

COMMITTEE OF THE WHOLE JANUARY 21, 2008

**SITE PLAN CONTROL PROCESS REVIEW
CITY OF VAUGHAN
FILE 12.28**

Recommendation

The City Manager and the Commissioner of Planning recommend:

1. THAT the Site Plan Control Process Model (Option 2 modified) shown on Attachment #7, BE ADOPTED.
2. THAT a Public Hearing be held to consider amendments to the Site Plan Control policies contained within OPA #200 and Site Plan Control By-law 228-2005 as amended by By-law 237-2007, to implement the following changes to the Site Plan Control Process:
 - a) apply Site Plan Control to freehold townhouse development on public streets;
 - b) include reference in the Site Plan Control By-law to require a "Site Plan Letter of Undertaking", and wording authorizing the Mayor and City Clerk to sign Site Plan Letters of Undertaking; and,
 - c) to include any amendments required to implement the Site Plan Control Process adopted by Council.
3. THAT the Letter of Credit for a Site Plan Application be calculated as follows:
 - a) the Landscaping component to be based on 100% of the landscape cost estimate, with no maximum ceiling on the overall Letter of Credit amount. The minimum Letter of Credit amount will continue to be \$50,000, and that the Engineering component be included in the Letter of Credit and remain at \$40,000/ha.
4. THAT the following requirements associated with the release of a Site Plan Letter of Credit 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) 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 Landscaping component upon completion of a 12 month warranty period (following the First stage release) for the hard and soft landscaping.
5. THAT Schedule "A" (Inspections) to the City's Consolidated Fees and Charges By-law 396-2002, as amended by By-law 195-2007, be further amended to

include the following inspection fee amounts for the release of Site Plan Letters of Credit:

- a) \$475.00 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;
 - b) \$350 for the first inspection for the release of the Letter of Credit by the Engineering Department; and,
 - c) \$125 for each additional inspection to be performed by these respective Departments, to address deficiencies.
6. THAT the Development Planning Department prepare an evaluation report on the new Site Plan Process for a future Committee of the Whole, no later than October 2009.

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.

A Public Hearing will be required to amend the Official Plan and Site Plan Control By-law to apply site plan control to freehold townhouse development fronting onto public streets, should Council approve this proposed change. Also, the Site Plan Control By-law will need to be amended to include reference to "Site Plan Letter of Undertaking", and wording authorizing the Mayor and City Clerk to sign Letters of Undertaking. These changes will require the placement of a news ad in the local newspapers.

On January 10, 2008, the Development Planning Department provided written notice by mail to the six (6) deputants who spoke at Working Session on November 27, 2007, that the subject report in accordance with Council's resolution on December 10, 2007, would be considered by the Committee of the Whole on January 21, 2007.

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. This report includes a recommended Site Plan Control Process Model (Option 2 modified) based on the comments provided by deputants and Members of Council on the Planning report considered by the Committee of the Whole (Working Session) on November 27, 2007.

Background - Analysis and Options

a) Committee of the Whole (Working Session)/Council Decisions

On November 27, 2007, the Committee of the Whole (Working Session) considered a comprehensive report (Attachment #10 – Councillors only) from the Commissioner of Planning on the Site Plan Control Process Review including various options, and resolved the following, which was ratified by Council on December 10, 2007:

“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.”

The subject report has been prepared in response to the above-noted resolution.

b) Comments Made at Committee of the Whole (Working Session)

On November 27, 2007, a total of six (6) deputants provided comments on the Planning report that was considered by the Committee of the Whole (Working Session), which can be summarized as follows:

- i) no delegation of site plan approval to staff (non-developer comment);
- ii) need public input in the site plan process (non-developer comment);
- iii) more information should be provided; identify what management control is being eliminated, and indicate if the option being proposed to replace is just as strong (non-developer comment);
- iv) City should assist the Region in any way to streamline the site plan process (non-developer comment);
- v) there could be difficulties in obtaining written proof from certain public agencies that pre-application consultation has occurred; may not be able to submit this proof (or submit in time) to formulate a complete application (developer comment);
- vi) hold-off on finalizing the proposed urban design assessment checklist until Development Planning staff completes its proposed urban design guidelines manual in 12 months time (developer comment);
- vii) it is the external agencies (MTO, TRCA, Region of York) that are holding up the site plan approvals process (developer comment);
- viii) adoption of any of the staff proposed options will reduce processing time (developer comment);
- ix) eliminate the site plan agreement, which will reduce processing time (developer comment);
- x) supportive of pre-application consultation (developer comment);
- xi) supportive of use of a Letter of Undertaking (developer comment).

The following comments on the planning report were made by Members of Council, and can be summarized as follows:

- i) no delegation of site plan approval to staff;
- ii) need Council and public input/consultation in the site plan process, and therefore all development applications must be considered by Council;
- iii) development applications need to be considered by the Maple Streetscape Community Advisory Committee to ensure that matters respecting the public realm (eg. acorn lighting, etc.) affecting a development proposal are captured;

- iv) consider an additional option, or at the very least either Option #1 or Option #2;
- v) support electronic circulation of applications and comments through the City's Development Tracking Applications (DTA/DTA Web) system;
- vi) consider phasing in the various site plan changes in stages, including any changes emanating from the Region of York's current review;
- vii) support streamlining the process and reducing the volume of work and paper;
- viii) support a shortened simplified staff report;
- ix) most supported requiring a complete application, but some indicated that an incomplete application could be accepted;
- x) most supported pre-application consultation, but some indicated that this should be further defined;
- xi) support elimination of the current site plan agreement and registration on title in favour of a Letter of Undertaking that is not registered on title; supportive of not having the Region of York being a party to the Letter of Undertaking;
- xii) an application for Building Permit is not to be accepted until the Letter of Undertaking is first executed;
- xiii) support an increase in the landscape component of the Letter of Credit to 100% of the estimated costs of the hard and soft landscaping works, and for the Landscaping and Engineering components to be added together (rather than taking the greater of the two components);
- xiv) support a two stage Letter of Credit release for the Landscaping component; support the proposed warranty period to ensure landscaping survives;
- xv) staff to be proactive in trying to obtain the comments of external public agencies following the initial 21 day application circulation period by sending follow-up written notice(s);
- xvi) support the elimination of the Site Plan Review Team (SPRT);
- xvii) Mayor and City Clerk need to bind the Corporation on any Agreement or Letter of Undertaking, and not staff;
- xviii) the Planning report at Working Session was informative and comprehensive;
- xix) Staff should prepare an additional report with a revised recommendation and option that incorporates the comments of the deputants and Members of Council at Working Session; consider a follow-up report in 1 to 1-1/2 years as to what works or does not work, and adjust the process or phase in additional changes.

c) Recommended Site Plan Control Process Model (Option 2 modified)

The Development Planning Department is recommending a Site Plan Control Process Model (Option 2 modified) based on the above-noted comments made at the Committee of the Whole (Working Session), to streamline the current site plan process. This Model is consistent with Option #2 that was proposed in the Planning report for the November 27, 2007 Working Session, with the exception that the Mayor and City Clerk sign the Letter of Undertaking instead of the Commissioner of Planning or his designate(s) in order to bind the Corporation.

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, and can be implemented within a few months. Time will be required to hold a Public Hearing to consider amendments to the Official Plan (OPA #200, as amended) and Site Plan Control By-law (By-law 228-2005 as amended by By-law 237-2007) to apply Site Plan Control to freehold townhouse development on public streets; and, to include

reference in the Site Plan Control By-law to "Site Plan Letter of Undertaking" and wording authorizing the Mayor and City Clerk to sign Site Plan Letters of Undertaking; and, to incorporate the Bill 51 requirements ensuring a "complete application" and "pre-application consultation".

The Site Plan Control Process Model that is being recommended in this report includes the following 9 changes:

1. Implement Mandatory Pre-Application 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, and therefore, minimize the number of submissions and circulations/commenting periods, which can reduce the length of the site plan process.

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-application consultation". The Development Planning Department will be preparing a report in early 2008, to consider amendments to the City's Official Plan and Site Plan Control 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 #1) has been created by the Development Planning Department for the applicant's use, which is a comprehensive list that specifies the actions and items that must be considered and undertaken and/or submitted by the applicant, to constitute a complete site plan application (Attachment #2). 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-application consultation meeting.

The applicant should request and/or promptly receive written correspondence acknowledging each pre-application consultation meeting with City Departments and external public agencies, and include the items discussed at the meeting, as confirmation that pre-application 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. However, to address comments made by Members of Council and deputants at Working Session, confirmation letters will be required from core internal City Department's (Development Planning, Engineering, Building Standards, and any others identified through pre-application consultation with the Development Planning Department) and core external public agencies (Region of York Transportation and Works Department, TRCA, MTO, and any others identified through pre-application consultation with the City).

2. Eliminate the Site Plan Review Team (SPRT) Process – The proposal for mandatory pre-application 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-application consultation instead.

3. Eliminate the Site Plan Agreement (and registration on title) and Implement a Letter of Undertaking (not registered on title – Attachment #3) – 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 City Officials (ie. in Vaughan, it will be the Mayor and City Clerk as discussed at Working Session), 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.

The Region of York will not be a party to the City's Letter of Undertaking for those applications abutting a Regional Road. Instead, the Region's Transportation and Works Department will work directly with the applicant, likely through the Region's own site plan agreement, to secure its interests.

A Public Hearing will need to be scheduled to consider amendments to the Site Plan Control By-law to include reference to require a "Site Plan Letter of Undertaking", and wording authorizing the Mayor and City Clerk to sign Site Plan Letters of Undertaking.

4. 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 a Building Permit that was issued but not constructed. This would assist in ensuring that any Building Code changes enhancing public safety are addressed through resubmission.

5. 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-application consultation, top-of-bank walk, etc.) have been undertaken. The Development Planning Department has created a "complete application" checklist (Attachment #2), and a "Pre-Submission Checklist" (Attachment #1), 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 application pre-submission checklist has been created 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-application 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.

To address comments made by Members of Council at Working Session, Development Planning Staff discretion will be utilized at the front counter when accepting a site plan application as to whether or not it is a complete or incomplete submission. If there are materials of significance (ie. plans and supporting reports) that are missing in the submission, which are required to comprehensively review the proposal, and if accepted in piece-meal will contribute to multiple circulations, then the site plan application will be considered to be incomplete, and will not be accepted. However, if there are a few minor outstanding materials that do not significantly hold-up the review of the proposal, the site plan application may be accepted by the Development Planning Department at its' discretion. If the applicant is aware of any anticipated delays in submitting certain materials with the initial application submission, this information needs to be disclosed to the Development Planning Department for further consideration at the pre-application consultation meeting.

6. 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.
7. Utilize a shorter 1-1/2 page staff report (Attachment #4) with emphasis on clear visual report attachments - 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 periods remain the same, the shorter report format should allow reports to be completed earlier so that staff time can be spent productively elsewhere.
8. Amend the Official Plan and Site Plan Control By-law 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.

A Public Hearing will need to be scheduled to consider amendments to the Official Plan and Site Plan Control By-law to apply Site Plan Control to freehold townhouse development fronting onto public streets, should Council approve this proposed change.

9. 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 (undetermined and not reflected in the recommended model). It will be necessary for the Development Planning and IT Departments to meet with internal City Departments, external public agencies, and frequent applicants/agents, as well as Munirom – the creator of the DTA and DTA Web, 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.

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

The current Letter of Credit process is proposed to 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% and adding the Engineering and Landscape components together - The Engineering

component of the LC will be calculated the same (ie. \$40,000/ha (minimum \$50,000; maximum \$120,000), however, the 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) add the Engineering component to be based on \$40,000/ha (minimum of \$50,000 to a maximum of \$120,000), to 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 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) a 100% Letter of Credit release for the Engineering component upon completion of all required servicing works being constructed;
- c) 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 Landscaping 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.

- 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 #5) 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 has investigated the feasibility of introducing inspection fees as a further implementation change to administer the Letter of Credit inspections process – There should no longer be free inspections (development must pay for development), which should be accounted for to recover costs. The Development Planning Department is recommending that Schedule "A" ("Inspections") to the City's Consolidated Fees and Charges By-law 396-2002, as amended by By-law 195-2007, be further amended to include the following inspection fee amounts for Site Plan Letters of Credit:

- \$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;
- \$350 for the first inspection for the release of the Letter of Credit by the Engineering Department; and
- \$125 for each additional inspection to be performed by these respective Departments, to address deficiencies.

e) Urban Design Assessment Checklist & Urban Design Guidelines Manual

The Planning report considered at Working Session discussed the creation of an Urban Design Assessment Checklist, which would be appended to the City's site plan application form, and completed by the applicant, to be submitted with the initial application submission for review by the Urban Design Section of the Development Planning Department, to confirm that urban design elements have been incorporated into the overall development. In light of comments made by a deputant at Working Session, the Development Planning Department has decided to defer implementation of the Urban Design Assessment Checklist until it initiates and finalizes its' Urban Design Guidelines Manual, which will take 12 months to complete. The Design Manual will include comprehensive urban design guidelines addressing the design and development of new communities and individual sites in one consolidated document in order to realize the City's future urban vision. The Design Manual will be presented to the Committee of the Whole at a Working Session for discussion and input by Members of Council and the public, once it is completed. It will be appropriate to implement the Urban Design Assessment Checklist thereafter, once Council has adopted appropriate design standards to apply to developments within the municipality.

f) Site Plan Control Process Comparison (Existing vs Recommended)

The flow charts for both the Existing Site Plan Control Process and the Recommended Site Plan Control Process Model (Option 2 modified) are provided on Attachments #6 and #7, respectively.

The graph depicting the Time Savings Comparison between the Existing Site Plan Control Process versus the Recommended Site Plan Control Process Model (Option 2 modified) is provided on Attachment #8.

The chart comparing the Existing Site Plan Control Process versus the Recommended Site Plan Control Process Model (Option 2 modified) is provided on Attachment #9.

g) Future Progress Update & Reporting to Council

Based on the comments made by Members of Council at Working Session, the Development Planning Department is recommending that it prepare an evaluation report to the Committee of the Whole, no later than October 2009, to provide a progress update on the Recommended Site Plan Control Process (Option 2 modified), and to identify any required changes to improve the process, if necessary. The evaluation report will ensure that the site plan process remains effective, efficient and streamlined, and will recommend to Council any further improvements to be phased into the site plan process, if necessary.

Should the Region of York's current site plan process review to establish a consistent and streamlined site plan process across York Region suggests additional improvements that will benefit Vaughan's site plan process, then the Development Planning Department will report back earlier to the Committee of the Whole.

Relationship to Vaughan Vision 2020

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Pursue Excellence in Service Delivery", "Ensure Financial Sustainability", and "Plan & Manage Growth & Economic Vitality".

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 Development Planning Department's recent random sample survey as noted in the Planning report considered by the Committee of the Whole (Working Session).

Conclusion

In light of the comments made by deputants and Members of Council at the Committee of the Whole (Working Session) on November 27, 2007, the Development Planning Department is proposing a Recommended Site Plan Control Process Model (Option 2 Modified) that 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. These suggested changes, if desired by Council, can be implemented relatively soon. However, the proposal to apply site plan control on freehold townhouses, if selected by Council, will require a Public Hearing to amend the Official Plan and Site Plan Control By-law. A Public Hearing will also be required to amend the Site Plan Control By-law to include reference to requiring a "Site Plan Letter of Undertaking", and wording authorizing the Mayor and City Clerk to sign Letters of Undertaking.

The use of a Letter of Undertaking similar to Mississauga and Hamilton is being proposed by the Development Planning Department. The Letter of Undertaking is proposed to be signed by the Mayor and City Clerk, in order to bind the Corporation. Other proposed measures that are being recommended include mandatory pre-application 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/DTA Web) system, and red-lining minor revisions to site plans without the need to recirculate plans, 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 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.

The Development Planning Department will also prepare an evaluation report on the new Site Plan Process for a future Committee of the Whole, no later than October 2009, to provide a progress update, and to identify any required changes to improve the process, if necessary.

Attachments

1. Proposed: Site Plan Application - Pre-Submission Checklist
2. Proposed: Site Plan "Complete" Application Checklist
3. Example Template of Mississauga's Letter of Undertaking
4. Proposed: Simplified Staff Report
5. Proposed: Letter of Credit Calculation Worksheet
6. Flow Chart: Existing Site Plan Control Process
7. Flow Chart: Preferred Site Plan Control Process Model
8. Graph: Time Savings Comparison (Existing vs Proposed)
9. Comparison Chart: Existing vs Proposed Site Plan Process
10. Working Session Report (November 27, 2007) - Councillors Only

Report prepared by:

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Respectfully submitted,

John Zipay
Commissioner of Planning

Michael DeAngelis
City Manager

Marco Ramunno
Director of Development Planning

/LG

ATTACHMENT #1

SITE PLAN APPLICATION - PRE-SUBMISSION CHECKLIST

Prior to filing a Site Plan Application to the Development Planning Department, the Applicant and/or their Consultant(s) shall collect all relevant information concerning the subject lands, and to pre-consult (mandatory) with appropriate City Departments and External Public Agencies to ensure an appropriate site design and "complete" site plan application by:

- Identifying the physical constraints and opportunities of their property;
- Identify issues influencing the design of the proposal at an early stage of the design exercise;
- Ensure compatibility of development within the context of surrounding community; and,
- Provide guidance to the Applicant and their Consultant(s) respecting the requirements of City Departments and External Public Agencies.

Following these procedures will reduce the overall processing time of your Site Plan Application.

City Departments

The following City Departments should be contacted directly to collect information, where applicable. To facilitate a joint pre-application consultation meeting involving relevant City Departments, please contact the Development Planning Department to co-ordinate.

1. Development Planning Department (Official Plan, Land Use, Urban Design, etc.)
2. Policy Planning Department (Land Use Studies)
3. Building Standards Department (Zoning, Building Code)
4. Engineering Department (*Applicant's should refer to the "Site Plan Criteria Guide", which is available from the City's Engineering Department*) (Engineering, Transportation, Planning/Service Studies)
5. Fire Prevention Services
6. Finance Department (Development Charges, Taxes, Inspections, etc.)
7. Public Works (Solid Waste Management) (Garbage and Recycling)
8. Real Estate (Cash-in-lieu of Parkland Dedication)
9. Cultural Services Division (Heritage Conservation)
10. Parks Development
11. Ward Councillor, or other Members of Council (e.g. Mayor, Regional Councillors)
12. Other, as may be determined through pre-application consultation

External Public Agencies

The following External Public Agencies should be contacted directly to collect information and for a pre-application consultation meeting (written correspondence of pre-application consultation and any submission requirements must accompany the Site Plan Application), where applicable:

1. Region of York Transportation and Works Department
2. Region of York Planning Department
3. Toronto Region and Conservation Authority
4. PowerStream Inc.
5. Hydro One Networks
6. Bell Canada, or other telecommunications provider
7. Enbridge Gas Distribution Inc., or other utility provider
8. Canada Post Corporation

ATTACHMENT #1 (continued)

9. Canadian National Railway
10. Canadian Pacific Railway
11. GO Transit
12. Ministry of Municipal Affairs & Housing
13. Ministry of Environment
14. Ministry of Transportation, Central Region Corridor Management Office
15. Ministry of Transportation, Corridor Policy Office
16. York Region District School Board
17. York Catholic District School Board
18. Conseil Scolaire de District Catholique Centre-Sud
19. York Region Police Services
20. Trans Canada Pipelines
21. Other, as may be determined through pre-application consultation

Pre-submission consideration may require the preliminary review of:

1. Surveys, legal documents including easements and rights-of-way, etc.
2. Land Use Studies applicable to the subject lands and area.
3. Block Plan issues applicable to the subject lands.
4. Subdivision Agreement applicable to the subject lands.
5. Previous applications and/or agreements submitted/approved for the subject lands.
6. TRCA regulations, flood lines, environmentally sensitive areas, woodlots, requirement to stake top-of-bank walk, etc.
7. City and Region of York Official Plan policies.
8. City Zoning By-law standards and applicable zoning exceptions.
9. Provincial Acts and Policies (e.g. Planning Act, Building Code Act, Provincial Policy Statement, etc.).
10. Environmental Policies (e.g. Oak Ridges Moraine, Greenbelt, etc.).
11. Other, as may be determined through pre-application consultation.

Important Notes:

1. A Site Plan Application WILL NOT be accepted by the Development Planning Department until it is deemed to be a "complete" application at the discretion of this Department, and includes written proof from appropriate City Departments and External Public Agencies that pre-application consultation has occurred. To clarify, written confirmation letters will be required from core internal City Departments (ie. Development Planning, Engineering, Building Standards, and any others identified through pre-application consultation with the Development Planning Department) and core external public agencies (ie. Region of York Transportation and Works Department, TRCA, MTO, and any others identified through pre-application consultation with the City). Please see the requirements for a "Complete Application" submission, which is attached to the Site Plan Application Form.
2. All assessments offered by City Departments and External Public Agencies are preliminary and based on the information available at the time of pre-application consultation. Any requirements indicated above are subject to change pending further review of the application(s).

Last Revised: January 4, 2008

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ATTACHMENT #2

Development Planning Department

SITE PLAN "COMPLETE" APPLICATION CHECKLIST

In addition to the required materials to be submitted as identified in the Site Plan Application Form, the following additional supporting documentation may be required, if applicable, to ensure the application is considered to be "complete" by the Development Planning Department.

The Applicant and their Consultant(s) are to view the "Site Plan Application – Pre-Submission Checklist", which is attached to the Site Plan Application Form, to verify if all relevant information pertaining to the subject lands has been attained and/or addressed and that mandatory pre-application consultation with relevant City Departments and External Public Agencies (written proof of pre-application consultation and any submission requirements must accompany the formal site plan application) has occurred.

Submission Requirements

- ☐ Completed Site Plan Application Form in triplicate (signed and witnessed, and sealed if a Corporation), including required survey, drawings, and application fee

Studies/Reports**Planning and Urban Design**

- ☐ Planning Justification Study
- ☐ Architectural Design Guidelines
- ☐ Sun/Shadow Study
- ☐ Tree and Vegetation Inventory and Assessment Study
- ☐ Natural Heritage Evaluation Report (Oak Ridges Moraine and Greenbelt)
- ☐ Hydrological Evaluation Report (Oak Ridges Moraine and Greenbelt)
- ☐ Other, as determined through pre-application consultation
- ☐ Urban Design Guidelines
- ☐ Pedestrian Level Wind Study

Engineering and Transportation (refer to Engineering Department "Site Plan Criteria Guide")

- ☐ Traffic Impact Study
- ☐ Functional Servicing Report
- ☐ Stormwater Management Report
- ☐ Environmental Impact Assessment Report (Phase 1 and/or 2)
- ☐ Other, as determined through pre-application consultation
- ☐ Parking Impact Study
- ☐ Geotechnical Report
- ☐ Noise Impact and Assessment Report

Heritage Conservation

- ☐ Archaeological Assessment
- ☐ Other, as determined through pre-consultation
- ☐ Heritage Impact Report

Land Appraisal

- ☐ Land Appraisal (Cash-in-lieu of Parkland Dedication; Cash-in-lieu of Parking (Kleinburg))
- ☐ Other, as determined through pre-application consultation

ATTACHMENT #3

Site Plan Undertaking (Corporate Version)

Note: For information regarding fees and charges related to development applications, please refer to the Typical Development Approval Cost Guideline booklet available from the Planning and Building Department.



City of Mississauga
Planning and Building Department
300 City Centre Drive, 11th Floor
MISSISSAUGA ON L5B 3C1
Tel.: (905) 896-5511
Fax: (905) 896-5553
Form E2057 (Rev. 05/07)

TO: THE CORPORATION OF THE CITY OF MISSISSAUGA: BY ITS DELEGATED AUTHORITY, THE COMMISSIONER OF PLANNING AND BUILDING OR HIS/HER DESIGNATE (the "Commissioner") REGARDING:

REGARDING:
Site Plan File: SP _____

General
Location: _____

Municipal Address of the Lands
Proposed for Development: _____

Brief Legal Description of the
Lands Proposed for Development: _____

I/WE

the owner/purchaser/lessee (delete inapplicable words) of the above-noted lands (the "Site") hereby acknowledge(s) that site plan approval has been applied for from the Commissioner under the above-noted site plan file reference. As a condition to such approval being granted:

(a) I/WE agree to execute and deliver this Site Plan Undertaking to the City's delegated authority for site plan approval, being the Commissioner of Planning and Building or his/her designate as the case may be, and if construction is commenced;

(b) I/WE undertake to carry out development of the Site in strict accordance with the various plans approved by the Commissioner and in strict accordance with the conditions imposed by the Commissioner as noted on the approved plans (which includes landscape plans, site plans, elevation drawings and all other plans and drawings approved under the application) and any modifications thereto which may, from time to time, be approved by the Commissioner (the "Approved Plans"); and,

(c) I/WE agree to complete and maintain the Site in accordance with the Approved Plans.

I/WE further undertake to be governed by the following terms and conditions:

- It is understood that the site plan approval is valid for one year from the date the approval is granted and that if a building permit has not been issued during this period, the approval shall lapse and no development of the Site shall be undertaken until a further site plan approval has been granted by the Commissioner.
- Installation and/or construction of the landscaping works, structures and other elements on the approved plans (the "Site Works") shall be completed within eighteen (18) months from the date of issuance of the building permits relating to this Site (the "Completion Date").
- It is understood that an irrevocable Letter of Credit in connection with this application is required to be delivered to the Commissioner as security to enable the Commissioner in his/her absolute discretion to provide, maintain or complete any of the Site Works on the Approved Plans where I/WE have failed to do so. The Commissioner may, in his/her absolute discretion, draw upon and use the funds from the irrevocable Letter of Credit delivered in connection with this application in the event any of the Site Works on the Approved Plans have not been or are not being provided or maintained to the Commissioner's satisfaction during the installation and / or construction of the Site Works or in the event any of the Site Works have not been provided or completed by the Completion Date. The Commissioner shall not, however, be obligated to provide, rectify, remediate, maintain or complete the Site Works, or any part of them. The security for this application is in the amount of \$ _____.
- I/WE hereby irrevocably authorize and consent to the Commissioner, his/her authorized agents, servants or employees, entering upon Site at any reasonable time to carry out inspections and in its absolute discretion to provide, maintain or complete to the Commissioner's satisfaction any site works which I/WE have not completed or which I/WE have failed to provide, maintain or complete in accordance with the Approved Plans.
- It is understood that development charges will be payable in keeping with the requirements of the applicable Development Charges By-law of the City and in accordance with such other development charges as may be applicable.
- It is acknowledged that the Commissioner has no obligation to give site plan approval and if no such approval is given there are remedies available to me/us under the *Planning Act* R.S.O. 1990, c.P.13, as amended.
- This Undertaking shall be binding upon and shall ensure to the benefit of my/our respective heirs, executors, administrators, successor and assigns.

I/WE understand and acknowledge that this Undertaking shall be considered to be of the same force and effect as an Agreement entered into with the Commissioner under the authority of clause 41(7)(c) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended. Further I/WE understand and acknowledge that in addition to any other remedies that may be pursued by the Commissioner for non-compliance by me with this Undertaking, the Commissioner may exercise the powers and authority under s. 446 of the *Municipal Act* 2001, as amended, to enter upon the Site, to provide, maintain and / or complete the Site Works and to recover the City's costs of such action, by among other means, adding the costs to the tax roll and collecting them in the same manner as property taxes.

Dated at _____

Date: Year _____ Month _____ Day _____

Commissioner of Planning and Building or designate as
per By-law 0293-2006

Corporate Name _____

Authorized Signature _____

(Please print name) _____

Title _____

Corporate Seal (for corporations)

☐ I have authority to bind the corporation with respect to application.

The personal information on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. 13, as amended and will be used in conjunction with the application for Site Plan Approval only. For the purpose of public access to information a limited amount of information will be displayed on the City's web site. Questions about the collection of personal information should be directed to the Manager, Development Services, Planning and Building Department, 300 City Centre Drive, Mississauga, Ontario L5B 3C1, (905) 896-5553.

SIMPLIFIED STAFF REPORT

COMMITTEE OF THE WHOLE MONTH, DAY, YEAR

SITE DEVELOPMENT FILE DA.**
(APPLICANT NAME)

Recommendation

The Commissioner of Planning recommends:

1. THAT Site Development File DA.** (Applicant Name) BE APPROVED, subject to the following conditions:
 - a) that prior to the execution of the Letter of Undertaking, the Owner shall satisfy all requirements of the Development Planning Department, (*and list any other internal and external departments*).

Economic Impact

There are no requirements for new funding associated with this report.

Communications Plan

N/A

Purpose

To permit the development of (*indicate use*), as shown on Attachment #2.

Background - Analysis and Options

Location

The ___ ha subject lands are located (*general description*), as shown on Attachment #1.

Official Plan and Zoning

The subject lands are designated "_____" by OPA ____ (*Indicate Plan*). The proposed site development conforms to the Official Plan.

The subject lands are zoned _____ Zone by By-law 1-88, subject to Exception 9(____). The proposed site development complies with By-law 1-88.

Site Plan Review

The Development Planning Department is satisfied that the proposed site plan, building elevations and landscaping plan, as shown on Attachment #'s 2, 3 and 4, are satisfactory.

The Vaughan Engineering Department is satisfied with the servicing, grading and storm water management plans.

The proposed development requires _____ parking spaces, whereas, the site plan shows _____ parking spaces.

ATTACHMENT #4 (continued)

Relationship to Vaughan Vision 2007

This report is consistent with the priorities set forth in Vaughan Vision 2007, particularly 'A-5', "Plan and Manage Growth".

Conclusion

The Site Development Application has been reviewed in accordance with OPA #_____, By-law 1-88, the comments from City Departments and external public agencies, and the area context. The Development Planning Department is satisfied that the proposed development for a (*indicate use*), is appropriate and compatible with the existing and permitted uses in the surrounding area. Accordingly, the Development Planning Department can support the approval of the Site Development Application.

Attachments

1. Location Map
2. Site Plan
3. Landscape Plan
4. Elevation Plan

Report prepared by:

_____, Planner, ext. 8_____

_____, Senior Planner, ext. 8_____

Grant Uyeyama, Manager of Development Planning, ext. 8635

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

/LG

1/9/2008

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**Attachment #5
Proposed Letter of Credit
Calculation Worksheet**

Development Planning Department
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1
TEL: 905.832.8585
FAX: 905.832.6080

WORKSHEET
LETTER OF CREDIT CALCULATION

TO BE COMPLETED BY
THE DEVELOPMENT PLANNING DEPARTMENT

LANDSCAPING AND ENGINEERING COMPONENTS

100% Landscape Cost Estimate	= \$	_____
100% Engineering Works @ \$40,000.00 per _____ ha	+	_____
(Minimum \$50,000.00 and Maximum \$120,000.00)	= \$	_____
Total Required Letter of Credit Amount	= \$	_____

Verification

Note: The Planner is required to forward a copy of this Worksheet to the Finance Department - Reserves and Investments.

Planner's Name: _____

Date: _____

LETTER OF CREDIT RELEASE CALCULATION

TO BE COMPLETED BY
RESERVES AND INVESTMENTS DEPARTMENT

FIRST Letter of Credit Release

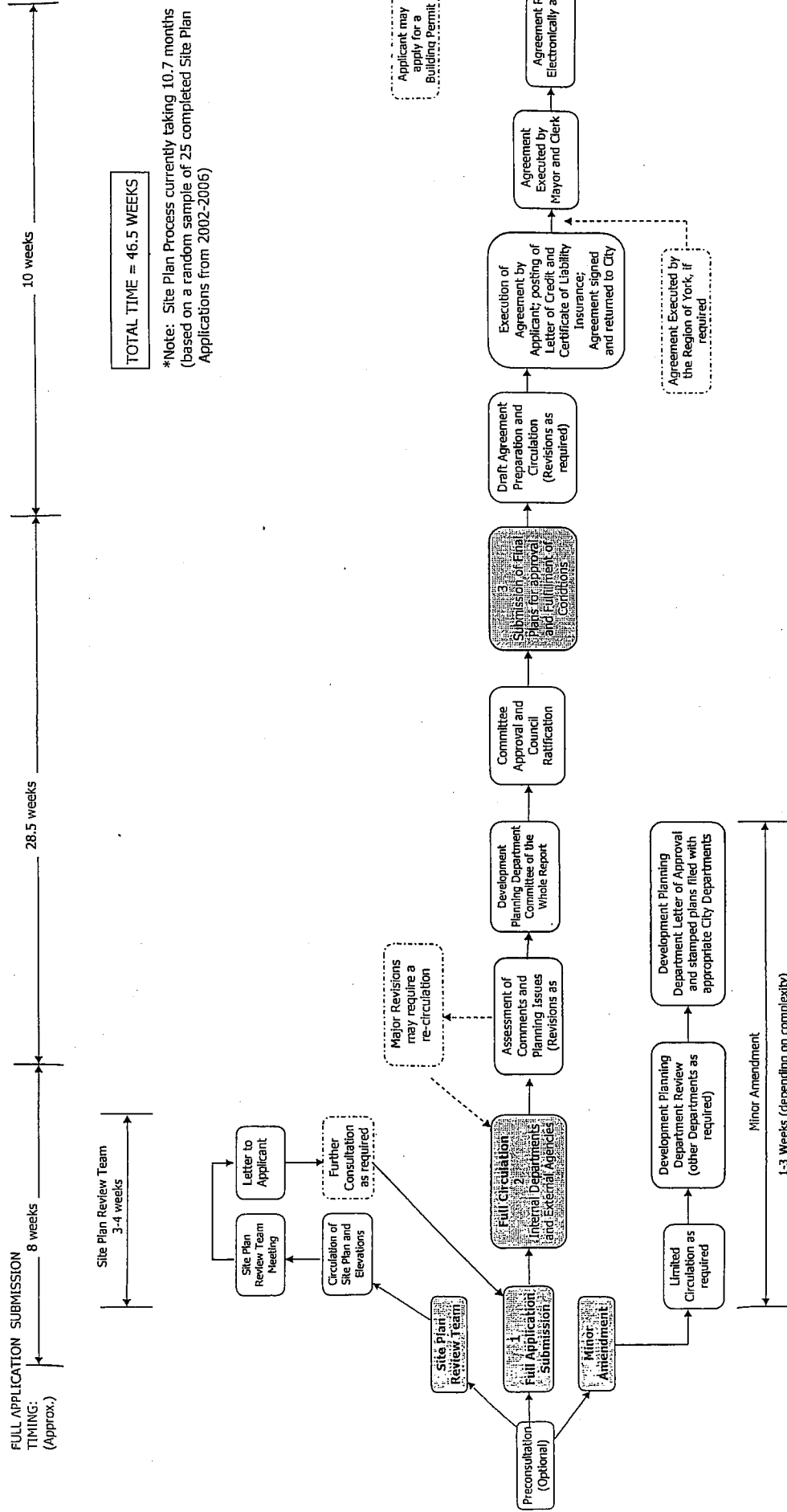
80% Landscape Cost Estimate	= \$	_____
100% Engineering Works	= \$	_____
Total Letter of Credit Amount To Be Released	= \$	_____

TO BE COMPLETED BY
RESERVES AND INVESTMENTS DEPARTMENT

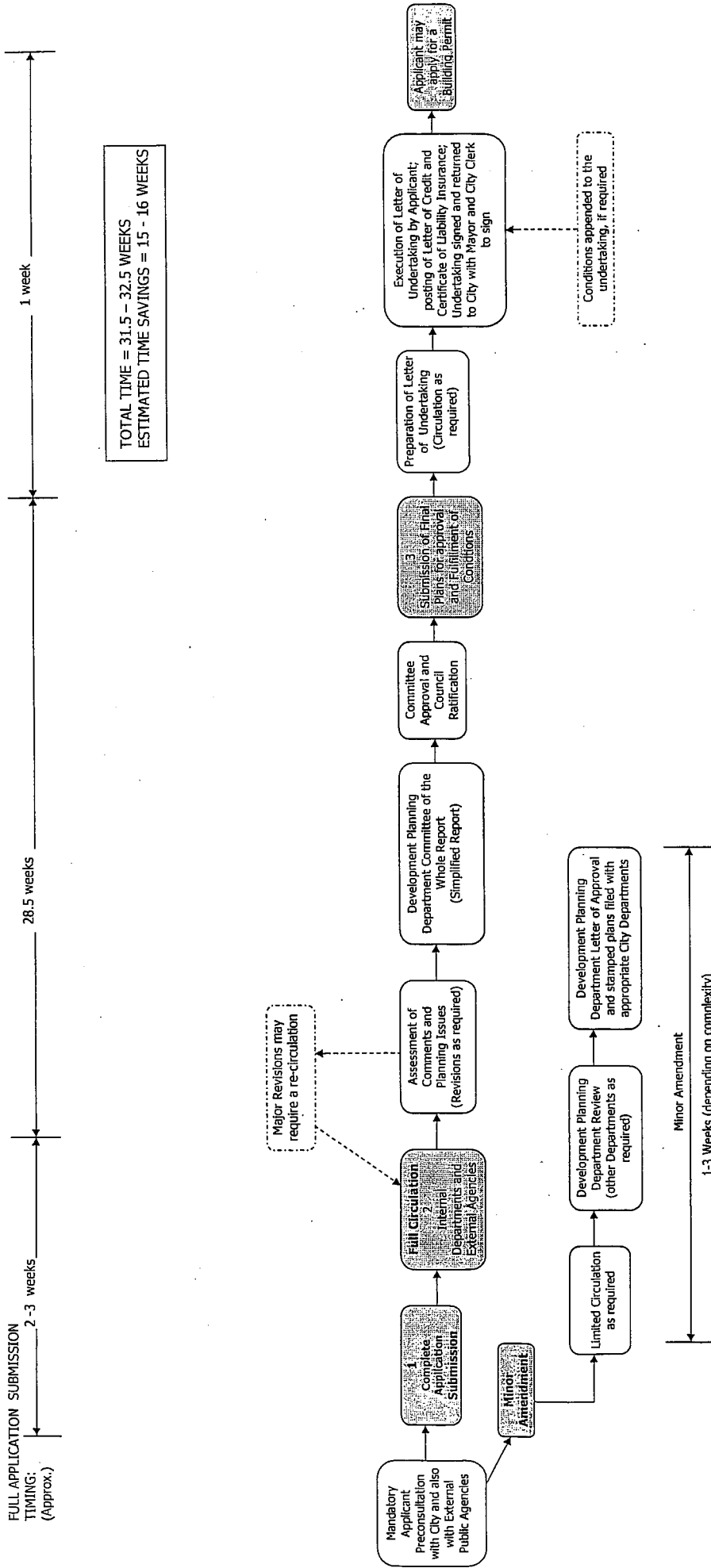
SECOND Letter of Credit Release

20% Landscape Cost Estimate	= \$	_____
Total Letter of Credit Amount To Be Released	= \$	_____

EXISTING SITE PLAN APPROVAL PROCESS



RECOMMENDED SITE PLAN CONTROL PROCESS MODEL (OPTION 2 MODIFIED)



NOTES:

1. Ensure that all supporting documents are submitted with application to facilitate review of your application. Refer to Site Development Application for a complete list of submission requirements. Application will not be accepted until it is deemed complete.
2. If it is recommended that the applicant provide more information, the applicant must submit the information within the specified time period.
3. It is the responsibility of the applicant to meet the Conditions of Approval as imposed by the City and other Agencies.

ATTACHMENT #8
TIME SAVINGS COMPARISON
(Existing vs Recommended)

Existing Site Plan Process			46.5 weeks (10.7 months)
SPRT + Circulation (8 weeks)	Report Preparation (28.5 weeks)	Agreement (10 weeks)	

Recommended Site Plan Control Process Model (Option 2 Modified)			31.5 - 32.5 weeks
Circulation (2-3 weeks)	Report Preparation (28.5 weeks)	Letter of Undertaking (1 week)	

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SITE PLAN CONTROL PROCESS REVIEW
FILE 12.28

DEVELOPMENT PLANNING DEPARTMENT



ATTACHMENT #9

COMPARISON CHART - EXISTING VS RECOMMENDED SITE PLAN PROCESS

	EXISTING PROCESS	RECOMMENDED PROCESS
Mandatory Pre-consultation	No	Yes
Incomplete Application Accepted	Yes	No
Review by SPRT (Voluntary)	Yes	No
Report to Council	Yes	Yes
Revised Reports (Shortened)	No	Yes
Site Plan Approval Agreement Registered on Title (Agreement Executed by Mayor + Clerk)	Yes	No
Region of York Party to Site Plan Agreement or Letter of Undertaking	Yes	No
Letter of Undertaking (signed by Mayor and City Clerk, and not registered on Title)	No	Yes
Letters of Credit for Securities	Yes	Yes
2-Stage Letter of Credit Release for Landscaping	No	Yes
Letter of Credit for Landscape Work Based on 100% of Approved Cost Estimate	No	Yes
Application for Building Permit Prior to Execution of Site Plan Agreement or Execution of Letter of Undertaking	No	No