

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 11, 2008

Item 1, Report No. 31, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on June 11, 2008.

1 "ACTIVE TOGETHER" MASTER PLAN FOR PARKS, RECREATION, CULTURE AND LIBRARIES

The Committee of the Whole (Working Session) recommends:

- 1) That clause 1 of the recommendation contained in the following report of the Commissioner of Community Services, dated May 27, 2008, be approved;**

- 2) That the draft "Active Together" Master Plan be brought back to a Committee of the Whole (Working Session) in September 2008 for Council's consideration; and**

- 3) That the presentation material submitted by Ms. Jean Monteith, Principal Planner, Monteith Brown Planning Consultants, 610 Princess Avenue, London, N6B 2B9 and Ms. Claire Tucker-Reid, Tucker Reid and Associates, 22 Worfolk Place, Whitby, L1N 6Z2, entitled, "Active Together Masterplan, Parks, Recreation, Culture and Libraries Master Plan, May 2008" and "Presentation to Committee of the Whole Working Session," be received.**

Recommendation

The Commissioner of Community Services, in consultation with the Senior Management Team, the Directors of Parks Development, Building and Facilities, Parks and Forestry Operations, Budgeting and Financial Planning, Manager of Administration and Planning and the Director of Planning and Communication with Vaughan Public Libraries recommends:

- 1) That the presentation and draft "Active Together" Master Plan be received for review and comment; and,

- 2) That the final "Active Together" Master Plan be brought back to Committee of the Whole in September 2008 for Council's approval.

Economic Impact

Not applicable.

Communications Plan

The community consultation process has been, and will continue to be, an essential component of this Master Plan. Phase 1 of the Master Plan process included Council interviews, senior management team workshop, staff workshops, community group/sports group workshops, arts/culture/heritage workshops, Library Board and staff consultation, S.A.V.I workshop, statistically significant household survey and user group survey.

Once approved by Council, a communications plan building upon the above community consultation process will be developed in conjunction with the Corporate Communications Department.

Purpose

The purpose of this report is to have Council receive, review and provide comment on the draft "Active Together" Master Plan document.

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Background - Analysis and Options

At a special Council meeting of January 16, 2006, Council directed staff to provide an up to date Master Plan on the building of new recreation facilities.

The “Active Together” Master Plan is an integrated long-term strategy that guides planning for parks, recreation, culture and library facilities and services until the City’s ultimate build-out. The Plan reflects considerable changes that have taken place in Vaughan in past years and proactively respond to the anticipated future needs of residents in both the established and new growth areas. This is the first time that the Vaughan Public Libraries has been included in the Parks and Recreation Master Plan study.

A Physical Activity Strategy has also been prepared concurrently with the “Active Together” Master Plan. The purpose of the Physical Activity Strategy is to foster higher levels of physical activity by Vaughan residents through various action designed to remove barriers and allow for greater participation.

The City of Vaughan’s Community Services Commission (comprised of Recreation and Culture, Parks Development, Buildings and Facilities, and Parks Operations and Forestry) along with the Vaughan Public Libraries depend on the Master Plan to guide planning for parks, recreation, culture and library facilities and services. The last Parks & Recreation Master Plan was completed in 1991.

Relationship to Vaughan Vision 2020

In consideration of the strategic priorities related to Vaughan Vision 2020, the project will provide:

- *STRATEGIC GOAL:* Service Excellence
- *STRATEGIC OBJECTIVES:*
Pursue Excellence in Service Delivery;
Enhance and Ensure Community Safety, Health and Wellness; and
Preserve our heritage and support diversity, arts, and culture.
- *STRATEGIC GOAL:* Management Excellence
- *STRATEGIC OBJECTIVES:*
Plan & manage growth and economic vitality; and
Maintain assets and infrastructure.

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

Regional Implications

Not applicable.

Conclusion

That Council receive, review and provide comment on the draft “Active Together” Master Plan document and that the final “Active Together” Master Plan document be brought back to Committee of the Whole in September 2008 for Council’s approval.

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Attachments

None

Report prepared by:

Paul Gardner, Director of Parks Development, Ext. 3209

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Item 2, Report No. 31, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on June 11, 2008.

**2 PUBLIC HEARING NOTIFICATION FOR PLANNING APPLICATIONS
CITY OF VAUGHAN
FILE: 12.29**

The Committee of the Whole (Working Session) recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated May 27, 2008, be received and referred to staff to bring back a further report to a future Committee of the Whole (Working Session) meeting addressing Members of Council's comments; and
- 2) That additional recommendations respecting on-site advertising promotional signage relating to development applications be brought forward to a future Committee of the Whole (Working Session) meeting, specifically with respect to but not limited to the following:
 - i) the timing of the placement anywhere in the municipality of any promotional signage in relation to the development approval process as it unfolds at a given site;
 - ii) the location and size of such signage; and
 - iii) the opening and operation of any office on-site, adjacent thereto, or anywhere else in the municipality, for the sale of units or the taking of reservations for the purchase of units that are planned components of the project.

Recommendation

The Commissioner of Planning recommends:

1. THAT the following recommendations be adopted with respect to the proposed changes to the notification of planning applications and policy studies;
 - i) that Council adopt the "Notification for Planning Applications Protocol" and "Notification for Policy Study Protocol" as shown on Attachment #1, identifying the City's procedures for the notification of public meetings for planning applications and for policy planning studies, respectively;
 - ii) that Council adopt the "Sign Policy" as shown on Attachment #4, identifying the City's requirements for a notice sign to inform the public of planning applications and policy planning studies;
 - iii) that the notification area for all planning applications requiring a public meeting be increased from 120 m to 150 m, thereby exceeding the statutory requirements of the *Planning Act*;
 - iv) that the Development Planning Department work with the Corporate Communications Department to establish a permanent advertisement to be included in every edition of the "City Page" directing the public to the City's website for current public meetings respecting planning applications and policy studies;

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- v) that a revised public meeting notice as shown on Attachment #6 that is more “reader friendly” with simplified wording be used to describe a planning application and include clear graphics and that the same principles apply to all planning policy study public meeting notices;
- vi) that a new public meeting be held for all planning applications under the following circumstances:
 - a) any application that has not been considered by the Committee of the Whole within two (2) years of being considered at a previous public meeting;
 - b) any application where the nature of the application has been amended to increase the density of the proposal, change the nature of the land uses or arrangement thereof, and increase the proposed building heights; and,
 - c) in respect of the above, for any reason in the opinion of the Development Planning Department a re-notification is warranted due to significant changes in the application, which may increase the impact of a proposed development on the community, since a previous public meeting;
- vii) that the notice of a public meeting respecting a planning application(s) or policy studies be posted for public viewing and information on the City’s website in accordance with the minimum time frames prescribed in the Planning Act;
- viii) that Ward Sub-Committee and community meetings continue to be used as a tool for notifying and engaging the public in the planning process, as directed by Council; and,
- ix) that the Development Planning and Policy Planning Departments provide Access Vaughan with a copy of each public meeting notice, which identifies the City Planner responsible for the file, thereby allowing Access Vaughan to transfer the inquiry directly to the appropriate City Planner; and,
- x) that the Policy Planning Department prepare an electronic registry of interest groups, stakeholders, and organizations for the purposes of electronic notification of a policy planning study.

Economic Impact

There will be an economic impact associated with increasing the minimum notification requirements prescribed by the *Planning Act*, including additional notices, postage, and staff time and resources required to administer the proposed Notification For Planning Applications Protocol and the Sign Policy shown on Attachments #1 and #4, respectively, and to implement the suggested recommendations. The exact dollar amount is unknown at this time since it will vary depending on the number of planning applications received in any year and their location within the municipality with respect to the number of surrounding landowners.

There will also be an economic impact associated with posting a sign(s) to advertise a City initiated planning policy studies. The exact dollar amount is unknown at this time since it will vary depending on the number of planning studies carried out in any year, the scope and complexity of each study, and the number of signs required to adequately advertise the planning study.

Communications Plan

The proposed changes to the notification procedures for planning applications will primarily be communicated through updated information appended to the City’s planning application forms. It is also proposed that the City’s website be utilized to post a copy of each notice of a planning

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application for future public meetings. The additional policy study requirements will be communicated through the Terms of Reference prepared for a planning study, which is approved by Council.

Purpose

This report has been prepared in response to the following Council direction adopted on September 24, 2007 (in part):

- “1) That staff provide a report to a Committee of the Whole (Working Session) meeting in December 2007, on options and solutions for public consultation guidelines, taking into consideration comments from members of Council; and,
- 2) That the wording of the signs erected on lands affected by a planning application, and the notice in the media, be simplified.”

Background - Analysis and Options

Relationship to Vaughan Vision 2007

This report is consistent with the priorities set forth in Vaughan Vision 2020, “Plan and Manage Growth” and “Pursue Excellence in Service Delivery”.

Regional Implications

There are no Regional implications associated with this report.

City of Vaughan Notification Practices

The *Planning Act* prescribes the method and requirements by which public notice for planning applications are to be undertaken, as summarized on Attachment #2. The City of Vaughan currently gives notice of a public meeting and information respecting planning applications to the public and public bodies in accordance with the requirements prescribed by the *Planning Act*. Briefly summarized, a notice of a public meeting for amendments to the Official Plan and Zoning By-law, Draft Plan of Subdivision Approval, and for Draft Plan of Condominium Approval (Common Element and Vacant Land) is given in accordance with the provisions of the *Planning Act* as follows:

- the City Clerk’s Department sends notice of a public meeting to all land owners as identified on the latest assessment roll and tax assessment roll located within 120 metres of the lands subject of the application and in the case of a condominium, to the condominium corporation;
- the public meeting notice is sent via ordinary mail;
- the form of the public meeting notice complies with the requirements of the *Planning Act* with respect to its contents (i.e. time and place of hearing, key map, description of proposal and prescribed statements);
- the public meeting notice is sent to those persons or public bodies as prescribed by the *Planning Act* (i.e. the secretary of every school board; the secretary treasurer of every conservation authority; the secretary of every natural gas utility, etc.); and,

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- the applicant is required to post a sign on the property in accordance with the sign requirements attached to all planning applications (the sign requirements will be discussed in further detail later in this report).

In addition, the City exceeds the statutory requirements prescribed by the *Planning Act*, with respect to giving notice by:

- providing a public meeting notice to registered Ratepayer Associations having jurisdiction in the area to which the planning application would apply; and,
- in certain circumstances, the Development Planning and/or Clerks Department may use its discretion to expand the notification area or place an advertisement in a local newspaper when:
 - an application proposes a development of significant scale (i.e. high density residential, significant commercial developments, etc.); and,
 - where it is considered logical or practical to do so. For example, if the 120 metre notification area captures all properties on a street except for a few, the City Clerk's and Development Planning Departments may expand the area of notification to include those properties lying outside 120 metres in order to notify an entire street.

Additional public participation may also be solicited through a Council resolution as requested by a Council member to hold a Ward Committee or a community meeting, organized through the office of the Council member.

With respect to a public meeting notice for Council's intention to remove the Holding Symbol "(H)", the Development Planning Department sends a notice to the abutting land owners (shown on City assessment rolls and/or the condominium corporation) a minimum of one (1) week prior to the Council meeting to which the amending zoning by-law will be considered. The notice of intention to lift the Holding Symbol "(H)" includes the prescribed information including an explanation of the effect of the removal of the holding symbol, a description of the subject lands, and a key map showing the subject lands. The *Planning Act* does not specify a minimum area for notification or time frames related to the passing of a By-law to remove a holding symbol.

As noted above, the *Planning Act* does not require that a public meeting be held for Site Development, Draft Plan of Condominium (other than common element and vacant land) and Part Lot Control Applications. Accordingly, the Development Planning and City Clerk's Department does not send a notice of a public meeting when these planning applications are being considered, unless a specific written request has been received to do so.

It is noted that the City is in the process of implementing the requirements of Bill 51 with respect to the prescribed notification procedures for complete applications, however, at this point in time the prescribed measures are not in place. The Development Planning Department will be providing Council with a report on the implementation of Bill 51 in 2008.

Current City Sign Guidelines

The City currently requires that a sign(s) informing the public of an application(s) to amend the Official Plan and Zoning By-law, Draft Plan of Subdivision Approval and for Draft Plan of Condominium Approval (Common Element and Vacant Land) be posted on the lands subject of the application in accordance with the following instructions:

1. The sign(s) is to be installed within fourteen (14) days after the date on which the completed application was received by the Development Planning Department.

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2. The sign(s) shall comprise a minimum 12 mm thick plywood sheet, having an area of at least 1.5 m². The lettering shall be black on a white background and shall be clearly legible from the street line.
3. The sign(s) shall be erected on the land subject of the application at a distance of approximately three (3 m) metres from the property line and a sign shall be provided for on each street frontage of the said land, at approximately the half-way point along each frontage.
4. The sign(s) shall be removed within seven (7) days after any one of the following events:
 - a) the application is turned down by Council; or lapses; or is withdrawn;
 - b) the associated Official Plan Amendment is approved or turned down by the Region of York or the Ontario Municipal Board, as the case may be;
 - c) the associated Zoning By-law Amendment is approved or turned down by the Ontario Municipal Board.
5. Examples of appropriate wording are shown below. SHOULD ASSISTANCE BE REQUIRED IN DETERMINING APPROPRIATE WORDING, please contact the Vaughan Development Planning Department. (Note: sign(s) should be prominently captioned):

PROPOSED OFFICIAL PLAN CHANGE

Application has been made to the City of Vaughan for an Official Plan Amendment for these lands. The change requested is from _____ to _____ to permit a proposed _____.
For further information, please contact:

CITY OF VAUGHAN DEVELOPMENT PLANNING DEPARTMENT
2141 MAJOR MACKENZIE DRIVE
VAUGHAN, ONTARIO L6A 1T1
TELEPHONE: (905)832-8585

QUOTE FILE NO: _____

PROPOSED ZONING CHANGE

Application has been made to the City of Vaughan for a Zoning By-law Amendment for these lands. The change requested is from _____ Zone to _____ Zone to permit a proposed _____.
For further information, please contact:

CITY OF VAUGHAN DEVELOPMENT PLANNING DEPARTMENT
2141 MAJOR MACKENZIE DRIVE
VAUGHAN, ONTARIO L6A 1T1
TELEPHONE: (905)832-8585

QUOTE FILE NO: _____

NOTE: Where applications for both types of amendments are submitted together for the same land, one sign should be erected with appropriate wording.

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Prior to any application being scheduled for a public meeting, the Development Planning Department will conduct a site visit to ensure that the sign has been posted in accordance with these requirements. A typical sign utilizing these guidelines is shown on Attachment #3.

City of Vaughan Current Notification Practices: Issues and Recommendations

In directing the review of the City's notification practices with respect to planning applications and studies, Council identified certain issues that require review in an effort to enhance the quality of notice and ultimately participation by the public and stakeholders in the planning process. The following issues are reviewed and a suggested course of action is provided to address each, which are summarized for ease of reference in the "Notification for Planning Applications Protocol" included on Attachment #1.

i) Notification Area

When a statutory public meeting is held for a planning application, the City provides written notice in accordance with the requirements of the *Planning Act*, in particular, to all property owners located within 120 metres of the lands subject of the application. Concerns have been raised as to whether the prescribed 120 metre notification area is sufficient to adequately notify those property owners and/or persons that may be affected by a planning application and whether the minimum notification area should be increased as a standard practice for all planning applications requiring a public hearing.

The Development Planning Department contacted the Planning Departments in Mississauga, Brampton, and Markham to determine if these municipalities have a formal written policy and/or guideline(s) with respect to providing written notification of planning applications beyond the minimum 120 metres prescribed by the *Planning Act*. In each case, the Development Planning Department was advised that they do not have a written policy/guideline, however, at the discretion of the Planning Department, the notification area may be expanded depending on specific circumstances related to the planning application (i.e. scale of proposal, previous history, etc.).

In a recent Ontario Planning Journal (September / October Issue, Volume 22, No. 5), an article titled "Effective Public Participation: Challenging and Changing", identified that a recent survey conducted by the Region of Waterloo indicated that most people preferred individual mailings as the notification approach as the message is delivered right to the home and is less likely to be overlooked by busy people who may not view local media regularly.

With respect to the standard minimum notification area of a public meeting for planning applications, Council had suggested at the Working Session held on September 11, 2007 that a minimum 150 metre notification area may be more appropriate. Increasing the minimum area of notification from 120 m to 150 m would increase the total actual land area subject to notification from 45,216 m² to 70,650 m², respectively, which represents an increase of 56% in land area, (based on a 120 m circulation around a single point).

The City Clerk's Department prepared test pollings for three properties located within Maple, Woodbridge, and in the Columbus Trail community to identify what the impact of increasing the notification area from 120 m to 150 m would be in terms of the number of land owners that would be notified. The following chart summarizes the results:

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	Number of Land Owners Notified at 120 metre Notification Area	Number of Land Owners Notified at 150 metre Notification Area	Difference	Percentage (%) Difference
Test Polling # 1	54	83	+29	+53.7%
Test Polling # 2	102	126	+24	+23.5%
Test Polling #3	185	258	+73	+39.5%

* Test Polling #1 (Maple) conducted at 2401 Major Mackenzie Drive (near Keele Street)
 Test Polling # 2 (Woodbridge) conducted at 7913 – 7939 Kipling Avenue and 281 Woodbridge Avenue
 Test Polling #3 (Columbus Trail – Maple) conducted at 15 Pietro Drive (north of Major Mackenzie Drive and west of Jane Street)

The chart indicates that the number of land owners notified in the test polling would increase in each instance from 23% to 53%. The test polling was conducted in areas comprised of different sized lots. The actual number of land owners captured by increasing the notification area from 120 m to 150 m will decrease as the lot sizes in the area subject of the planning application increases. Therefore, the biggest impact with respect to the number of land owners notified will be experienced in small lot areas of the City.

If the goal is to reach out to a wider area of the community, then the notification area for all planning applications requiring a public meeting should be increased from 120 m to 150 m, which exceeds the statutory requirements of the *Planning Act*. This would provide for a greater opportunity for public participation by increasing the minimum notification area.

The City Clerk's and Development Planning Departments should also continue their practice of increasing the notification area beyond 150 m when it is logical to do so.

- ii) Additional Media Notification
 - a) Single Newspaper Advertisement for Each Planning Application

Publishing an advertisement (notice of public meeting) for each planning application requiring a public meeting was identified as a possible option to inform the public about planning applications.

When a newspaper advertisement is used to inform the public of a planning application, it will typically appear as a separate notice, one time only, in one of the local newspapers and located in a newspaper of several pages. Accordingly, the notice of a public meeting will only be seen if an individual happens to read the edition of the newspaper on/or after the date it is published, but before the actual public meeting date. In addition, in new developing communities, the occupancy of new homes is usually staggered and newspaper delivery service is often not implemented until a broad area of the community is occupied, thereby potentially negating the potential benefit of informing the property owners or public living in new community areas of a planning application through a local newspaper.

The circulation of a newspaper also varies between each publication. A recent Working Session report that was considered by Council on January 28, 2008, prepared by the Director of Corporate Communications respecting the 2008 City Page Advertising Schedule, stated that the circulation for the local newspapers in Vaughan ranges from 6,500 to 69,000 copies. Therefore, the selection of the appropriate newspaper for the purposes of placing an advertisement of a planning application becomes an important consideration. The method of distribution for each

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local newspaper (i.e. door to door delivery to all/certain areas in Vaughan or through newspaper boxes) also becomes a consideration with respect to providing consistent access to the public meeting notice in all areas of the City.

The Development Planning Department's experience suggests that newspaper advertisements are not the most effective means of notifying landowners of planning proposals. Often, when newspaper advertisements are used to advertise a planning application or initiative, land owners and residents claim that they were unaware of a proposal.

Additional cost and time requirements associated with placing newspaper advertisements would be incurred and could potentially have an impact on the processing times and costs required for development applications. The Purchasing Department has identified the approximate costs for placing a ¼ page advertisement in each of the local newspapers as follows:

Newspaper	Cost
Vaughan Citizen	\$376.99
Liberal	\$251.50
Vaughan Weekly	\$472.50
Lo Specchio	\$450.45

** Above rates are based on a one time insertion, black & white, and text only.
There is no additional cost for maps. Prices above are based on quotes effective in March 2008.

In 2007, a notice advising of a public meeting was required for 94 planning applications. The City would have incurred additional costs to advertise these planning applications in one of the local newspapers, based on a single advertisement for each application, and depending on which newspaper was used to advertise the application.

As noted earlier, in a recent Ontario Planning Journal (September / October Issue, Volume 22, No. 5), an article titled "Effective Public Participation: Challenging and Changing", identified that a recent survey conducted by the Region of Waterloo indicated that most people preferred individual mailings as the notification approach as the message is delivered right to the home and is less likely to be overlooked by busy people who may not view local media regularly.

In view of the above, the Development Planning Department does not support the use of individual newspaper advertisements for individual planning applications requiring a public meeting.

b) The "City Page"

The City of Vaughan utilizes a "City Page", which is a full page advertisement published on a weekly basis in one of the local newspapers to inform the public of City initiatives, meetings, programs, etc., and is used by City Departments. The City Page can be utilized as another option for informing the public of public meetings for a planning application(s) and of a planning policy study. Since the City page is a full page advertisement including many City notices and initiatives, it may be more likely that the advertisement for a notice of a public meeting for a planning application may be seen by readers, as opposed to a single advertisement as discussed above. The City Page is also a regular feature in the chosen local newspapers, and therefore, the consistency of publication associated with the City Page may provide better results with respect to notifying the public of a planning application rather than single purpose advertisements.

Space on the City Page is limited, and therefore, it is suggested that a recurring advertisement be placed in a prominent location in each addition of the City Page, which directs the public to the City's website for information on current planning applications and studies requiring a public meeting. The Development Planning Department will work with the Corporate Communications Department to establish the appropriate location, wording and form of the advertisement.

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iii) Signage

The current sign policy used by the City has served its purpose well, however, they could be updated to further improve the purpose of the sign as a vehicle to providing an improved level of information to the public about a planning application. The current sign policy results in signs that look like that shown on Attachment #3. When a sign is posted on a property for the purpose of informing the public of a planning application, the visibility of the sign, its' size, location and the quality of the information provided on the sign has been identified as potential areas for improvement in communicating the nature of the application to the public. The wording on the sign should clearly communicate the nature of the application and be easily understood by the public.

The Development Planning Department has reviewed the sign requirements of the municipalities of Mississauga, Brampton, Richmond Hill and Toronto, which are similar. The main differences are in the size of the sign and the inclusion of a location map and a map that graphically depicts the nature of the application. Briefly summarized, the chart below compares the main sign requirements for each municipality:

	Vaughan	Mississauga Brampton	& Richmond Hill	Toronto
Size of Sign	Min 1.5 m ²	2.88 m ² (1.2 m X 2.4 m)	Min 1.5 m ² Max 1.8m ²	Min 1.5 m ²
Location Map Required	No	Yes	No	No
Material	12 mm plywood	20 mm exterior grade plywood	Not specified	12 mm exterior grade plywood
Location	3 m from the property line, at a point midway along each frontage	1.5 m from the property line approx. midway on each frontage	Not more than 4.6 m from the property line at the midway point of each frontage/flankage	3 m from the street line, at the midway point on each street frontage
Colours Specified	Yes White with black lettering	Yes White with blue lettering plus colour code for map	Yes Yellow with black lettering	Yes White with black lettering
Lettering Style and Size Specified	No	Yes	Yes	Yes
Sign Deposit Posted for Removal of the Sign	No	Yes \$500.00	No	No

* Source: City of Mississauga, Brampton, Toronto and Town of Richmond Hill Planning Applications and websites.

The Development Planning Department is proposing changes to the City's sign policy for informing the public of a planning application as shown on Attachment #4. The revised sign policy includes some of the requirements used by other municipalities that are considered to improve the quality of the sign with respect to clearly articulating the nature of the planning application. The suggested changes include:

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- a) Size and Material of the Sign - The minimum size of the sign informing of a planning application should be increased from 1.5 m² to 2.88 m² with prescribed height and width dimensions of 1.2 m X 2.4 m. The sign material should be further specified to be constructed of 20 mm thick exterior grade plywood and also be painted on all sides and edges with two coats of exterior type matt finished alkyd (oil based) paint over a suitable primer. These changes would improve the visibility and durability of the sign.
- b) Inclusion of a Map With the Proposed Development and/or Surrounding Land Uses: The sign should include a map showing the location of the site, the surrounding land uses, and a simplified site plan depending on whether or not the application is associated with a draft plan of subdivision as follows:
- 1) Official Plan and Zoning By-law Amendment Applications not associated with a Plan of Subdivision, the following basic information should be shown on the sign:
 - subject property outlined in bold and dimensioned (in metric measurement);
 - distance from the nearest intersection
 - nearest intersection street names;
 - north arrow;
 - setbacks (all directions) of proposed building envelope(s) from the property boundary (in metric measurement);
 - proposed building envelope(s);
 - proposed parking area(a); and,
 - location of proposed site access.
 - 2) Applications for Official Plan and Zoning By-law Amendment associated with an application for Draft Plan of Subdivision should require that the following information be shown on the sign:
 - subject property outlined in bold and dimensioned (in metric - measurement);
 - distance from the nearest intersection
 - nearest intersection street names;
 - north arrow; and,
 - show collector roads, or main local road (as applicable).

In addition, the sign would show all land uses for all types of development applications shown schematically using a colour coded system as shown in the proposed Sign Guidelines on Attachment #4. These changes would assist to graphically display the nature of the application.

- c) Sign Wording: The sign wording should be simplified to ensure that a description of the nature of the development proposal is clearly communicated to the public. At this point in time, it is suggested that the letter font not be prescribed, provided that it is clearly legible from the street. The wording should also be approved by the Development Planning Department.
- d) Sign Location: The current policy requiring signs at the midway point of all street frontages and flankages should remain, however, it is suggested that the placement of the sign be within 1.5 metres, instead of 3 metres, of each property line in order to improve its' visibility.

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- e) Sign Supports: The City's current sign policy does not identify requirements for sign supports. However, given the increased size of the sign, the time required to process development applications, and the various climatic conditions (i.e. heavy winds, snow, etc.) it must withstand, the sign must be mounted to ensure stability. Other municipalities requiring the same size sign, require that it be supported by concrete footings to be formed against undisturbed, well drained soil to a minimum depth of 1.3 metres with a compressive strength of 25 mpa at 28 days. This requirement should be incorporated into the proposed sign policy.
- f) Proof that the Sign Has Been Installed: The new sign policy should require that the applicant provide photographic proof of each sign installed and to sign a declaration that the sign(s) has been posted within 14 days of receipt of the application. The sign guidelines would state that the processing of the application will not commence until the photograph(s) is received. This would ensure that the sign is posted in a timely manner before the application is processed.

The sign policy should also include a provision to allow exemptions from the requirements only where it may not be practical or possible to meet the requirements. For example, if a zoning by-law amendment application is submitted respecting a property in a residential neighbourhood, a 1.2 m X 2.4 m sign may not be appropriate for the area context. In specific circumstances, alternative sign requirements could be approved by the Development Planning Department. However, it is expected that exceptions to the proposed sign policy would be limited and that in almost all cases, the new policy would apply.

The Planning Department is also suggesting that a sign(s) and/or posters be erected in the vicinity of a study area to advise the public of the undertaking of a planning policy study within the City. The location, number and cost of the sign(s) and/or posters will be a matter included in all future Terms of Reference for a policy study and determined at that time. Depending on the scope of the study being undertaken, using a sign(s) and/or posters may not be practical. For example, a City-wide Official Plan Amendment would require that signs and/or posters be posted across the entire City. The sign and/or posters should include the name of the study (i.e. The Kipling Avenue Corridor Study), a brief description of the purpose of the study, City contact information, and a graphic illustrating the boundary of the study area as outlined on Attachment #4. The sign materials, size, lettering and support requirements should generally be the same as those outlined for a planning application outlined above, while the size and location of the posters can be determined at the start of the study.

iv) Quality of the Public Meeting Notice

A typical public hearing notice is shown on Attachment #5. Certain information that appears on a public notice is prescribed by the *Planning Act* as discussed in this report. However, the clarity of the public notice with respect to the purpose and effect of a planning application is an issue that has been identified for improvement. In short, the notice should be clearly written, concise and in "plain english" so that it is easily understood by the public and describe the nature of the proposal (e.g. a 5 storey, 120 unit condominium building; or, a 100 unit subdivision with 40 detached dwellings, 40 semi-detached dwellings and 20 townhouse units). Technical terms and jargon should be minimized and where possible, deleted. Words like "massing", "intensification" or a zoning category name (i.e. C1 Restricted Commercial Zone) do not mean much to non-planners.

In this respect, the Development Planning Department has revised the standard "Notice of a Public Hearing" template as shown on Attachment #5 to implement a simplified description of the planning application. In addition, the format of the Notice has been revised, as shown on Attachment #6, to make it more "reader friendly", and renamed to "Notice of a Public Meeting" to be consistent with wording in the Planning Act.

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The second component of the public meeting notice is the graphics consisting of a location map, and depending on the nature of the application, the proposed site plan and/or elevation(s). The graphics are intended to give the reader of the public meeting notice visual information about the application. However, the original drawings are typically much larger and are reduced to fit the notice of a public meeting on a legal size sheet (8-1/2" X 14") and sometimes may be difficult to read. The Development Planning Department would endeavor to ensure that the drawings are as clear as possible and labeled where necessary, in order to provide an improved understanding of the nature of the proposal.

The Policy Planning Department will incorporate the same principles respecting reader friendly documents outlined above into all notices, newspaper advertisements, signs, etc. as outlined above.

The public meeting notice will need to be amended to advise the public and applicable public bodies that the City has received a complete application in accordance with the requirements of Bill 51 (new Planning Act), once the City has implemented the required provisions.

Therefore, the revised public meeting notice as shown on Attachment #6 that is more "reader friendly" with simplified wording should be used to describe a planning application and with clear graphics.

v) Notification in New Community Areas (Blocks 10, 11, 12, 18, 33W, 40, 47)

When a planning application is received for a property located within a developing community (Blocks 10, 11, 12, 18, 33W, 40, 47), future land owners and residents that have not taken possession of their homes and therefore, do not appear on the City's assessment rolls on the date that the notice of a public meeting is mailed, will not receive the notice, even though the development may be located immediately adjacent to or within 120 metres of the lands subject of the planning application. In addition, an owner may purchase the property, but it can take up to one year before the home is built, possession taken and the assessment information updated, and therefore, the owner may not receive a notice.

Overcoming this particular issue presents challenges from the perspective that the municipal assessment rolls are prepared by the Municipal Property and Assessment Corporation (MPAC), and are updated quarterly, and the amount of time required from when a home is purchased, constructed, possession taken, and when the assessment roll is updated, can be considerable. In this respect, the Development Planning Department suggests that any Owner proposing a development that requires a planning application and a public meeting in a new community area (Blocks 10, 11, 12, 18, 33W, 40, 47) should be required to hand deliver a notice of the public meeting door-to-door to the affected land owners. The Owner would be provided with a map from the Development Planning Department showing the area to be notified. Upon delivery of the notices, the Owner would be required to complete a declaration, as shown on Attachment #7, which would identify the file number, Owner's name, the name of the individual that delivered the notices, the date and time of delivery, a record of the address(es) that the notices were delivered to, and the signature of the Owner, commissioned by a Commissioner of Oaths, confirming that the notice(s) were delivered in accordance with the suggested policy. As these new communities develop and property owners are listed on the assessment rolls, this requirement will be phased out.

vi) Older and Revised Applications

Planning applications can take several months before they are ultimately considered by Council, and if approved, decisions being final and binding. During this period, the nature and details of the development can change either through the planning process or by the applicant. Accordingly, keeping the public and stakeholders in the planning process up-to-date on significant changes has been identified as a potential concern with the current notification practices.

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Therefore, it is suggested that a new public meeting be held for all planning applications under the following circumstances:

- a) any application that has not been considered by the Committee of the Whole within two (2) years of being considered at a public meeting;
- b) any application where the nature of the application has been amended to increase the density of the proposal, change the nature of the land uses or arrangement thereof, and increase proposed building heights; and,
- c) in respect of the above, for any reason in the opinion of the Development Planning Department a re-notification is warranted due to significant changes in the application, which may increase the impact of a proposed development on the community, since a previous public meeting.

These actions would ensure that the most recent information is made available to the public.

vii) Technology

Utilizing technology was discussed as a tool to keep the public informed about public meetings for planning applications. The City's website can be accessed by anyone at any location with a computer and/or internet access. Accordingly, the City's website offers significant potential with respect to providing public notification for a development application. The Development Planning Department has discussed the option of posting a copy of each notice of a public meeting for a planning application on the City's website with the Corporate Communications Department, and has been advised that this can be accommodated. An icon would appear on the City's home page that a user can click on and be directed to the public meeting notices. A copy of each public meeting notice that was sent to the area property owners and residents will be available for viewing on the website. The public meeting notice will also identify the City Planner responsible for the file and contact information for an interested party wishing to contact the City Planner directly. Accordingly, the Development Planning Department supports posting each notice of a public meeting respecting a planning application for viewing on the City's website.

The Policy Planning Department has already implemented the practice of posting notices and studies on the City's website respecting planning studies being undertaken. It is suggested that this practice be continued and where possible enhanced to ensure that all key milestone events during a planning study be advertised to the public on the City's website.

viii) Ward Boundaries and Meetings

Council identified a concern respecting public meeting notification for planning applications that are located in close proximity to two or more Ward boundaries and ensuring that all Councillors and stakeholders potentially affected by the application are adequately informed about the planning application. In this respect, the Mayor, and Regional and Ward Councillors are each provided with copies of all public meeting notices in addition to the original application circulation for comment requests. Furthermore, when the public meeting notice is prepared, the notification area is based on a minimum radius around the property boundary and every land owner captured within this area will be notified of the application, regardless of the location of the property in a Ward. Each affected registered ratepayer association in the area of the planning application is also notified, regardless of where the property subject of the application is located within the Ward. These existing notification practices, combined with the additional suggestions in this report including increasing the minimum notification area from 120 m to 150 m, posting public meeting notices on the City's website, and advertising on the City Page should adequately address the notification issues associated with properties located close to two or more Ward boundaries.

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The Mayor and/or a Regional or Ward Councillor can also bring forward a motion at the public meeting requesting that the Owner/Applicant attend a Ward Committee or community meeting with the Mayor/Councillor, the community affected by a development application and Staff in order to encourage further dialogue on a development proposal. A Ward Committee or community meeting is arranged through the affected Councillor's or Mayor's office, and is typically held in the evenings at a convenient location for all interested parties to attend.

Council has adopted a "Non-Statutory Community Meeting Guideline" (Policy 03.13) with the objective of the policy being to provide notification to Vaughan residents, ratepayers associations, community service and sports organizations, and special interest groups in a timely and effective manner so as to allow residents to attend community meetings and provide input for City projects and policies.

Council has used these meetings in the past as vehicles to engage further dialogue between the parties having interest in a planning application. Occasionally, working groups representing the public are established in order to make subsequent meetings more efficient. Accordingly, the Development Planning Department and the Policy Planning Department support the continued use of Ward Committee and community meetings as tools for notifying and engaging the public in the planning process, as determined appropriate by Council.

ix) Access Vaughan

Council identified that a potential role for Access Vaughan be reviewed with respect to providing the public with information about planning applications. Typically, responding to a public inquiry about the nature of a planning application requires knowledge respecting the Official Plan, Zoning By-law, detailed site statistics, background, Provincial and Regional policies, etc. A more efficient way to respond to these inquiries would be to have individuals contact the Development Planning Department directly respecting development applications and the Policy Planning Department on land use or other planning studies, rather than channeling an inquiry through Access Vaughan and subsequently being transferred to the Development or Policy Planning Department. Accordingly, inquiries respecting planning applications and land use studies should continue to be directed to the Development or Policy Planning Departments.

However, the Development and Policy Planning Departments will provide Access Vaughan with a copy of each public meeting notice, which identifies the City Planner responsible for the planning application or study. Therefore, in the event that an individual contacts Access Vaughan, the inquiry can then be directed to the appropriate City Planner.

Accordingly, the Development Planning Department should remain as the primary public contact for information about planning applications and the Policy Planning Department with respect to policy and land use studies and that Access Vaughan should be provided with a copy of each public meeting notice, which identifies the City Planner responsible for the file, thereby allowing Access Vaughan to transfer the inquiry directly to the appropriate City Planner.

A recommendation has been included in this report for Council to adopt the "Notification For Planning Applications Protocol" shown on Attachment #1, which captures a summary of the proposals made in this report in one document. Attachment #8 provides a comparison of the main requirements of the Planning Act for informing the public of a planning application, Vaughan's current procedures and the recommended changes as outlined in this report for the most common development applications (i.e. Official Plan and Zoning By-law Amendments and Draft Plan of Subdivision Applications).

Policy Studies

The Policy Planning Department undertakes several planning studies each year, which include as part of the study process a public participation component. For all studies, the requirements of

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the Planning Act with respect to public notification are satisfied and typically exceeded. A planning study can vary in scope and scale from an issue specific study (i.e. lot coverage in an RIV Old Village Residential Zone), to an area study (i.e. Kipling Corridor Study) to a City wide planning policy review (Vaughan Tomorrow). Consequently, the tools used to engage public participation in a planning policy study would vary depending on the scope and complexity of the study. The end product of a policy study is typically an Official Plan Amendment required to implement the recommendations of the study and in some cases, a zoning by-law amendment. The Planning Act requires that a City initiated Official Plan Amendment include the following public processes:

- i) an open house;
- ii) newspaper or individual letter notification of a public meeting of Council;
- iii) a public meeting of Council; and
- iv) a notice of adoption of an Official Plan Amendment.

The Policy Planning Department incorporates these minimum statutory requirements into each planning study process, however typically exceeds this requirement by utilizing additional notification and public engagement practices, which may include one or more of the following:

- i) information is posted on the City's website throughout the process, including draft documents;
- ii) multiple open house meetings;
- iii) letters sent to individual land owners within the study area and in the vicinity of the study area where the scope of the study permits;
- iv) public workshops and charettes;
- v) notification of affected Ratepayer Associations;
- vi) keeping track of written and oral correspondence and notifying those individuals/ parties having requested notification;
- vii) notification of all interested parties/stakeholders throughout the planning study process of each public meeting, workshop or charette; and,
- ix) an advertising campaign when the study is of significance (Vaughan Tomorrow).

Again, the use of any of these public participation practices will vary with the scope and complexity of the study and is determined at the beginning of the study when the Terms of Reference is drafted. Whenever possible, open house, workshop and charette meetings are held within or near the area being studied. Projects having City-wide implications may be held at City Hall.

In reviewing the public notification practices for a planning study, the Policy Planning Department will require as part of the Terms of Reference, the review of the possibility of locating study information signs at the Community mailbox sites in an effort to both inform and engage public participation in the study process:

i) Posting of Signs / Posters

It is suggested that when the scope of a study permits, that the City could erect signs, generally similar to those used to advertise a planning application as shown in Attachment #4, and / or posters in strategic locations of the study area, to inform the public of the planning study. Typically, the signs and posters could be utilized when a study is being completed for a defined area (i.e. The Kipling Avenue Corridor Study, Jane-Rutherford focused review, etc.). As part of the preparation of the Terms of Reference for the study, a requirement would be that the appropriateness of utilizing a sign(s) and/or posters and their location(s) will be determined, and the signs / posters budgeted for as part of the overall cost of the study. The sign(s) and/or poster(s) will include a graphic illustration of the boundary of the study area and a brief description of the purpose of the study in a manner consistent with the sign for a development

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application shown on Attachment #4. The sign will remain posted throughout the study process and removed once an Official Plan Amendment is approved and/or the study completed.

ii) Notification Posted in Community Centres and Libraries

It is suggested that all planning policy studies could be advertised in the City's community centres and libraries. The Policy Planning Department will prepare a notice for each policy study that is to be undertaken and it will be posted in the community centre(s) and library(ies) in the vicinity of the study area. For example, a notification for the Kipling Avenue Corridor Study would be posted in community centres and libraries in the Woodbridge community. If the study is of city-wide significance, it will be posted in all City community centres and libraries. It is suggested that additional notification be posted throughout the study process of all key events including open houses, charettes, workshops, public meetings, etc. All notification would be posted a minimum of 14 calendar days prior to the event. The requirement to determine specific details of where the notices will be posted and for which event(s) will be outlined in the Terms of Reference for each study.

iii) Electronic Registry

It is suggested that for each policy planning study that an electronic registry of interested individuals, parties, etc., be maintained and utilized to disseminate information throughout the planning study process, and particularly prior to key events in the process. This will involve the collection of email addresses of all interested individuals/parties throughout the study process and the electronic distribution of information. The electronic registry will work in conjunction with the current City practice of posting study related information on the City's website.

City of Calgary

The Development Planning Department has reviewed the public notification practices of the City of Calgary to assess any potential approaches to enhancing citizen participation in the planning process. The Development Planning Department contacted the City of Calgary Planning and Building Department in addition to reviewing material available on the City's website to review and understand the public engagement processes utilized by the City of Calgary.

i) Rezoning or Land Use Designation Applications

Essentially, the City of Calgary follows a similar process with respect to receiving development applications, circulating them to City Departments, external agencies and Community Associations and special interest groups. Rezoning or Land Use Designation Applications (equivalent to the City of Vaughan's Zoning Amendment and Site Development Applications) are then reviewed by the Planning Department and a recommendation is made to the Calgary Planning Commission (CPC). The CPC reviews the application and makes a recommendation to City Council. Citizens can attend the CPC meeting, however, they are not permitted to speak on the application. When an application is received, a sign is posted on the site and when the application is to be considered by Council, letters are sent to the abutting land owners only, and newspaper advertisements are placed in a regular notice that is dedicated to planning matters in the City's largest newspapers being The Calgary Herald and The Calgary Sun. Citizens can attend and speak to the application at the City Council meeting, however, once Council makes a decision, it is final. Council's decision can be appealed to the Court of Appeal, however only on matters of law.

ii) City of Calgary Public Participation – Main Differences

The main differences identified for engaging the public in the planning application and policy studies processes are summarized as follows:

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a) Identification of Special Interest Groups

In addition to notifying Community Associations (equivalent to Vaughan's Ratepayer Associations), the City of Calgary has identified special interest groups and include them in the circulation process for comments and review. Identifying special interest groups (i.e. environmental groups, heritage interests, etc.) to be notified in Vaughan can be undertaken, however Council should provide direction with respect to which interest groups should be involved in the process and criteria should be developed to determine which groups are to be notified under what circumstances.

b) Calgary Planning Commission (CPC)

As noted above, the Calgary Planning Commission (CPC) has an important role in planning application approvals. The CPC is appointed by Council to make recommendations to City Council on land use matters in the City of Calgary, similar to the role of the Committee of the Whole vis-à-vis Council. However, the important difference is that the Calgary Planning Commission is comprised of the Mayor, Two Members of Council, The General Managers of the Planning and Building and Transportation Departments, and four citizen members. The four citizen members are comprised of one member who represents the Urban Development Institute, one member of the Federation of Calgary Communities (an umbrella Community Association) and two citizen members appointed at large. Accordingly, citizen representation is included within the recommending approval authority (CPC). A similar approach can be utilized in Vaughan, however, it would require structural changes to the approval process, which is beyond the mandate of this report. However, should Council consider this approach or a similar approval mechanism appropriate, it can provide the necessary direction to review this approach in detail and report back to Council at a future meeting.

c) Newspaper Notification

The City of Calgary advertises public notifications and decisions on Planning Applications in the City's two largest newspapers, The Calgary Herald and The Calgary Sun. The advertisements are dedicated to planning related matters and consists of a map of the City of Calgary, with numbers on the map (i.e. 1, 2, 3), which provide a geographic reference for the location of the planning application combined with text to one side of the map, which gives a brief description of the nature of the application(s). A sample of an advertisement of a public hearing is shown on Attachment #9.

The format used by the City of Calgary utilizing a full City map with numbers showing the general geographic location of the planning applications provides the public with an instant visual representation of where a planning application is proposed, and to determine if there are any planning applications of interest to them in the vicinity of their property or in any part of the City where they may have interest. Using this format may be more effective than utilizing an individual advertisement for each planning application as discussed above. However, this form of newspaper advertisement does not address the issues of circulation, choice of newspaper, and timing issues discussed above. It is important to note that Calgary City Council meets once a month to consider planning applications, whereas Vaughan Council meets on a bi-weekly basis. Therefore, the time required to prepare a notice as shown on Attachment #9, together with newspaper printing deadlines makes bi-weekly newspaper advertisement of such a notice more difficult. There will likely be a significant cost associated with publishing a newspaper advertisement using this format on a bi-weekly basis.

d) City of Calgary Website

The City of Calgary's website is used more extensively for providing information on planning matters than that of the City of Vaughan. The Planning and Building Department pages of

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Calgary's website are more comprehensive with respect to providing information on a wide range of planning related topics, including public notification of planning applications than that of the City of Vaughan. Therefore, it affords greater opportunity for the public to access planning related information. As noted above, the Development Planning Department is suggesting that public notices should be posted on the City's website, which will improve the level of public information respecting planning applications, and potentially citizen engagement in the planning process. However, this represents a "first step" in improving the level of public information available respecting planning information. Significant upgrades to the Development and Policy Planning Department pages on the City's website are required to provide a level of information that is easily accessible and user friendly. In order to achieve this level of customer service respecting planning matters as it relates to the City's website, the necessary resources must be allocated by City Council if it wishes to make this a priority.

Conclusion

The Development Planning Department in consultation with the Policy Planning Department has reviewed options and have suggested solutions for engaging public consultation with respect to planning applications and policy studies. The report has identified the legislative framework prescribed by the *Planning Act* within which planning applications are considered, the current notification practices utilized by the City, and perceived issues, and has made specific suggestion with respect to each issue. The suggestions include:

- i) the adoption of a "Notification for Planning Applications Protocol" and "Notification for Policy Study Protocol" identifying the City's procedures for the notification of public meetings for planning applications and for policy planning studies, respectively;
- ii) the adoption of a "Sign Policy" implementing new sign requirements for a notice sign to inform the public of a planning application(s) and for policy planning studies;
- iii) increasing the minimum notification area for a planning application from 120 m to 150m;
- iv) the inclusion of a permanent advertisement to be included in every edition of the "City Page" directing the public to the City's website for current public meetings respecting planning applications and policy studies;
- v) implementing a revised public meeting notice that is more "reader friendly" with simplified wording and graphics;
- vi) implementing the requirement for a new public meeting to be held to keep the public informed and current on planning applications;
- vii) posting public notices for planning applications and policy studies on the City's website;
- viii) providing contact information to Access Vaughan in order to direct calls to the appropriate staff member; and,
- ix) requiring the Policy Planning Department to maintain an electronic registry of interest groups, stakeholders, and organizations for the purposes of electronic notification of a policy planning study.

The combination of these suggestions would significantly exceed the minimum requirement prescribed by the *Planning Act* and should provide significantly improved public awareness and understanding of planning applications and studies.

Attachments

1. Notification For Planning Applications Protocol
2. Planning Act Legislative Framework for the Notification of Planning Applications

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3. Typical Sign - Current Sign Policy
4. Proposed Sign Policy (May 2008)
5. Original Notice of Public Hearing
6. Revised Public Meeting Notice
7. Declaration - Delivery of Notice of Public Meeting
8. Summary - Notification Comparison Chart of Planning Act, Current Vaughan Procedures, Proposed Notification Procedures
9. City of Calgary - Notice of Public Hearing of Calgary City Council Planning Matters

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/LG

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 3, Report No. 31, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on June 11, 2008.

3

ADMINISTRATIVE MONETARY PENALTIES

The Committee of the Whole (Working Session) recommends that this matter be referred to the Committee of the Whole (Working Session) meeting of June 13, 2008.

Recommendation

The Commissioner of Legal and Administrative Services and the Director of Enforcement Services recommend:

1. That this report be received; and
2. That Staff proceed to develop a system of Administrative Monetary Penalties and report back to the Committee of the Whole Working Session in the Fall with a comprehensive report outlining implementation steps and cost analysis.

Economic Impact

An estimation of the expected costs and revenue benefits will be developed and presented to Council in the Fall.

Communications Plan

An extensive communications plan will be developed as part of the project.

Purpose

This report is to provide information relating to the establishment of a system of administrative monetary penalties for Licensing and Parking By-law enforcement

Background - Analysis and Options

Bill 130, the *Municipal Statute Law Amendment Act, 2006*, amended the *Municipal Act, 2001* on January 1, 2007, to permit municipalities to establish a system of administrative penalties for the enforcement of Licensing and Parking By-laws. The amendment also permits a municipal council to delegate its quasi-judicial and administrative functions to individuals appointed by the municipal council, such as an officer, employee, or agent of the municipality.

Generally speaking, an administrative monetary penalty is an alternative to the traditional enforcement of the Licensing and Parking By-laws. Under such a system, an Enforcement Services Officer would issue a penalty notice if he or she believed that an individual was in contravention of the Licensing or Parking By-laws. If this individual wants to dispute the penalty notice, he or she would have a right to appeal to a Decision Maker, who would have authority to affirm, vary or rescind the penalty notice. This Decision Maker would be an individual appointed by Council. Subject to the case law and the Regulations passed under the *Municipal Act, 2001*, the City has discretion to determine the amount of the administrative monetary penalty, who can be appointed as the Decision-Maker, to develop its own procedures for the imposition and collection of the administrative monetary penalty, as well as the procedures to be followed during the appeal process.

The City of Oshawa has recently passed By-laws to implement this system for its Licensing Bylaw, and the City of Toronto and City of Ottawa are in the process of implementing it.

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Current Licensing and Parking By-law Regime

While enforcing an infraction of the Licensing or Parking By-laws, an Enforcement Services Officer can lay charges under the *Provincial Offences Act*, which would commence proceedings in the Provincial Offences Court.

With Parking By-law infractions, these proceedings are commenced by way of a Parking Infraction Notice, where the offender can either pay the set fine, or appear in front of an adjudicator in what is commonly referred to as “First Attendance Court”. The adjudicator can vary, amend or rescind the parking infraction notice. The offender can elect to go to trial in Provincial Offences Court if a resolution is not reached at this stage.

With Licensing By-law infractions, an Enforcement Services Officer can issue a Part I or Part III charges, and the offender can either plead guilty or not guilty in Provincial Offences Court. If the offender pleads not guilty, a trial of the charge will be held. With certain contraventions of the Licensing By-law, the City can revoke or suspend the license that is the subject matter of the charge.

The Enforcement steps relating to the Licensing and Parking By-laws are challenged in several ways:

- Prosecutions are hampered by the persistent lack of judicial (Justices of the Peace) resources resulting in significant delays
- Because Provincial Offences Courts deal with a wide range of matters from Bail Hearings to *Highway Traffic Act* fatalities, municipal by-law matters are often perceived as minor in nature, so fines levied by the courts are often nominal
- Case law has made all criminal protections and defences available to defendants of even the most minor of municipal infractions, including Parking and Licensing, which results in lengthy proceedings and delays
- The City is allocated only 2 court days per month in Provincial Offences Court to hear all disputed matters

The significant delays often result in charges being stayed by the Provincial Offences Court, as section 11(b) of the *Charter of Rights and Freedoms* mandates that a person has a right to trial within a reasonable period of time after they have been charged. While each case turns on its facts, the case law has suggested that an 8 month waiting period will generally trigger section 11(b) of the *Charter of Rights and Freedoms*.

Enforcement Services issued approximately 40,000 parking tickets annually in 2006 and 2007. Through effective utilization of First Attendance, the vast majority of parking tickets are paid without trial. Unfortunately, even with the vast majority of parking tickets being resolved at the First Attendance stage, there is a growing backlog in trials. Currently there are approximately 1800 trials outstanding, and due to the limited court time available, there is little prospect of eliminating the backlog as it is only possible to list 45 charges to court each month. Likewise, Enforcement Services has laid 436 licensing charges in 2006 and 2007. If these tickets are disputed, the trial waiting time, including requested adjournments, can be up to 18 months.

When a charge is successfully prosecuted, the fines imposed by the Court upon conviction are often nominal.

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Administrative Monetary Penalty System

An administrative monetary penalty is a penalty imposed directly by the regulatory authority, in this case the City, upon an offender within the context of an administrative process rather than a judicial process. Such a system can be a useful tool to encourage compliance with the Licensing and Parking By-laws without having to resort to the traditional processes.

a) Process

The process for a parking administrative monetary penalty system is set out in Ontario Regulation 333/07 (hereinafter the "Regulation"). According to the Regulation, any proposed system of administrative monetary penalties for parking must incorporate a number of features, including:

- If an Enforcement Services Officer witnesses a contravention of a Parking By-law a penalty notice may be issued for this contravention. The penalty notice would be given to the person as soon as is reasonably practicable, and will include basic information that the person of the contravention.
- The person who receives a penalty notice shall be given the right to request a review of the administrative penalty by a screening officer appointed by the municipality.
- The Screening Officer may cancel, affirm, or vary the penalty, upon such grounds that are set out in the administrative penalty by-law.
- A person who receives notice of the decision of the Screening Officer shall, in such circumstances as may be specified in the administrative penalty by-law, be given the right to a review of the Screening Officer's decision by a Hearing Officer appointed by the municipality for that purpose.
- The Hearing Officer may cancel, affirm or vary the decision of the screening officer upon such grounds as are set out in the administrative penalty by-law. The decision of the hearing officer is final.

There are no regulations that deal specifically with a licensing administrative penalty process. However, Staff recommend that the process for the licensing administrative penalty mirror the mandated process for the parking administrative penalty system.

As a result of the new process that will be required, there will be one time costs associated with the process development, computer software modifications, new ticket design, and potentially hardware purchases. These costs will be itemized in the follow up report.

b) Decision Maker

The Screening and Hearing Officers are quasi-judicial officers. As such, these Decision Makers must be independent and free from political interference. To address this issue, the Regulation and the common law rules of procedural fairness require the following:

- The implementation of a policies and procedures to prevent political interference in the administration of the system.
- The implementation of guidelines to define what constitutes a conflict of interest in relation to the administration of the system, to prevent such conflict of interests and to redress such conflicts should they occur.

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The implementation of these policies will ensure against any perception that Council can influence the outcome of a charge, or that the Decision Maker lacks independence due to the fact of the employment relationship at the City.

The City already employs an individual who acts as a First Attendance officer for Parking By-law matters. This individual's duties are similar to the proposed duties for the Screening Officer. An appropriately qualified individual will need to be retained as a part-time per diem Hearings Officer. A By-law appointing these individuals as Screening and Hearing Officers as well as a By-law delegating authority to these individuals will need to be enacted.

c) Penalties

The Regulation sets out the guidelines for administrative penalties for Parking By-law violations:

- The amount of the penalty shall not be punitive in nature
- The amount of the penalty shall not exceed the amount reasonably required to promote compliance
- The amount of the penalty shall not exceed \$100.

Staff recommend that the administrative penalty for the violations of the Parking By-law be at the current fine levels. It should be noted that the *Municipal Act* does not permit a municipality to impose an administrative penalty system to for a disabled parking offence. Offences related to disabled parking will continue to be prosecuted by way of Part I tickets under the *Provincial Offences Act*.

Staff recommend adhering to the aforementioned guidelines with respect to Licensing By-law offences, with the exception of the maximum amount. Licensing By-laws by their nature are related to the regulation of for-profit businesses to protect the public interest. Accordingly, a more significant administrative penalty is appropriate. Staff recommend an administrative penalty of \$350 to promote compliance.

It is important to note that the creation of an administrative penalty system will not preclude the City from pursuing charges in the Provincial Offences Court for cases that demand more progressive enforcement strategies.

In addition to the administrative penalty, the City may impose administrative fees, such as:

- If an administrative penalty is not paid within a specified time,
- Late payment fees, and
- A fee in respect of the failure of a person to appear at the time and place scheduled for a hearing by a hearing officer.

d) Benefits of the Administrative Monetary Penalty Process

The benefits of this process are anticipated to be:

- More streamlined and efficient offence dispute resolution process
- Potential increase in compliance and revenues as matters will not be lost in court due to extensive delays

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- The City has the ability to schedule additional Hearing Days should a backlog of hearing requests become too large
- The City has an increased ability to collect or enforce the payment of outstanding penalties
- An application for a license or renewal of license may be denied if the applicant has outstanding monetary penalties owed to the City
- By removing the volume of parking and licensing tickets disputes from the courts there be a resulting increase in available court time for other matters, such as Property Standards charges

e) Potential Issues with the Administrative Penalty Process

The potential issues of this process are:

- Perception that Council could control the outcome of charges because this would now be a City function and not a Provincial Offences Court function
- Perception that Hearings Officer decisions may be biased as he or she would be employed by the City
- One time costs (to be determined) for process development, including new tickets and computer software modifications
- Ongoing costs of the Hearings Officer

The potential issues regarding public perceptions would be addressed by the implementation of policies dealing with political interference and conflicts of interest. Such policies are required by the Regulation. The costs for process development are one time costs, which would likely be offset by increased revenues. Lastly, the costs associated with the Hearings Officer would be minimal, given that such an individual would not be a full time employee, but rather someone employed on a per diem basis. At this time, it is anticipated that a Hearings Officer would sit once a month to hear cases. Furthermore, any such costs would likely be recovered through increased revenues. Therefore, the Administrative Monetary Penalties will likely be of benefit to the City, and the benefits should outweigh any of the negative issues that have been identified within the body of the report.

Next Steps

Should Council wish to proceed with this initiative, the next steps will be to establish project costs, including one time and ongoing expenditures, and potential revenue estimates; draft policies and processes for both Licensing and Parking cases; establish a potential project plan that would allow the initiative to be rolled out in the Fall of 2009; and an initial communications plan.

In order to include any costs in the 2009 Operating Budget, staff are recommending that a report be brought back in the early Fall to give Council time to consider the project and impacts.

Relationship to Vaughan Vision 2020

This report is in keeping with the Vaughan Vision in that it speaks to enhancing productivity, cost effectiveness, and innovation.

The necessary resources have yet to be allocated.

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Regional Implications

This project will have a regional impact as the courts are currently managed by the Region. Dialogue will take place to ensure proper reallocation of court time.

Conclusion

The City has authority under the *Municipal Act, 2001* to create an administrative penalty system for Parking and Licensing By-laws. This alternative adjudicative process will allow for a more streamlined and efficient offence dispute process which will in turn promote greater compliance with City By-laws, and increased revenue.

The administrative penalty system also lessens the volume of cases currently in Provincial Offences Court, which will result in increased court time for other matters, such as Property Standards charges.

Attachments

N/A

Report prepared by:

Rick Girard
Supervisor, Uniform Group Administration/First Attendance Adjudicator

Tony Thompson
Director, Enforcement Services

Chris G. Bendick
Solicitor

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Item 4, Report No. 31, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on June 11, 2008.

4 HUMAN RESOURCES STRATEGY 2008-2020

The Committee of the Whole (Working Session) recommends that this matter be referred to the Committee of the Whole (Working Session) meeting of June 13, 2008.

Recommendation

The Commissioner of Legal & Administrative Services and the Director of Human Resources in consultation with the City Manager and the Senior Management Team recommends:

THAT the Human Resources Strategy 2008-2020 presentation be received.

Economic Impact

Funds have been included in the 2008 operating budget.

Communications Plan

The HR strategy will be communicated to the staff so as to ensure that the employees are aware of the programs and policies that will be established as the strategy is implemented over time.

Purpose

This report is to provide the Committee of the Whole (Working Session) with information about the Human Resources Strategy that has been developed by the Human Resources team.

Background

At the Council meeting on November 26, 2007 Council approved the Vaughan Vision 2020. This document outlines the Mission, Vision, Values, goals, objects and strategic initiatives.

Strategic initiative #15 states "Establish and implement a human resources strategy". Over the past 12 months, the Human Resources Department staff has been involved in developing the strategy that will be presented today. Staff gathered information from a variety of means, including interviews with staff, reviewing the employee engagement survey, reviewing the report completed by the Hewitt group, and conducting white papers on the various strategic initiatives.

Hewitt & Associates, a human resources consulting firm, conducted focus groups with our senior management team, council members and human resources staff, reviewed our internal client satisfaction survey and produced a report identifying areas of strength as well as areas where there was an opportunity to improve and provide additional value.

The Human Resources Strategy was drafted with input from all human resources staff and reviewed by the Senior Management Team.

Relationship to Vaughan Vision 2020

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

Regional Implications

Not Applicable

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Conclusion

As per Council's direction staff has developed the Human Resources Strategy and will be moving forward with implementation of the specific strategic initiatives that will her the Corporation reach its goals.

Report prepared by:

Janet Ashfield, Director of Human Resources

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Item 5, Report No. 31, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on June 11, 2008.

5 PRESENTATION – MS. HANNAH EVANS, DIRECTOR, PARTNERSHIPS AND CONSULTATION, MINISTRY OF PUBLIC INFRASTRUCTURE RENEWAL, WITH RESPECT TO PLACES TO GROW

The Committee of the Whole (Working Session) recommends that the presentation by Ms. Hannah Evans, Director, Partnerships and Consultation, Ministry of Public Infrastructure Renewal, Ontario Growth Secretariat, Suite 425, 777 Bay Street, 4th Floor, Toronto, M5G 2E5, presentation material entitled, "Places to Grow – Better Choices. Better Future – Understanding the Growth Plan, Municipal Information Session", "Proposed Size and Location of Urban Growth Centres in the Greater Horseshoe" and "Built Boundary for the Growth Plan for the Greater Horseshoe, 2006", be received.