

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 27, 2006

Item 1, Report No. 8, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on February 27, 2006.

1 REVIEW OF CITY OF VAUGHAN'S ELECTION PROCESS AND PROCEDURES

(Referred from the Council meeting of December 12, 2005)

The Committee of the Whole (Working Session) recommends that this matter be referred to the Committee of the Whole (Working Session) meeting of February 28, 2006.

Recommendation

Council, at its meeting of December 12, 2005, adopted the following:

That this matter be referred to a future Committee of the Whole (Working Session) meeting.

Report of the City Clerk and Returning Officer dated November 29, 2005.

Recommendation

The City Clerk and Returning Officer recommends that this report be received.

Economic Impact

There is no economic impact.

Purpose

To respond to a Council directive requesting a report on election process and procedures (Attachment No. 1).

Background - Analysis and Options

Council has requested a report addressing the election process and procedures. The matters requested to be addressed are set out below:

1) Re-alignment of Ward Boundaries

Council at its meeting held on June 27, 2005 enacted a by-law to re-divide the current 5 wards. The new wards will come into effect following the November 13, 2006 municipal election. Candidates registering to run in this election will do so in respect of the re-divided wards. Further, Council had earlier directed that this re-division be considered an interim measure and that a ward review be undertaken prior to the 2009 municipal election.

2) Consideration of City-wide or Geographic Specific Constituencies for Regional Councillors

As part of the recent ward review, Council considered the matter of regional wards and directed staff to determine if Regional Council would support regional wards. To date the Region has not responded.

3) A Comprehensive Review of the Election Sign by-law Encompassing size, Locations and Timing, Fines, etc.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 27, 2006

Item 1, CW (WS) Report No. 8 – Page 2

Staff will be reporting on these issues at the November 29, 2005 Committee of the Whole (Working Session).

4) Election Budget Needs

The cost of the 2003 municipal election was approximately \$410,000. It is anticipated that the 2006 municipal election will cost approximately \$475,000. This does not include the cost of leasing new vote tabulating equipment which would be in the neighbourhood of \$150,000. Council recently directed that an RFP be issued for vote tabulating equipment.

Elections are funded from a reserve. The Finance Department, in consultation with the City Clerk, allocates an amount each year for this purpose. Currently, there are sufficient funds to cover the costs of next year's election and leasing vote tabulating equipment. It is also advisable to build a surplus in the reserve in the event of a by-election of which we have had two in the last few years. This avoids having to fund a by-election from taxation in any given year. The Municipal Elections Act, MEA, provides that the municipality shall pay the costs incurred by the Clerk in conducting an election.

5) Election Day Transmission of Results

Since 1991, Optech IV C central count optical scan vote tabulators have been used to tabulate election results. The results have been transmitted electronically to viewing screens in the Council chambers, press area and main foyer adjacent to the Council chambers. It has been noted that some of the screens should have been on raised platforms so as to provide a better view. Should vote tabulating equipment be located in each voting location for the next election (Council recently directed an RFP be issued for same), it is anticipated that election results will still be shown on viewing screens. However, the method of transmission from vote tabulators to the screens will need to be reviewed.

6) Use of Other Electronic Vote Counting Equipment

This was the subject of a report to Council recently and direction was given by Council on November 14th, 2005 to proceed with an RFP to lease optical scan vote tabulating equipment for use in each voting location.

7) Other Means of Voting, i.e., Mail-in Ballots, E-Voting, Etc.

The above-noted report dealt with alternative voting methods which were not recommended. The most cost-effective secure method of conducting an election for a municipality the size of Vaughan continues to be optical scan vote tabulating equipment.

8) Revision of the Voters List

The voters list is created by the Clerk from the preliminary list of electors that is provided to the Clerk by statute by the Municipal Property Assessment Corporation (MPAC). The MEA sets out the timing and manner in which the voters list is to be amended. The voters list is to be posted the Tuesday after Labour Day and may be revised any time thereafter up to and including the close of voting on election day. Application to add a person's name or to make changes respecting same must be made in writing. The application can be filed in person, by an agent or mailed in. This election the necessary form may be downloaded from the City's election web site, completed and mailed in. To facilitate this, residents are able to confirm if their name appears on the list by accessing the City's election web site. It must be noted that the MEA stipulates that original forms

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 27, 2006

Item 1, CW (WS) Report No. 8 – Page 3

must be completed and submitted. Posting of the voters list and revision requirements are advertised in accordance with the Act. In the case of Vaughan, this includes publication on the City Page, all ethnocultural newspapers throughout the City and on the election web site.

9) Use of Voter Information Cards

A voter information card is sent by mail to each eligible elector in the City prior to election day. Various election information is provided including advance poll dates and locations, voting day poll location and special provisions for physically challenged individuals.

10) Voting at Long-Term Care Facilities and Seniors Homes

The Clerk is empowered by the Act, subject to certain restrictions, to establish voting locations. All locations are to be accessible to electors with disabilities. The Act prohibits the use of a dwelling as a voting location. Voting locations are mandatory in retirement homes with 50 or more beds and institutions where 20 or more beds are occupied by disabled or chronically ill individuals. Where feasible apartments and condominiums have voting locations. Every effort is made to locate voting stations so as to be convenient for voters.

11) Review of the Number of Electors per Poll and the Number of Polls Created

The number of electors per poll and the number of polls created is the strict purview of the Clerk and is a function of a number of factors including voting method utilized, available facilities and anticipated voter turnout.

12) Elector Day Staff and Appropriate Training

It is the Clerk's responsibility to oversee the selection and training of poll workers. It must be noted that it has become very difficult to recruit sufficient poll workers. For the most part, videos, written instructions and lectures have been used in training workers in the past. If a different vote tabulating system is used, training methodologies will need to be reviewed.

For some time City staff have been recruited to perform various election day duties. The use of City staff on election day could be substantially increased. One option could be to go to "skeleton staff" at the Civic Centre and designated facilities so that more staff could be utilized as poll workers. This will be the subject of a further report to Council.

13) Voter Identification at the Polls

The vast majority of municipalities do not require identification at the polls other than to encourage electors to take their voter information cards with them to the polls to facilitate the voting process. This has been the practice in Vaughan. However, a few municipalities do require identification to be presented at the poll depending on circumstances. This matter is under review. The Clerk is empowered under the Act to do all manner of things in conducting elections including the requiring of identification and/or taking of an oath at the polls prior to a ballot being issued.

14) Use of the Name "Office of Local and Regional Councillor"

During the last municipal election campaign, the issue was raised in some quarters as to the appropriate way to refer to Local or Regional Councillor. With respect to how the office is referred to on election signs, this is beyond the purview of the Clerk. The Clerk

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 27, 2006

Item 1, CW (WS) Report No. 8 – Page 4

has no authority under the MEA to regulate the content of municipal election campaign signs. In addition, the Municipal Act is silent on this. Further, there are no more references in the Municipal Act to the terms local councillor or ward councillor. The only references appear to be to “member of council” either “lower tier” or “upper tier”.

With respect to how the office is referred to on the ballot, the practice in Vaughan has always been to refer to the office as “Local and Regional Councillor”. The rationale being that Regional Councillors are elected at large to the local Council, being Vaughan and to sit on Regional Council as Vaughan’s representatives. Hence the person is a Local and Regional Councillor. The regulations under the MEA concerning ballot format do not specify how an office is to be referred to.

15) Advertisements Relating to the Election Including Number of Candidates/Offices That an Elector is Entitled to Vote For

The MEA provides that the Clerk shall give notice of matters relating to an election in the form and manner and a time that the Clerk considers adequate to give reasonable notice or to convey information. The practice in Vaughan has been to publish all election notices on the City Page as well as all other ethnocultural newspapers published in the City. Most ads appear for two consecutive weeks, so as to give reasonable notice of the matter for which notice is being provided. Notices also appear on the City’s election web site. Ads that appear in the newspapers include ads entitled: Is Your Name on the Voters’ List?, Nominations, Proxy Voting, Election Staff Needed, Notice of Election (offices to be voted for, etc.), Advance Voting, How to Vote (how to mark a ballot).

Relationship to Vaughan Vision 2007

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Conclusion

It would be in order to receive this report.

Attachments

Attachment No. 1 – Extract from the Committee of the Whole (Working Session)
of February 23, 2004

Report prepared by:

John D. Leach, City Clerk

(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.)

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 27, 2006

Item 2, Report No. 8, of the Committee of the Whole (Working Session), which was considered by the Council of the City of Vaughan on February 27, 2006, was dealt with by approving:

That this matter be referred to the Committee of the Whole (Working Session) meeting of March 28, 2006, to ensure that the recommendations contained in the additional report of the Commissioner of Legal & Administrative Services, dated February 27, 2006, are not in contravention of the Regional By-law.

2

SIGN ENFORCEMENT

(Referred from the Council meeting of December 12, 2005)

The Committee of the Whole (Working Session) recommends:

- 1) That staff provide a report to the Committee of the Whole meeting of March 6, 2006 addressing the following recommendations:
 - (1) That election signs be permitted on minor arterial road allowances and that a maximum of one sign per candidate per corner be permitted to be placed at an intersection;
 - (2) That all candidates be required to pay a deposit for posting election signs and that the charge be \$150 per candidate running for the office of Ward Councillor and \$300 per candidate running for the office of Regional Councillor or Mayor;
 - (3) That election signs shall not be erected more than three (3) weeks prior to the date of the election;
 - (4) That no signs shall exceed 4 feet by 4 feet on public road allowances in areas with a posted speed limit of up to 60 km/h;
 - (5) That guidelines regarding the posting of election signs in accordance with provisions in the related by-law be communicated to all candidates clearly and concisely in plain language;
 - (6) That staff work with the Region of York to develop a consistent approach with respect to posting of election signs and that guidelines in accordance with the Region's by-law be communicated to all candidates clearly and concisely in plain language; and
 - (7) That staff bring forward a report to a future Committee of the Whole (Working Session) meeting with respect to restricting the posting of election signs in succeeding elections, including criteria on such restrictions and a summary of comparator municipalities election signs by-laws;
- 2) That the memorandum from Councillor Carella, dated November 28, 2005, be received; and
- 3) That the deputation of Mr. Adriano Volpentesta, be received.

Recommendation

Council, at its meeting of December 12, 2005, adopted the following:

That this matter be referred to a future Committee of the Whole (Working Session) meeting.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 27, 2006

Item 2, CW (WS) Report No. 8 – Page 2

Report of the Commissioner of Legal and Administrative Services dated November 29, 2005.

Recommendation

The Commissioner of Legal and Administrative Services, in conjunction with the Senior Manager of Enforcement Services, recommends:

That Council provide direction respecting the following:

- i) restricting election signs to designated locations
- ii) requiring a deposit from candidates as a measure of enforcement to reduce illegally placed election signs
- iii) a reduction in the size of election signs

Economic Impact

Should Council opt to require a deposit in respect of election signs from candidates as a measure to increase enforcement, some revenue would be realized.

Purpose

This report is to provide information on sign enforcement and potential amendments to the "Sign" By-law.

Background - Analysis and Options

Council, at its meeting of May 9th, 2005 (Item 4, Report 28) requested Enforcement Services staff research the feasibility of having designated locations for election signs to be displayed on Public Property and what size limitations might be recommended.

Inquiries with a number of municipalities were made over the summer of 2004. With the exception of Toronto and Markham, the area by-laws are very similar to those of Vaughan. Both Markham and Toronto require a \$200.00 deposit for posting signs on public property and hold back funds for each sign seized. This is predominately for election signs as the posting of signs on city property is illegal except by permit.

During Ward 5 by-election in November 2004, Enforcement Services confiscated 532 election signs, which were placed contrary to the By-law. If candidates were charged twenty dollars (\$20.00) per sign, it would have resulted in more than \$10,000.00 being collected from offenders.

It was also noted during the last municipal election that numerous complaints were lodged from the public regarding the size of election signs. We also received complaints from candidates regarding the posting of numerous candidate signs on the same supporting structure.

Presently, the City of Vaughan has more than 40 locations on Private property (see Attachment 1) that allows for the display of third party signage by permit (\$50.00) if a commercial enterprise, or written authorization (free) if a charity or religious organization. These areas include open spaces, storm management areas, woodlots, and Ontario Hydro corridors, and are enforced under By-law 178-2003, administered by the Commissioner of Engineering and Public Works and enforced by Enforcement Services.

In an effort to control the proliferation of election signs, consideration might be given to allow designated areas for the display of election signs. In light of complaints that election signs are too large, Council may wish to reduce the maximum size allowed under the sign by-law which is 5 square meters, to 2 square meters.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 27, 2006

Item 2, CW (WS) Report No. 8 – Page 3

In addition, should Council wish to increase enforcement on illegally placed signs, a deposit could be required from each candidate with an amount forfeited for each illegal sign seized by enforcement staff.

Relationship to Vaughan Vision 2007

This report is consistent with the Vaughan Vision through promoting service excellence, community safety, and developing collaborative solutions. Staff resources have been allocated and approved.

Conclusion

Over time many complaints from the public have been received respecting the proliferation and size of election signs and illegally placed election signs. Council has requested a report addressing this matter. Recognizing that Council will ultimately decide the appropriate level of election signage and enforcement, staff are presenting options for consideration.

Attachments

1. Information Sheet: Election Signage Criteria For 2006 Elections

Report prepared by:

David B Madore
Supervisor, Enforcement 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.)

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 27, 2006

Item 3, Report No. 8, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on February 27, 2006.

3 CORPORATE PROTOCOL POLICY WITH RESPECT TO OPENING OF CITY FACILITIES

(Referred from the Council meeting of December 12, 2005)

The Committee of the Whole (Working Session) recommends:

- 1) That staff be directed to re-write the Corporate Protocol Policy taking into consideration Members of Council's comments and that the revised policy be forwarded to Council for approval; and**
- 2) That the memorandum from Councillor Carella, dated November 28, 2005, be received.**

Recommendation

Council, at its meeting of December 12, 2005, adopted the following:

That this matter be referred to a future Committee of the Whole (Working Session) meeting.

Report of the Commissioner of Economic/Technology Development and Communications dated November 29, 2005.

Recommendation

The Commissioner of Economic/Technology Development and Communications, in consultation with the Director of Corporate Communications, recommends:

That this report be received.

Economic Impact

N/A

Purpose

This report addresses Item 40, Report No. 54, Committee of the Whole, October 17, 2005 "that staff provide a report with respect to the Corporate Protocol Policy for opening city facilities."

The purpose of this report is to clarify:

1. That the policy document "Corporate Policies And Protocols For Events" approved by Council on April 11, 2005, is applicable to the opening of City facilities;
2. That this policy supersedes all existing City policies, procedures or practices relating to event protocols, including Policy No. 08.3.01 for Facility Openings (City Facility Openings) which is now being removed from the Corporate Policy Manual; and
3. That the role of Master of Ceremonies at any City facility opening is assigned to the City Manager.

Background - Analysis and Options

Please note that "Corporate Policies And Protocols For Events" Policy No. 08.3.03 is included in the City of Vaughan Policy Manual and posted on the VIBE intranet under General Information: Policies & Procedures.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 27, 2006

Item 3, CW (WS) Report No. 8 – Page 2

1. Opening of City facilities

The opening of City facilities, including opening ceremonies or a larger scale “Grand Opening” or “Official Opening,” are considered to be “City Events” as defined by “Corporate Policies And Protocols For Events” approved by Council on April 11, 2005.

Implementing the approved policy and procedures is the responsibility of the assigned lead department. The following policy extracts are applicable to the opening of City facilities:

DESCRIPTION:

There are two types of events in which City of Vaughan elected representatives and City officials take part. City events are those owned and hosted by the City of Vaughan and involve City services or facilities. Community events are local events owned and hosted by a community

City Events are a primary means of showcasing the services and facilities that City residents receive for their tax dollars. They are a way of personalizing the City administration through the participation of the Mayor, Councillors and the City Manager, and offer an opportunity for direct interaction with local citizens.

RESPONSIBILITY:

City events are owned and hosted by the City of Vaughan and involve City services or facilities. City events are organized and managed by a lead or host City department and the funding for the event is allocated to the budget of the lead department.

TIMING RESTRICTION:

City events will not be held in the time leading up to a municipal election, beginning on the last day for declaring candidacy and ending on the day after election day.

PLANNING PROCESS:

The lead or host City department funding the event will appoint a project or event coordinator who will be responsible for the timing and logistical requirements for the event, preparing the event work plan and obtaining any necessary approvals.

2. Defunct City policies

As approved by Council on April 11, 2005, “Corporate Policies And Protocols For Events” supersedes all existing City policies, procedures or practices relating to event protocols including “Corporate Policies and Protocols For Events,” dated December 15, 2003.

Although not specifically stated in the April 4, 2005 report, Policy No. 08.3.01 for Facility Openings (City Facility Openings) was superseded by the new policy. Inadvertently, Policy No. 08.3.01 was left in the Corporate Policy Manual – it is now being removed.

3. Role of Master of Ceremonies

Policy No. 08.3.01 for Facility Openings (City Facility Openings) stated that “the Local Councillor be the Master of Ceremonies at any City facility opening.” This is no longer in effect, as above. The Council-approved “Corporate Policies And Protocols For Events” clearly assigns this role to the City Manager for City Events, including City facility openings:

For City Events:

The role of the Master of Ceremonies is performed by the City Manager, or any Commissioner or the Director of Corporate Communications as designated by the City Manager, and the Master of Ceremonies will speak first to make the event introductions. This is followed by the Mayor or Acting Mayor, who will bring greetings from the City. Other speakers will follow the Mayor.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 27, 2006

Item 3, CW (WS) Report No. 8 – Page 3

For events associated with a specific City Ward, the Regional Councillor and/or Ward Councillor, where appropriate, will speak following the greetings from the Mayor or Acting Mayor.

Members of Council serving as Committee Chair will be provided with a speaking opportunity at events relating to Committee activities. In most cases, the Chair will speak following introductions by the Master of Ceremonies and official greetings from the Mayor.

Relationship to Vaughan Vision 2007

The establishment of a protocol policy for City and Community Events is in keeping with the emphasis on service excellence identified in the City's strategic plan, Vaughan Vision 2007, in support of the goal (6.1) to "Establish Effective Internal Communications" by expanding and strengthening the level of communication services in support of the Mayor, Members of Council, Office of the City Manager and Departments (6.1.2). In addition, this policy initiative is consistent with the goal (6.4) to "Strengthen Corporate Image and Identity" and its objective (6.4.2) to "Create increased awareness of the City's leadership on key issues and celebrate our successes and achievements."

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Conclusion

The "Corporate Policies And Protocols For Events" approved by Council on April 11, 2005, are applicable to the opening of City facilities.

Attachments

none

Report prepared by:

Madeline Zito,
Director of Corporate Communications

Ted Hallas,
Manager of Corporate Communications

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 27, 2006

Item 4, Report No. 8, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on February 27, 2006.

**4 BROWNFIELD INCENTIVE PROGRAM FEASIBILITY STUDY
GENERAL FILE 22.21**

(Referred from the Committee of the Whole (Working Session) meeting of January 24, 2006)

The Committee of the Whole (Working Session) recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated January 24, 2006, be approved; and
- 2) That the presentation of the Senior Planner, Environmental, and presentation material, be received.

Recommendation

The Committee of the Whole (Working Session), at its meeting of January 24, 2006, recommended:

That this matter be referred to the Committee of the Whole (Working Session) meeting of February 14, 2006.

Report of the Commissioner of Planning dated January 24, 2006.

Recommendation

The Commissioner of Planning recommends:

1. THAT the following report and presentation by staff BE RECEIVED for information;
2. THAT while there are industrial areas throughout the City which may be in need of improvement, it is not necessary at this time to proceed with the preparation of Brownfield Community Improvement Plans throughout the City, as the industrial areas in Vaughan have active industrial uses, which do not qualify as "brownfields";
3. THAT in recognition that there are potential redevelopment areas within the City, that include older industrial areas such as the Kipling Avenue Corridor in Woodbridge; the Nashville Core Area; and the Keele Street Corridor between McNaughton Road and Teston Road in Maple, their redevelopment potential should be examined in conjunction with the comprehensive review of the Official Plan, or through an individual planning study as may be directed by Council;
4. THAT the Keele Street Corridor in Maple be examined for its potential inclusion within the Maple Streetscape implementation area in order to achieve a higher level of streetscape and landscape treatment to mitigate the interface of the residential and institutional uses on the east side of Keele Street, with the industrial uses on the west side.

Economic Impact

Should Council opt to proceed with the preparation of a Brownfield Community Improvement Project Area and Community Improvement Plan with Financial Incentives for redevelopment, there will be an economic impact.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 27, 2006

Item 4, CW (WS) Report No. 8 – Page 2

Proceeding with a full Community Improvement Planning Process will require consultants be retained to undertake the study, as this could not be undertaken within the existing staff complement. A terms of reference will have to be drafted, and a budget prepared for Council approval. As this study has not been included in the 2006 budget request, should Council wish to proceed, direction on budget considerations will be required.

Purpose

On April 11, 2005 Council passed the following resolution:

“That the Planning Department, in conjunction with other appropriate departments, provide a feasibility report to a Committee of the Whole (Working Session) meeting by November 2005:

- identifying possible Brownfields Improvement/Rehabilitation areas within the City of Vaughan including, but not restricted to, Woodbridge Core, Keele Street between Major Mackenzie Drive and Teston Road, Nashville Road, and the Jane Street/Highway 7 area,
- identifying which of these areas could be designated as Community Improvement Plan (CIP),
- identifying any available programs that would provide funding for rehabilitation, such as tax incentives under section 365.1 of the Municipal Act, 2001, and any other program of financial assistance,
- outlining the obligations of the landowner in the Brownfield Financial Tax Incentive Program,
- outlining the financial and environmental benefits/disadvantages of the program, and
- outlining the benefits/disadvantages of participation in the program by the Regional Municipality of York.”

The following report is submitted in response to the above noted resolution. A feasibility study was conducted by Development Planning Department staff in consultation with Finance, Economic Development, and Tax departments. The feasibility study examines the legislative process in designating a Community Improvement Project Area and implementing a Community Improvement Plan; details and provides comments on the feasibility of implementing the variety of financial tools available through the *Municipal Act*, *Planning Act* and through the Ministry of Finance; and finally examines the industrial uses in Vaughan and the appropriateness of designating areas within the City as Community Improvement Project Areas.

Background - Analysis and Options

1.0 Brownfields

Brownfields are the legacy of a century of industrialization in Canada. They are abandoned, idle, or underutilized commercial or industrial properties where past actions have caused known or suspected environmental contamination, but where there is an active potential for redevelopment. Brownfields include decommissioned refineries, former railway yards, old waterfronts and riverbanks, crumbling warehouses, abandoned gas stations, former drycleaners and other commercial properties where toxic substances may have been stored.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 27, 2006

Item 4, CW (WS) Report No. 8 – Page 3

Brownfields are lands on which industrial or commercial activity took place in the past but are no longer in use and may include buildings which are vacant; they may be underutilized or abandoned; they may or may not be contaminated as a result of past activities; and are often located in prime locations where infrastructure, services, and facilities already exist. These properties are often situated in desirable locations in the heart of downtowns, adjacent to harbourfronts, downtowns, along railway lines, etc.

Toronto and Hamilton, which have the largest number of vacant industrial sites in Ontario, estimate that 10 to 15 per cent of these sites are brownfields. Whether brownfield properties once supported warehouses, steel foundries, textile mills, commercial buildings, automotive or rail repair shops, they represent lost property tax revenue and employment opportunities if left alone. In Ontario, vacant properties are assessed at significantly lower rates than occupied ones. Left alone, brownfield properties reduce the local assessment base.

Bringing brownfield sites back into productive use because of the high costs of remediation, uncertainty about the level of contamination at many sites and environmental liability issues becomes quite difficult. Left as they are, brownfields can harm the local economy and pose threats to human health and environmental quality. Redeveloped and returned to productive use, they can generate significant economic, environmental and social benefits. Policy and legislative trends both federally and provincially, demonstrate a commitment to encourage the clean up and reuse of brownfield sites. This comes from a growing understanding of the importance of brownfields to the future of growth and economic viability of communities and the public benefits that can be realized through brownfield redevelopment.

A number of tools can be provided within a Community Improvement Plan in order to encourage and provide the necessary incentives for the redevelopment of Brownfield sites. The rationale for providing incentives for brownfield redevelopment is to “level the playing field” between greenfield and brownfield development.

2.0 Policy Context for Brownfield Incentive Programs/Community Improvement

Brownfield redevelopment has garnered significant attention on the Federal and Provincial policy agendas. In the past 4 years significant progress has been made in the area of brownfield policy which has provided some key guidance and subsequent legislation in the area of brownfield redevelopment.

2.1 National Roundtable on the Environment and Economy

In 2001, the Government of Canada mandated the National Round Table on the Environment and the Economy (NRTEE) to prepare a National Brownfield Redevelopment Strategy. The Strategy, entitled: Cleaning up the Past, Building the Future, was completed in 2003. At the heart of the NRTEE's strategy is a commitment to improve the quality of economic and environmental policy development by providing decision makers with the foundation of a Brownfield Strategy for Canada. With the publication of this document, brownfield redevelopment issues were given national attention.

The national brownfield redevelopment strategy seeks to put in place the essential building blocks of a coordinated, comprehensive national approach to cleaning up and redeveloping brownfields in Canada; build on recent initiatives in several Provinces and municipalities to promote brownfield redevelopment across the country as a practical tool for sustainable development; engage the full spectrum of public, private and community interest involved in community development; address the priority challenges to brownfield redevelopment through as mix of policy instruments targeted at specific market failures; and focus efforts on the “middle tier” of brownfields, where strategic public sector initiatives are needed to achieve redevelopment.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 27, 2006

Item 4, CW (WS) Report No. 8 – Page 4

2.2 Brownfield Statute Law Amendment Act, 2001

Developed by the ministries of Municipal Affairs and Housing, Environment and Energy and Finance, the *Brownfield Statute Law Amendment Act, 2001* (Bill 56), which came into effect, in part, in 2003, is intended to encourage the remediation and redevelopment of brownfield properties. It does so by clarifying environmental liability and providing municipalities with more flexibility in planning and financing. This Act provides the legislative basis for dealing with brownfield sites in Ontario.

The legislation includes provisions related for:

- i. Contaminated site assessments, clean-up standards and site certification;
- ii. Limited protection from MOE Director's Orders; for owners, secured creditors, municipalities and their representatives including some consultants;
- iii. Limited relief where properties are acquired due to tax arrears; and
- iv. The making of loans or grants, or the granting of planning and building fee exemptions and tax assistance, for the purpose of carrying out Community Improvement Plans. The total of the grants, fee exemptions and loans made in respect of property and the tax assistance provided to the property cannot exceed the cost of rehabilitating the property.

The *Brownfield Statute Law Amendment Act* amended the *Education Act*, *Environmental Protection Act*, *Municipal Act*, *Municipal Tax Sales Act*, *Ontario Water Resources Act*, *Pesticides Act*, *Planning Act* in order to implement these changes.

The new legislation clarifies and limits environmental liability, providing certainty to stakeholders involved in brownfields redevelopment. It puts checks and balances in place to ensure that brownfields are properly assessed for contamination and cleaned up prior to redevelopment. These checks and balances are there to protect human health and the environment. Legislation provides for the following:

- a) Site assessment and clean-up standards;
- b) Limited liability protection from environmental orders for municipalities, secured creditors, receivers, trustees in bankruptcy, fiduciaries and property investigators;
- c) Limited protection from environmental orders for owners who follow the prescribed site assessment procedures and file a record-of-site condition stating that a site meets the appropriate standards; and
- d) Quality assurance through mandatory use of certified site-cleanup professionals, mandatory filing of a record-of-site condition to a publicly accessible environmental site registry, acceptance of risk assessments by the Ministry of Environment and Energy and an enhanced auditing process.

The legislation changes the community improvement provisions aimed at maintaining, remediating, rehabilitating and developing the existing physical environment to accommodate social, economic and environmental activities. Key changes were made to facilitate and speed up redevelopment projects, including brownfields. The legislation allows municipalities greater flexibility in designating community improvement project areas and in preparing community-improvement plans to facilitate the cleanup and redevelopment of individual and scattered brownfield properties. It speeds up planning processes by eliminating the need for Minister's approval of community-improvement plans that do not involve financing incentive programs; allows municipalities to provide grants and loans to owners and tenants of brownfield properties to assist with the cost of cleanup; and expands the definition of community-improvement project area to include not just physical reasons for improvement but also environmental, social and economic development reasons.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 27, 2006

Item 4, CW (WS) Report No. 8 – Page 5

2.3 Provincial Policy Statement:

The Provincial Policy Statement, 2005 contains numerous policies which support and encourage the redevelopment of brownfield areas. The PPS defines a brownfield site as “undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict, or vacant.”

The 2005 Provincial Policy Statement (1.1.3.3) also states that “Planning authorities shall identify and promote opportunities for *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including ***brownfield sites***, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.” Brownfield redevelopment can provide the City with opportunities to achieve the intensification requirements of the PPS. Intensification and redevelopment policies within the PPS are intimately tied to the redevelopment and reuse of brownfield sites.

In addition to achieving intensification objectives, the PPS (1.7.1) recognizes that long term economic prosperity is also tied to promoting the redevelopment of ***brownfield sites***.

2.4 Places to Grow

Places to Grow (draft, February 2005), the Greater Golden Horseshoe Growth Plan contains draft policies which are designed to ensure that growth occurs within existing urban areas in a coordinated way, and encourages achieving this growth away from Greenfield areas, and into existing urban areas including brownfield sites, where growth can take advantage of existing, and potentially underutilized infrastructure.

3.0 Community Improvement Plans

Community Improvement Plans (CIPs) are municipal strategic plans, which complement Official Plans, to target areas in transition or in need of further strategic planning involving partnerships with the private sector and community groups and that stimulate community improvement activities including making assistance programs available to achieve strategic goals.

Community Improvement Project Areas are defined in Community Improvement Plans as an area within the municipality where, in the opinion of Council, it is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings for any other environmental, social, or community economic development reasons to provide financial or other incentives to encourage redevelopment within a Community Improvement Project Area.

Community Improvement Plans for the purpose of brownfield redevelopment are the policy expression of a community’s plans to facilitate brownfield redevelopment, and they are the mechanism by which a municipality can provide brownfield financial incentive programs.

Community Improvement Planning and brownfield redevelopment can allow the municipality to achieve strategic objectives and assist in transforming an area which needs the financial incentives to level the playing field between brownfield and greenfield development. Coupled with other policy objectives such as meeting intensification targets, and encouraging Green Buildings, the City can achieve official plan redevelopment objectives which may not otherwise be realized without the public-private partnerships within a Community Improvement Plan.

There are several municipalities across the Province who have developed Community Improvement Plans to deal specifically with the redevelopment of brownfield sites. Hamilton’s ERASE program is among the most notable in the Province, with over 3400 acres within the Community Improvement Project area. The areas subject to this program are centred around Hamilton Harbour and inland along CN rail line. The program contains grants for redevelopment

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 27, 2006

Item 4, CW (WS) Report No. 8 – Page 6

which cover the costs of environmental remediation and environmental studies, demolition and site preparation; environmental study grants for Phase II and/or Phase III Environmental Site Assessments to a maximum of \$10, 000; and a Planning and Development Fees program which is a grant-in-lieu of all planning and some building fees.

Kingston has a CIP which was approved in February 2005 which defines two Community Improvement Project Areas which are focused around the lands along the Great Cataraqui River, in the downtown core where the majority of the historic industrial activity in Kingston occurred. This area was the hub of industrial activity where heavy industry located as a result of the historic shipment of goods by rail and water up to the 1960s. Since that time, many properties in the area have been redeveloped and the rail lines have been removed. Kingston's CIP contains similar financial incentives to Hamilton, however, provides an interesting example of promoting LEEDs (Leadership in Energy and Environmental Design) standards in their redevelopment projects.

There are several other communities across the Province with similar programs including Sarnia, Cambridge, Kitchener, Brantford, Guelph, Niagara Falls, Windsor, and Oshawa. The core similarity between all of these plans is the revitalization of areas within each municipalities where their industrial heritage has left key areas abandoned and derelict. The economic viability of these communities is generally dependent on brownfield redevelopment occurring.

4.0 Community Improvement Planning Process

Community Improvement Plans are governed by Section 28 of the *Planning Act*, which establishes the process for designating Community Improvement Project Areas. The summary of Section 28 of the *Planning Act* is as follows:

- i. There must be an Official Plan in place which has general policies permitting the establishment of Community Improvement Project Areas and Community Improvement Plan. The official plan amendment is subject to the same statutory requirements of the *Planning Act* as all OPAs, including public notice, public meetings and appeal mechanisms.
- ii. Where there is such an official plan in place, Council may designate by by-law the whole or any part of the area covered by the Official Plan as a "Community Improvement Project Area."
- iii. For the lands designated within the above by-law, Council may pass a Community Improvement Plan which utilizes the authority to exercise financial incentives provided by subsection 28(6) and (7) of the *Planning Act* or 365.1 of the *Municipal Act*.
- iv. The Minister of Municipal Affairs and Housing is the approval authority for all Community Improvement Plans offering financial incentives.

The City's official plans have been reviewed, and there is no provision currently for Community Improvement Plans in any of the Official Plans. However, the draft Official Plan Amendment associated with the Highway 7 and Jane 7 Employment Area studies contain policies to that effect. An amendment will be required to proceed to the Community Improvement Phase. Statutory Public Hearings, and all other legislative requirements would also be required.

The Region of York's Official Plan currently does not have provisions for Community Improvement, and an amendment to the Region's Official Plan may also be required to provide a general statement permitting CIPs. This has been discussed with Planning staff at the Region, and preliminarily, they are recommending that should Vaughan wish to proceed, that a request be made to amend the Region's Official Plan. Guidance from the Ministry of Municipal Affairs and Housing is being sought with regards to the requirement of a Regional Amendment.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 27, 2006

Item 4, CW (WS) Report No. 8 – Page 7

The City has the option of adopting a City-wide Official Plan Amendment which could be worded generally to permit the designation of Community Improvement Project Areas and Community Improvement Plans across the City. The City's Official Plan Amendment process would be subject to appeals and Regional approval.

Similar to the Official Plan Amendment process, the CIP process requirements of Section 28 of the *Planning Act* requires Council authorization, holding statutory public meetings, and appeals to the OMB.

Once a Community Improvement Plan (CIP) has been passed by Council, the CIP is subject to approval by the Ministry of Municipal Affairs and Housing.

5.0 Financial Incentives

Financial incentives for brownfield redevelopment projects are intended to level the playing field between brownfield and greenfield development. Therefore, only the costs associated with remediating a property are eligible for financial incentives. This requirement is legislated by the *Planning Act*, and the *Municipal Act* and the City can ensure this by establishing criteria for qualifying for financial incentives within the Community Improvement Project Area. Bill 51, the *Planning and Conservation Land Statute Amendment Act, 2005* is proposing changes to the Community Improvement provisions of the *Planning Act* which would provide greater flexibility in the application of financial incentives within Community Improvement Plans. Financial incentives are only available to properties within an approved Community Improvement Plan.

The City has the option of tailoring the financial incentives to the unique conditions within Vaughan and developing it's own combination of incentives. Additionally, each project would be reviewing individually to determine, within the package of incentives offered by the City, which specific programs it would qualify for. In all cases, the landowner or proponent must meet all the applicable requirements of the *Environmental Protection Act* regarding assessment, remediation, and process.

It is crucial to provide supporting information to any potential brownfield redevelopment Community Improvement Plan demonstrating that without financial incentives for redevelopment, rehabilitation and redevelopment of these sites would not occur. One of the rationales for a CIP with financial incentive programs is the opportunity to address apparent market failure, and to act where the private market has not. A CIP also allows for actions where desired redevelopment is not occurring.

Generally, the incentives listed below are permitted as a result of the *Brownfield Statute Law Amendment Act* which made amendments made to a number of other Acts to facilitate Brownfield redevelopment.

5.1 *Municipal Act*

The *Municipal Act* subsection 106 (1) prohibits municipalities from directly or indirectly assisting any manufacturing business or other industrial or commercial enterprise through the granting of bonuses (sometimes referred to as the "bonusing rule"). Prohibited actions include:

- i. giving or lending money or municipal property;
- ii. leasing or selling any municipal property at below fair market value;
- iii. guaranteeing borrowing; and
- iv. giving a total or partial exemption from any levy, charge or fee.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 27, 2006

Item 4, CW (WS) Report No. 8 – Page 8

Notwithstanding the bonusing rule, subsection 106(3) of the *Municipal Act* permits, with the Municipal Affairs and Housing minister's approval, certain financial assistance for the purpose of implementing a Community Improvement Plan that has been adopted under the provisions of Section 28 of the *Planning Act*.

Section 365.1 (2) of the *Municipal Act* allows a local municipality to pass a by-law providing for the cancellation of all or a percentage of the taxes levied on an "eligible property" (as defined in the *Act*) for municipal purposes during the rehabilitation period of the property, or providing that the taxes on the property shall not be increased during the rehabilitation or development period of the property, or such conditions as the municipality may determine.

5.2 Planning Act

Under Section 28 of the *Planning Act* as amended by the *Brownfields Statute Law Amendment Act* a municipality can:

- i. Acquire, hold, clear or grade land for community improvement purposes;
- ii. Construct, repair, rehabilitate or improve buildings on land acquired or held by the municipality;
- iii. Sell, lease or dispose of lands and buildings acquired or held by the municipality;
- iv. Give loans and grants to registered owners, assessed owners and tenants of lands and buildings within the community improvement project area, and to any persons to whom such an owner or tenant has assigned the right to receive a grant or loan, to pay for the whole or any part of the costs of rehabilitating such lands and buildings in conformity with the community improvement plan;
- v. Provide tax assistance by freezing or canceling the municipal portion of the property tax on eligible properties for remediation purposes; and
- vi. Issue debentures with the approval of the Ontario Municipal Board.

Within the framework of a local official plan, once a municipality has approved community improvement policies and a designated community improvement project area, it may use the powers afforded through subsection 28 (7) to issue grants or loans to registered or assessed owners of lands and buildings within the designated area.

Subsection 28 (7.1) of the *Planning Act* limits the amount of grants or loans that can be provided by a municipality in a CIP. This subsection limits the amount of grants / loans to "the cost of rehabilitating the lands and buildings".

5.3 Examples of Financial Incentives

Within the context of an approved Community Improvement Plan, the following financial tools are available to Ontario municipalities:

- I. Grants or loans;
- II. Tax increment equivalent grants or loans;
- III. Fee exemptions, refunds, waivers and reductions; and
- IV. Other tools.

I. Grants or Loans

Most municipalities that are providing financial assistance through the provisions of Section 28 of the *Planning Act* do so through outright grants or loans. This approach, which is generally subject to the bonusing rule unless a minister's approval is obtained, requires that Council set aside a sufficient amount either at the onset of the program or on an annual basis to fund the grants or loans. From a municipal perspective, the

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 27, 2006

Item 4, CW (WS) Report No. 8 – Page 9

advantage to providing a loan, rather than a grant, is that the repayments can help establish a revolving fund for future loans. Generally the loans are interest-free or below market rates.

Grants and loans offered through a Community Improvement Plan can be tailored to the specific needs of the project area, and the City's approach to the CIP.

II. Tax Increment Equivalent Grants or Loans

Tax increment equivalent financing refers to a grant or loan tool which leverages the difference between the current and potential tax yields on redeveloped properties.

A number of municipalities have developed innovative approaches to providing financial incentives for redevelopment led by the private sector and community improvement initiatives that minimize financial pressures on the municipality. London and Thunder Bay have set up programs that provide property owners with grants equivalent to a deemed tax increment through the community improvement provisions of Section 28 of the *Planning Act*. A number of other municipalities are in the process of adopting similar plans.

III. Exemption/Refund/Reduction of Planning Application Fees and Exemption From Development Charges

Many municipalities that provide grants or loans under Section 28 of the *Planning Act* also provide other incentives, which collectively can have a substantial impact on the financial viability of a redevelopment project. Some of these incentives include the waiving or refund of fees for official plan and zoning by-law amendments, consents to sever, plans of subdivision, development agreements, site plan applications and agreements, minor variance applications, demolition permits, building permits, parkland dedication and exemption from development charges.

IV. Other Tools

Other financial incentive tools that can result in the defraying of development costs include flexible, reduced, or no parking requirements for specific types of development, less restrictive zoning requirements for commercial and residential development and funding for feasibility studies relating to adaptive reuse projects.

5.4 Ontario Heritage Act

Although not exclusively related to Brownfield Redevelopment, the *Ontario Heritage Act*, section 39 allows municipalities to make loans or grants to owners of heritage designated properties. These grants or loans are to pay for all or part of the cost of alteration (i.e., restoration, renovation and repair) of the designated property, on terms and conditions established by a municipal council. This may become relevant to the Brownfield redevelopment context should a former industrial use be on a designated heritage property.

5.5 Development Charges Act

Section 4 of the *Development Charges Act, 1997* exempts the first 50 per cent of existing industrial building expansions from municipal development charges. Paragraph 10 of subsection 5(1) of the *Development Charges Act, 1997* permits municipalities to give full or partial exemption for some types of development.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 27, 2006

Item 4, CW (WS) Report No. 8 – Page 10

In the interests of economic competitiveness and job creation or preservation, many Ontario municipalities have chosen to use this section to wholly or partially exempt new industrial development and larger expansions of existing industrial buildings from the imposition of local development charges and impact fees. In many cases, these exemptions are extended to other forms of non-residential development. Cambridge, Hamilton/Regional Municipality of Hamilton-Wentworth, Kitchener and London are examples of municipalities using this financial tool.

Under subsection 2(7) of the *Development Charges Act, 1997*, municipalities may exempt areas of the municipality from the application of a development charges by-law. Such areas could include a downtown or development area, including community improvement project areas under the *Planning Act*. Municipalities may also adopt area by-laws not including a specific area.

Waiving or reducing development charges as a financial incentive for brownfield redevelopment is a viable option as typically infrastructure is already in place to service redevelopment projects, and the general public good that arises from the redevelopment of brownfield sites. The implementation of such an incentive is implemented through the City's Development Charges By-law, and detailed within the Community Improvement Plan.

5.6 Ministry of Finance Brownfield Financial Tax Incentive Program (BFTIP)

The Brownfield Financial Tax Incentive Program allows municipalities to give tax assistance for the purposes of environmental rehabilitation of brownfield properties within an approved Community Improvement Plan. This program was announced in the 2004 Ontario Budget, and allocates up to \$5 million annually in matching education property tax assistance for the rehabilitation of brownfield properties.

This program complements the program under the *Municipal Act* which allows local municipalities to cancel all or a percentage of the taxes levied on an "eligible property" (as defined in the *Act*) for municipal and purposes during the rehabilitation period of the property, or providing that the taxes on the property shall not be increase during the rehabilitation or development period of the property. The Minister of Finance may match the municipal tax assistance contribution with education property tax assistance to parties that want to rehabilitate brownfield properties and meet the eligibility criteria of the BFTIP program.

Tax assistance under the BFTIP program is applied to the costs of site remediation and is available during the rehabilitation and development periods of eligible properties. The maximum of tax assistance available is the cost of rehabilitating a property. Under this program, the City would be responsible for the establishment and administration of the program and the establishment of eligibility criteria for tax assistance for the municipal portion of the property tax. Applications by municipalities to the Minister of Finance for matching the education property tax assistance for specific properties that satisfy eligibility requirements will be considered by the Ministry of Finance on a case-by-case basis.

Qualifications for this program include designation within an approved Community Improvement Plan which contains provisions for tax assistance under section 365.1 of the *Municipal Act*, a Phase II Environmental Site Assessment has been completed which confirms the need for rehabilitation. The program also contains provisions for timing of assistance relative to rehabilitation; the assessment of the landowner's capability and willingness to undertake the required remediation; specific requirements for processing applications to the program; land ownership requirements; and program length requirements.

As with the other financial incentive programs, and the implementation of any programs within a CIP, the landowner is required to comply with all of the applicable provision of the *Environmental Protection Act* regarding assessment, remediation, and process, and any other requirements as of the Municipality as may be placed within the CIP.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 27, 2006

Item 4, CW (WS) Report No. 8 – Page 11

5.7 Region of York Participation

Section 365.1 (4) of the *Municipal Act* also allows the upper-tier municipality to participate in the cancellation of all or a percentage of the Regional taxes or that the taxes levied at the Regional level shall not be increased during the rehabilitation and development periods for an eligible property.

Direct request for participation at the Regional level to the BFTIF program would be made directly to the region at the time of application at the local level. This would stimulate a response for regional participation in tax relief for a particular site. Participation at the Regional level would be beneficial, as their portion of the tax rate is significant.

6.0 Vaughan Context

Vaughan has a number of industrial areas or employment areas located throughout the southern and western portions of the City, and smaller pockets scattered through the communities of Maple, Concord, and Woodbridge.

There are several areas throughout the City of Vaughan where the various official plans permit a range of commercial, and industrial activities to occur. These lands, which are designated as "Employment" by the various official plans, are shown on Attachment #1 to this report. The employment area designations permit a full range of industrial uses such as manufacturing, warehousing and processing, transportation, construction, and distribution facilities. Within the wide range of uses within these designations, there may be uses in existence which may generate some level of environmental contamination.

More defined uses within these employment areas are defined within the City's Zoning By-law 1-88. A variety of zone categories exist within the City which permit a range of commercial and industrial uses which may generate some level of environmental contamination including C6 Highway Commercial Zone; C7 Service Commercial Zone; EM2 General Employment Area Zone; EM2-A Restricted General Employment Area Zone; EM4 Employment Area Transportation Zone; M1 Restricted Industrial Zone; M2 General Industrial Zone; M3 Transportation Industrial Zone; M4 Pits and Quarried Industrial Zone; M5 Disposal Industrial Zone; PBM1 Parkway Belt Industrial Zone; and PBM7 Parkway Belt Industrial Zone. The distribution of these sites throughout the City are shown on Attachment #2 to this report.

Vaughan's industrial history is quite recent, and agriculture dominated the Vaughan landscape until the mid 1960s. The CN Freight Classification Yard opened in 1964, with limited industrial uses emerging around the yard in the late 1960s and throughout the 1970s, further development throughout the 1980s and significant development throughout the 1990s. Approximately one-half of all companies located within the City of Vaughan began operations after 1990 (Source: Employment and Business Profile, ETDD).

Vaughan's proximity to the 400 series highways, airport, CN classification yard, and CP Intermodal terminal make Vaughan a desirable location for industrial and commercial uses, and continues to be economically viable. Vaughan has a thriving industrial market as indicated by the significant activity in the past few years in the industrial and commercial real estate markets in Vaughan. In 2003, Vaughan dominated industrial sale activity within the GTA, accounting for 22% of total land sales volume across the GTA, and has become a significant centre for industrial development. The industrial overall vacancy rate for 2003 was 4.4%, with 4.1% being vacant for lease, and 0.6% vacant for sale (Source, Annual Report, 2003, ETDD).

Brownfields are defined as lands on which industrial or commercial activity took place in the past but are no longer in use and may include buildings which are vacant; they may be underutilized or abandoned; they may or may not be contaminated as a result of past activities; and are often

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 27, 2006

Item 4, CW (WS) Report No. 8 – Page 12

located in prime locations where infrastructure, services, and facilities already exist. The Provincial Policy Statement defines a brownfield site as “undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict, or vacant.”

Unlike a lot of other municipalities in Ontario with an industrial history, Vaughan's industrial sector is relatively new, fully operational, and economically viable. Industrial uses in Vaughan are active and existing. There are no known abandoned industrial operations nor any industrial sites in the City's ownership as a result of a failed tax sale as is the case with a number of other Ontario Municipalities. Vaughan may have industrial uses which are potentially generating some contamination, or there is a perception of contamination as a result of the use, however, these industrial uses are active and viable, and are subject to the requirements of the *Environmental Protection Act* for any potential contamination which may be generated. Financial incentives for redeveloping brownfields are not provided for active industrial uses.

Windshield surveys throughout the City's industrial areas have been conducted by staff. There may be isolated sites within the City which appear to be underutilized or vacant, however, the vast majority of the lands within the industrial areas are active and economically viable operations. Specific areas of interest are identified and discussed below.

6.1 Jane/7 Employment Area Redevelopment Study

The Jane Street and Highway 7 Employment Area (also referred to as Jane South) is bound by Jane Street to the west, Highway 7 to the north, the CN Rail line to the east, and Highway 407 to the south, as shown on Attachment #3. The area contains a broad mixture of heavy and light industrial uses, many with open storage, mixed with commercial warehouses, and strip plazas. Although the area may have a poor visible quality, the uses are existing and sites continue to be operational.

The Jane/7 Employment Area Redevelopment Study is currently being undertaken through the Policy Planning/Urban Design group by the Planning Partnership. This study specifically examines the lands within the south east corner of Jane Street and Highway 7, within the Vaughan Corporate Centre. The draft report, released in September 23, 2002 describes the study area as being a site which required a comprehensive redevelopment strategy to transform the area into the diverse, attractive, and successful district envisioned in the Vaughan Corporate Centre Plan.

The draft document recommends establishing an incentive based implementation strategy, influenced by the City of Hamilton's ERASE program, and adopting a Jane/7 Community Improvement Plan to provide for the framework for the delivery of the programs and incentives to stimulate environmental clean-up and redevelopment of this area.

On October 6th, 2005, a Public Open House was held in Woodbridge on the study, and the statutory Public Hearing was held on December 5, 2005. The finalization of the study anticipated to proceed in early 2006.

6.2 Woodbridge Core (Kipling Ave.)

The industrial uses within the Woodbridge Core Area are generally located in the area adjacent to the abandoned CPR spur line on the west side of Kipling Avenue, north of Woodbridge Avenue, as shown on Attachment #4. Among the industrial uses in this area are larger industries including Woodbridge Foam producing polyurethane foam products for automotive, industrial, and commercial uses, and Woodbridge Lumber, both of which are active industries.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 27, 2006

Item 4, CW (WS) Report No. 8 – Page 13

Along the west side of Kipling Avenue are a number of properties which are zoned R3 (Single Family Detached Dwelling) however contain a variety of businesses including landscaping, equipment rental, along with residential, and institutional (Montessori School). At 350 Woodbridge Avenue there are 2 multi-unit industrial buildings (Zoned M2 General Industrial) containing a variety of uses including some automotive and construction related businesses. As there is a significant amount of outside storage, the area is visually unappealing. The buildings within this reach are older and deteriorating. Given its location adjacent to residential areas, and the closure of the CPR spur line, the lands are in a good position for redevelopment.

In order to promote redevelopment in the area, OPA 356 ("Kipling Avenue Corridor Study" approved by Council in March 1991) designated land along the west side of Kipling Avenue including the Woodbridge Foam property, as "Medium Density Residential (with the exception of the multi-unit building at 350 Woodbridge Ave).

Currently there is an application to redevelop 4 existing parcels into one four storey condominium building, and 17 townhomes. The application for redevelopment suggests that some movement towards redevelopment in the area is occurring.

Notwithstanding this, the active industrial users in the area; Woodbridge Foam, and Woodbridge Lumber are viable industries.

Given the length of time that has transpired since the Kipling Avenue Corridor Study in 1991, Council may wish to revisit and proceed with a study to examine opportunities for redevelopment within the area, however, given the nature of the active industrial users, would not be considered appropriate for a brownfield community improvement plan.

6.3 Keele Street, north Maple

There is a concentration of industrial uses along the east side of Keele Street in Maple, between McNaughton Road and Teston Road, including the streets Rodina Drive and Malmo Court, immediately east of the Keele Valley Landfill Site, and bisected by the CN Rail line, as shown on Attachment #5. The lands are designated "Prestige Industrial" and "Industrial" by OPA 332, and are zoned M1 Restricted Industrial, and M2 General Industrial. There are a range of existing uses including self storage, building supplies, and aggregate recycling.

The area is visually unappealing, as there is outside storage, particularly in the Rodina Drive/Malmo Court area. The industrial buildings are occupied, the uses are active. Although some existing uses may, by their nature, be potentially generating some form of environmental contamination, they are not bona fide brownfield sites eligible for financial incentives for redevelopment.

The area is undergoing current development for industrial uses including 2 new multi-unit industrial buildings on Keele Street, and an additional self storage building at the existing facility on Keele Street.

There has been no additional planning permissions other than the existing industrial designations which have been granted for this area, which would encourage its redevelopment. The uses in this area are at odds with the institutional and residential uses on the west side of Keele Street. This area is the entry into the Maple Village Core, and the industrial uses on the east side, although associated with the closed landfill site, warrant re-evaluation in the context of the closure of the landfill, and the associated Maple Valley Plan. Should Council wish to pursue redevelopment of this area, it is recommended that this begin with an examination of planning incentives which may encourage redevelopment. However, as it is an active industrial area, it is not recommended that financial incentives for brownfield redevelopment be pursued for this area.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 27, 2006

Item 4, CW (WS) Report No. 8 – Page 14

Additionally, it is recommended, that in the interim, this area be examined for its potential inclusion within the Maple Streetscape implementation area in order to achieve a higher level of streetscape and landscape treatment to mitigate the interface of the residential and institutional uses on the west side of Keele Street, with the industrial uses on the east side.

6.4 Nashville Road

On the north and south sides of Nashville Road, west of the CP Rail Line, east of Huntington Road (Attachment #6), there are several rural industrial uses including a lumber yard, contractors yard, and landscaping company, and a fuel company, some with visually unappealing outside storage.

The uses along this corridor are light industrial uses typical in rural areas.

The area is designated as “Core Area” in OPA 601 (Kleinburg-Nashville Community Plan) and zoned a combination of A Agricultural, M2 General Industrial, C2 and C3. The Core Area policies provide for the development of this area to include local convenience commercial uses, personal service shops, professional and business offices, single detached residential, bed and breakfasts and parks and open spaces. The rural industrial uses in this corridor continue to operate, and there are no current applications for redevelopment of lands within this corridor.

Although pockets of the Nashville area have industrial uses which appear to be in a state of some deterioration, there doesn't appear to be a need for Brownfield Incentive programs for redevelopment of this area. The redevelopment potential of this corridor should be examined in the context of the next Official Plan review for the Kleinburg/Nashville Communities.

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”, and ‘A-7’ “Safeguard our Environment.”

Conclusion

The redevelopment of brownfield sites is an important issue for many municipalities in Ontario with an industrial history where core areas are left abandoned, idle, and derelict as a result of past industrial uses. There are many financial tools which are available for implementation at a municipal level through Community Improvement Planning.

The industrial uses within Vaughan are relatively new, and are generally not in the same physical and economic condition as other municipalities such as Hamilton, Cambridge, or Sarnia. The industrial uses throughout the City of Vaughan are thriving. Financial incentives for brownfield redevelopment are necessary where planning incentives are insufficient, and it becomes necessary to address apparent market failure, to act where the private market has not, and to allow for actions where desired redevelopment is not occurring. High land values, and proximity to major highways and the airport make Vaughan a desirable location for medium and small scale industrial uses. There are a few areas throughout the City with visually unappealing industrial areas, however, these are generally active and would not be considered “brownfields”.

The south east section of Jane and Highway 7 is currently under examination in the Jane-7 Employment Area Redevelopment Study, which is progressing through the final stages of the study. Recommendations may be made through this process to provide for planning and/or financial incentives to encourage the redevelopment of this area.

The industrial uses along Kipling Avenue in Woodbridge were subject to a study which was approved as OPA 356 in 1991. The outcome of this study provided for a medium density

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 27, 2006

Item 4, CW (WS) Report No. 8 – Page 15

residential designation for all of the industrial lands within the corridor. In the 11 years since the OPA was passed, only recently has there been activity within the area, with a current application for residential at higher densities than permitted in OPA 356. Given the length of time that has transpired since the Kipling Avenue Corridor Study, Council may wish to revisit this area and proceed with a study to examine opportunities for redevelopment.

Should Council wish to see redevelopment occurring within specific areas throughout the City, then it is recommended that planning incentives for redevelopment be explored as an initial step. Where planning incentives have failed, then financial incentives to encourage redevelopment may be warranted with sufficient justification.

Attachments

1. Industrial/Employment Official Plan Designations within the City.
2. Industrial/Commercial Zoning of Interest within the City.
3. Jane Street & Highway 7 Employment Area
4. Kipling Avenue (Woodbridge)
5. Keele Street (North Maple)
6. Nashville Road

Report prepared by:

Karen Antonio-Hadcock, Senior Planner, Environmental, Planner, ext. 8630

(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.)

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 27, 2006

Item 5, Report No. 8, of the Committee of the Whole (Working Session), which was adopted, as amended, by the Council of the City of Vaughan on February 27, 2006, as follows:

By receiving the memorandum from the Director of Engineering Services and the Senior Manager, Enforcement Services, dated February 20, 2006.

5 ON-STREET PARKING PILOT PROJECT

The Committee of the Whole (Working Session) recommends:

- 1) That clauses 1, 2, 4, 5 and 6 of the recommendation contained in the following report of the Commissioner of Engineering & Public Works and the Commissioner of Legal and Administrative Services, dated February 27, 2006, be approved;
- 2) That an interim parking permit fee schedule be established at \$30.00 per month or \$2.00 per day for the duration of the On-Street Parking Pilot Project;
- 3) That the parking permit solution for Yellowwood Circle, on Attachment No. 1, be changed from “free” to “monthly”; and
- 4) That staff review and report back on opportunities for on-street parking abutting park lands.

Recommendation

The Commissioner of Engineering & Public Works and the Commissioner of Legal and Administrative Services in consultation with the Director of Corporate Communications recommend:

1. That the Residential Areas/Test Street as identified by the Working Group for the On-Street Parking Pilot Project be approved;
2. That notwithstanding the City's Purchasing Policy, and in consultation with the Director of Purchasing Services, sole-sourcing of the Parking Machines to J.J. MacKay Canada Limited for the Pilot Project only, be approved by Council, subject to the City, through Staff, concluding an acceptable Service Proposal with the Vendor;
3. That an interim Parking Permit Fee Schedule, to be established at \$60.00/month or \$2.00/day, for the duration of the On-Street Parking Pilot Project;
4. That staff be authorized to bring forward the necessary By-law and/or Amendments to implement the On-Street Parking Pilot Project;
5. That the Communications Strategy, as recommended be approved and implemented; and
6. That the On-Street Parking Pilot Project commence April 3, 2006, or as soon as possible thereafter, and run continuously for a one-year trial period and that staff provide an interim progress report after the completion of 6 months of the project.

Economic Impact

There will be some initial costs associated with the Pilot Project. While these costs are not fully known or quantified at this time it is believed the stakeholder departments represented in the Working Group can absorb these costs within their respective annual budgets.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 27, 2006

Item 5, CW (WS) Report No. 8 – Page 2

The longer term Capital and Operating costs of a fully implemented Residential On-Street Parking Program will be estimated upon completion and as part of the Pilot Project Evaluation. The actual estimated cost and final cost will be reported back in the progress report to Council.

Purpose

To investigate the possibility of implementing a permanent, overnight permit parking program across the City of Vaughan in residential neighbourhoods on local streets.

To this end, Council has directed staff to conduct a one-year pilot project. This report sets out the detailed work plan in establishing the parking criteria, identifying the test areas, and developing and testing the permitting process.

Background - Analysis and Options

At its meeting of June 15, 2005, Council approved:

“That the City of Vaughan establish a one year pilot project for selected areas of the City commencing no later than October 2005 for all-year permitted parking in residential areas;

And, based upon the evaluation data compiled up until that point, that this project be reviewed by Council in January 2006 in order to determine its continuance to the end of the one year completion date;

And that staff prepare their operational recommendations prior to the implementation of this project in October;

And that Engineering, as part of their preparation for the implementation of this proposal provide advice on how to implement this proposal for those residential secondary streets and are less than 8.5 metres in width.”

Staff responded by forming a Working Group composed of members from Public Works, By-law Enforcement, Traffic Engineering, Finance, ITM, Legal and Corporate Communications to set out a plan to develop and implement the Pilot Project. Expertise was identified and drawn from technical, administration, financial, legal, enforcement and publicity areas within the various Departments. The Committee has met on several occasions since and now created a program proposal for Councils consideration.

Each Department/Division/Section participating was asked to contribute to the undertaking by identifying their particular interests, concerns, requirements, etc. for such a parking program, on both the short term test case and in consideration of a possible permanent program.

OPERATIONAL CONSIDERATIONS

Public Works and Traffic Engineering were principally involved in this technical assessment of the test zones and candidate streets.

Issues for consideration in developing the Parking Criteria included, but were not necessarily limited to the following:

- winter operations – snow removal, etc.
- waste management – collection services, etc.
- emergency access – fire and ambulatory service

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 27, 2006

Item 5, CW (WS) Report No. 8 – Page 3

- signage and pavement marking – parking zone delineation
- locational criteria – fire hydrants, community mailboxes, etc.
- transit compatibility
- parking zones – driveway spacing, intersection clearance, etc.

All streets were visited and surveyed in terms of the technical criteria for compliance. The Operational Criteria as recommended are summarized and contained in the table as Attachment No. 3.

For its role, Public Works will need to develop special signage to be displayed on the test streets and defining the limits of the parking zones with the appropriate parking solution as determined. The parking machines will also require, at City expense, a concrete base for anchoring and security purposes. Traffic Engineering will design the pavement marking scheme to delineate the parking zone, not individual spaces, within the pavement.

PARKING ISSUES & ALTERNATE SOLUTIONS

In trying to identify the scale of the project, Enforcement Services staff reviewed records regarding parking complaints, tickets issued, congested areas and other factors on a City wide basis, all in the context of residential areas. Council members were consulted for their input and to solicit suggested neighbourhoods or additional specific streets for further consideration, based on citizen complaints and the like.

The process involved identifying problematic parking neighbourhoods within each of the respective City Wards as candidate areas for “test zones”. Specific residential streets were then selected based on Operational Criteria in which to apply the alternate parking solutions identified for testing. Finally, the parking schemes were configured within each test zone for evaluation.

The outcome was to identify approximately fifteen candidate streets for the Pilot Project encompassing the five Wards, at three streets per City Ward. The specific streets selected are indicated in the table as Attachment No. 1, and illustrated on the map in Attachment No. 2.

All of the fifteen streets had significant number of tickets issued for violations of the City’s Consolidated Parking By-law 1-96 for the 2:00 a.m. – 6:00 a.m. parking restrictions. In total 597 available parking spaces were involved. The ticket revenue on the streets in 2005 was \$45,000.

The working group determined that three different Parking Solutions would be piloted over the one-year test period. Of the three streets identified per Ward, one each would either be free parking (through by-law prohibition), or require daily or monthly permits (through parking machine issue).

The FREE PARKING alternative solution would essentially allow for free overnight parking (from 2:00 a.m. – 6:00 a.m.) to residents residing on the subject test streets identified in the particular Ward. This exemption to the Consolidated Parking By-law would apply to the entire seven days a week period, from April 1 through to December 1 annually, in respect of protecting for Public Works winter operations during the four month prohibition.

There would be no application requirements on the part of the residents for this alternative. Spaces would simply be available on a first-come, first served basis and subject to the Operational Criteria.

For the PERMIT PARKING solutions, staff are recommending that a hard copy (paper) permit be utilized and that they be made available through the use of Pay-and-Display Machines provided by a sole-source Vendor for the purpose of the Pilot Project only. This approach will virtually

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 27, 2006

Item 5, CW (WS) Report No. 8 – Page 4

eliminate City staff involvement in issuing the permits and collection of receipts. The Canadian company, J.J. Mackay Canada Limited will provide six machines to the City at no initial cost for the Pilot Project, based on a revenue sharing turnkey operation. This means that the company will customize the program, install and maintain the machines, process the payments and send the receipts to the City for its share of the revenue.

The criteria for selecting which solution went to what street was again based on the Operational Criteria and also determined in part by a convenience factor based length of test street as compared to distance required to walk to obtain the permit. The five streets that will be tested with the DAILY PERMITS will have the machines installed close to the middle of the area/block involved, in a discretionary location. The sixth machine is proposed for the entrance foyer at the Civic Centre in order to provide for 24 hours, 7 day a week service. The outside machines will be solar powered and wireless, eliminating the need for electrical or communication links. Each machine will be programmed with the number of available spaces on the specific street and once that number is reached no more permits will be sold. It is proposed that the Daily Permit machines be operational only between the hours of 6:00 p.m. to 6:00 a.m., seven days a week. Currently there are 442 parking spaces available “for rent” across the fifteen test streets in the Pilot Project.

By-law Enforcement Staff will be monitoring the test streets daily and very closely, observing any activities or situations that will contribute to the assessment of the Pilot Project. Vehicles parked without a permit between 2:00 a.m. and 6:00 a.m. and in violation of the Consolidated Parking By-law will continue to receive a ticket. Staff note that this Pilot will not alter the Visitor Parking Permit Program already in use across the City, with the exception of the fifteen test streets.

The suggested permit fees, subject to Council approval, are recommended at \$60.00 for the monthly pass and \$2.00 per day for the overnight permit. Ticket prices for parking violations will remain at \$35.00 per offense. There is no expected revenue loss as a result of the Pilot Project.

It is anticipated that there may be an increase in the number of complaints received regarding unwanted vehicles parked in front of residents’ homes. Also, significant infiltration is expected into the test areas by vehicles from neighbouring streets. These complaints are out of the control of the City, as individual parking spaces are not allocated by vehicle or reserved by space.

In terms of Performance Criteria, it is intended to evaluate the success of the program primarily under four broad areas:

- Revenue – permit receipts vs. program costs
- Usage – percentage of spaces occupied vs. available daily/monthly spaces
- Complaints – received by residents, users, other roadway stakeholders, staff
- Compliance – legal vs. illegally parked vehicles
-

COMMUNICATION STRATEGY

The communication strategy for the On-Street Parking Pilot Project has the following objectives:

1. Inform the target audience of the City’s new on-street parking pilot project; and
2. Promote the City’s commitment to community safety regarding on-street parking through media coverage, City Page notices, website postings, advertisements and print material.

The external target audience will include residents, ratepayers associations, the media, community groups, and other levels of government. In addition, all City staff will be informed of the Pilot Project through the VIBE, the City’s intranet.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 27, 2006

Item 5, CW (WS) Report No. 8 – Page 5

Key messages to communicate the project will include the following:

1. The City of Vaughan is committed to improved community safety through efficient parking initiatives, enforcement and education.
2. Community participation will help the City determine the most effective parking permit alternatives for residents.
3. The City's parking programs are designed to assist the parking needs of residents and reduce any shortage of parking available in residential neighbourhood.

The effectiveness of the communications program will be measured by tracking website visits, monitoring media coverage, and tracking telephone calls from the public.

Attachment No. 4 lists the proposed action steps to implement this communications strategy.

OTHER CONSIDERATIONS

Issues raised by various other stakeholder departments have been reviewed by the Working Group in advance of the Pilot Project with each department contributing comments.

ITM acknowledges the experience and expertise of the Vendor and is satisfied that with some customization and repurposing the standard Pay and Display machines will perform well for the Pilot. The proposal should identify Vendor responsibility of customizing, monitoring and servicing the units, collecting the cash and credit card payments, providing wireless connection, etc. In terms of the City's existing computing infrastructure the turnkey Pilot will require minimal ITM staff resources and have very little system impact.

Legal Department will oversee the necessary amendments to the various Parking By-laws that may be impacted including review of the draft by-law to be prepared by Traffic Engineering in support of the undertaking and reflecting the final terms of the Pilot Project and any necessary support agreements.

With respect to Finance & Purchasing, sole sourcing an equipment supplier willing to undertake the necessary development on the Pilot was deemed an acceptable option by the Working Group given the nature of undertaking as a test case. The project will be able to proceed expeditiously with Vendor control of the parking machines, receipts collection and submission, and financial reporting for audit and control purposes. Again, staffing resources will be minimized without undue delay to the project schedule.

With regards to the long term outlook all departments will provide comments on the technical, administrative, and financial aspects of the Pilot Project as part of an interim and final reports to Council as the program progresses over the one year trial period.

Relationship to Vaughan Vision 2007

This report is in keeping with the Vaughan Vision by promoting service excellence and developing collaborative solutions, in the case with respect to fulfilling the need to provide for alternative parking solutions within residential neighbourhoods that meet both the needs of residents' while preserving operational functions.

Conclusion

A Working Group involving staff from the various City Department stakeholders has prepared a proposal to undertake a one year Pilot Project to investigate the feasibility of a permitted On-Street Parking program in residential neighbourhoods. Staff recommend that the test streets, as

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 27, 2006

Item 5, CW (WS) Report No. 8 – Page 6

identified in the subject report, be approved for the Pilot and that an interim Fee Schedule be adopted through the amending by-laws. To expedite the study and minimize staff resources it is also recommended that a turnkey operation involving a sole-source parking machine Vendor, be approved as well, for the duration of the project only.

Attachments

1. Test Streets
2. Location Map
3. Operational Criteria
4. Proposed Communication Action Steps

Report prepared by:

Gary P. Carroll, P.Eng., Director of Engineering Service
Tony Thompson, Senior Manager of By-law Enforcement

(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.)

