation of the program is essential to the success of City Watch.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities previously set by Council and the necessary resources have not been allocated.

Conclusion

A City Watch program is intended to enhance the implementation and support of neighbourhood-centred programs by augmenting the existing park ambassador, and road watch programs and is consistent with the Character Community initiatives. However there is a range of costs involved. Actual cost of implementing the program is dependent upon the model of participation in the program as determined by the members of the Committee of the Whole.

Attachments:

1. April 2, 2007 Council Extract
2. October 22, 2007 Council Extract
3. Ontario Municipalities designated as a Safe City by the Safe Communities Foundation of Canada
4. Criteria for being designated a Safe City

Report Prepared by:

Janet Ashfield, Director of Human Resources
Heather Wilson, Director of Legal Services

(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.)