

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 9, 2014

Item 14, Report No. 41, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 9, 2014.

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**CITY-WIDE SECONDARY SUITES STUDY STATUS UPDATE
DRAFT OFFICIAL PLAN POLICIES AND ZONING STANDARDS, TASK FORCE
RECOMMENDATIONS, AND NEXT STEPS
FILE 15.112
WARDS 1 TO 5**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning and Acting Director of Policy Planning, dated December 2, 2014:

Recommendation

The Commissioner of Planning and Acting Director of Policy Planning, in consultation with the Commissioner of Legal & Administrative Services/City Solicitor recommend:

1. THAT a Public Hearing be held to allow for consideration of the proposed amendments to Vaughan Official Plan 2010 and Zoning By-law 1-88, and other applicable By-laws to permit Secondary Suites in the City of Vaughan;
2. THAT Staff report to a future Committee of the Whole meeting on the recommended administrative measures required to implement the *Planning Act* amendments to the Official Plan and Zoning By-law 1-88 to permit secondary suites; and
3. THAT the Secondary Suites Task Force's Recommendations as shown in Attachment 3 be received for information purposes and that they be addressed in the reports relating to the proposed Official Plan and Zoning amendments and in future recommended implementation measures.

Contribution to Sustainability

The Province and the Region have identified the provision of affordable housing as a key component of their housing and sustainability strategies. Secondary Suites are one affordable housing option that can meet the needs of a variety of people such as singles, students, seniors, extended family members and people on fixed incomes. Since secondary suites are often contained within existing buildings, they help optimize the use of the existing housing stock and infrastructure. Secondary Suites also help to re-populate neighbourhoods with declining populations. Through modest intensification, secondary suites can support transit ridership leading to service improvements, which is a key component of the City's Transportation Demand Management Strategy. Secondary Suites can offer a greater range of housing opportunities within the municipality allowing for a broader demographic to live closer to work thus increasing Vaughan's competitiveness and attractiveness for business and industry.

Economic Impact

A total of \$45,000.00 was originally budgeted to complete this Study. This expenditure was endorsed at the February 16, 2010 Council Meeting and was again noted in the June 5, 2012 Committee of the Whole Report titled "Secondary Suites Status Update – Direction To Proceed With A Request For Proposal For Consulting Services" and the subsequent May 7, 2013 Committee of the Whole (Working Session) Report titled "Secondary Suites Status Update To Council and Terms of Reference For Establishing A Task Force". Most recently in December of 2013 a report titled "City-Wide Secondary Suites Study Status Update - Budget Amendment and

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Request for Additional Funding” was presented to Committee of the Whole (Working Session) on December 3, 2013. The December 3, 2013 report recommended that an additional \$30,000.00 be allocated to the City-wide Secondary Suites Study and that such funds be drawn from the 2013 Policy Planning Operating Budget Professional Fees, in the amount of \$5,000.00, and from City-wide Development Charges (CWDC) Management Studies, in the amount of \$25,000.00;...”. This was ratified by Council on December 10, 2013 bringing the budget to \$75,000.00. The primary reason for increasing the funding was to accommodate further public consultation measures, including the work of the Secondary Suites Task Force Team. This additional work has been substantially completed and the Task Force’s mandate ceased with the term of the appointing Council.

Communications Plan

A courtesy non-statutory meeting notice was sent via e-mail on November 21, 2014 to those who had previously requested notification and updates on the progress of the City-wide Secondary Suites Study. The notice will also be advertised on the Policy Planning departmental webpage for Secondary Suites, and e-mailed to Task Force members.

Purpose

The purpose of this report is to provide Council with an update on the status of the City-wide Secondary Suites Study with respect to the work conducted by the Task Force, the outcome of the final Public Open House held on April 2, 2014, and to advise Council on the next steps required to permit and implement a secondary suites policy within the City of Vaughan.

Background - Analysis and Options

Work Conducted by the Secondary Suites Task Force

The Secondary Suites Task Force was appointed by Council in accordance with requirements of City policy. The Task Force mandate is noted below.

“The mandate of the Secondary Suites Task Force is to provide Council with recommendations based on the members experience and knowledge of the Secondary Suites subject and/or knowledge of local conditions and concerns. The Task Force will prepare advice to Council in response to the information resulting from the study work, including research conducted by the project team and the public consultation process.”

Over the course of the Task Force consultation process, the Task Force met on seven different occasions and members also attended the Public Open House meetings. The first Task Force meeting held in July of 2013 provided an opportunity to introduce the study and for members to familiarize themselves with the procedures and protocols of the Task Force.

Subsequent meetings were held in September, October, and November of 2013. The primary purpose of these meetings was to provide the Task Force with background information on the issues surrounding Secondary Suites, in order to inform their deliberations. The Task Force members were presented with information on various topics including: the legislative framework mandating secondary suites; zoning; fire and building code requirements; parking; impacts on infrastructure and the property tax implications of Secondary Suites. The presentations were designed to address concerns and issues raised by the members of the Task Force.

The first two meetings in 2014 were held in January and March. These meetings included a review of the key issues raised through the broader public consultation and Task Force processes; and a discussion of the *Planning Act* measures (Official Plan and Zoning By-law

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amendments) required to permit secondary suites, in accordance with Provincial policy. At the March 2014 Task Force meeting, the members reviewed a set of draft Official Plan policies and zoning standards which had been developed in response to the noted issues, and information received throughout the study process. The draft policies prepared by staff and the consulting team were informed by a review of policies in other jurisdictions.

The final Task Force Meeting was held on April 24, 2014, and provided members with an opportunity to have a final discussion and make recommendations respecting the draft Official Plan policies and zoning regulations which by this time had already been provided to Council in a March 28th, 2014 Memorandum (see Attachment 2). The recommendations were made public at the third and final Public Open House meeting held on April 2, 2014. The Task Force, taking into consideration all the work completed over the previous months, as well as input from the three Public Open Houses adopted a series of recommendations for Council's consideration. These are set out in Attachment 3. While there remained differences of opinion amongst individual Task Force members, the recommendations reflected a substantial consensus of the group.

Each of the draft Official Plan policies and zoning standards were reviewed and discussed by the Task Force. They were either approved as is, or approved with modification through the Task Force's vetting process. A number of recommendations relating to the regulation of the secondary suites were also adopted.

The recommendations were subsequently sent to the Task Force members for review in the Meeting Minutes for the final Task Force Meeting (Attachment 3). No changes were identified on the initial circulation. On September 17, 2014, a final request was sent to the Task Force members providing them with a further opportunity to note any concerns with the final version of the recommendations respecting the draft policies and regulations. All responses received confirmed that the Minutes accurately reflected the wording for and the discussion about the draft Official Plan policies and zoning standards and related regulations.

The delivery of the Task Force recommendations to Council concluded the Task Force's responsibilities as established in the Secondary Suites Task Force Terms of Reference. Having been appointed by Council, the Task Force mandate ended with the term of the last Council.

Currently staff is conducting a review of the Task Force recommendations in order to provide Council with additional information on the ability to implement and the cost effectiveness of each recommendation. The various issues will be addressed in detail in the future reports to Committee of the Whole on the *Planning Act* amendments and the other regulatory measures that were identified in the recommendations.

Public Consultation

Throughout the City-wide Secondary Suites Study process, a great deal of preparation and attention was given to the public consultation and outreach strategy for the Secondary Suites Study.

The initial public consultation meeting/open house took place on the evening on May 27, 2013, and was attended by approximately 20 people. The kick-off meeting introduced the policy context and reason for its initiation, including the requirements under Provincial Law (Bill 140). The presentation was followed by a question and answer session. It also provided an opportunity to inform the audience about the recruitment process for the members of the Secondary Suites Task Force.

The second Public Open House/Workshop was held in two identical sessions on the evenings of December 2nd and 4th, 2013. The objectives of the second Public Open Houses were, first, to

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provide an opportunity to share information respecting secondary suites; and second, to hear from the participants how best to develop a “Made in Vaughan” approach to secondary suites.

The final Public Open House was held on April 2, 2014 and provided an opportunity to introduce the draft Official Plan policies and zoning standards, allow for discussion and feedback; and, provide comment on some of the subsequent implementation measures.

All four of the Public Open house events were advertised in the *Vaughan Citizen* and the *Vaughan Liberal* newspapers. Staff also utilized a number of other notification methods to advertise and inform the public of the meetings including:

1. The landing page of the City of Vaughan’s official website;
2. On Vaughan TV throughout the City Hall;
3. The *City Update*, the City of Vaughan’s eNewsletter;
4. On the *City Page Online*;
5. Through the City of Vaughan’s Twitter and Facebook accounts;
6. On the Policy Planning webpage, accessible through the City of Vaughan’s Official website;
7. Through the Secondary Suites Task Force (word-of-mouth);
8. Through telephone calls to the Registered Community Ratepayers Associations

The following additional methods were also utilized by staff for advertising the third and final Public Open House:

9. Through material placed at the City’s 10 Community Centres and 7 Public Libraries; and,
10. A ‘buck-slip’ advertising the Study in general and providing the specific details of the final Public Open House was included in the February Interim Property Tax Assessment, mailed to residential landowners who do not subscribe to the automated bank withdrawal program.

Policy Planning staff also placed calls to each of the Registered Ratepayers Associations notifying them of each Public Open House as well as advising them of the Task Force recruitment process.

The next milestone in the public consultation process is the statutory Public Hearing, which is tentatively scheduled for the first quarter of 2015. The notification for the statutory Public Hearing will be undertaken in manner consistent with the *Planning Act* requirements and City policy and will include advertisement in the City’s local papers being the *Vaughan Citizen* and the *Vaughan Liberal* as well as using the methods 1 through 6 noted above. The Task Force members will also be notified.

The Draft Official Plan Policies and Zoning Standards

The Official Plan policies and Zoning standards are the land use tools that will regulate where Secondary Suites will be permitted and their physical form. Matters such as unit size, building access, parking requirements and impact on the external aesthetics of the dwelling and existing and future neighbourhoods will be addressed using these two *Planning Act* tools. The following policies and standards were presented to the Secondary Suites Task Force in March of 2014, and to the public at the April 2, 2014 Public Open House. The draft policies were also provided to Council by way of a memo dated March 28, 2014 (see Attachment 2).

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The draft policies reflect input and advice from the Task Force meetings and the broader public obtained through comments received at the Public Open House Working Sessions in December, the on-line survey, the agency and government Technical Advisory Committee and the City's Project Team. Also, staff considered the findings from a review of best practices in other jurisdictions, as conducted by City staff and the consulting team.

1. The Draft Secondary Suites Official Plan Policies

The following Official Plan policies were put forward for consideration. Subject to this approach Vaughan Official Plan 2010 (VOP 2010) would be amended by:

- a. Deleting Policy 7.5.1.4 d. ("Allowing secondary suites where deemed appropriate by a City-initiated study.")
- b. Adding the following new Policy 7.5.1.5 and renumbering the existing Policies 7.5.1.5, 7.5.1.6 and 7.5.1.7 accordingly:

"7.5.1.5 Secondary Suites shall be subject to the following policies:

- a) Secondary Suites may be permitted in a building on lots where the principle use is a single detached, semi-detached or street townhouse dwelling provided that:
 - i. There is a maximum of one (1) secondary suite per principle dwelling unit;
 - ii. All requirements of the Ontario Building Code, Fire Code and City By-laws are satisfied.
- b) Secondary Suites will not be permitted on all single detached, semi-detached and townhouse lots. The implementing zoning by-law will establish standards and criteria that must be met before the Secondary Suite can be considered to be in conformity with the zoning by-law.
- c) Council may adopt further regulatory measures regarding the implementation of a program to permit secondary suites in accordance with the policies of this plan. Such measures may include, but not be limited to, the registration, licensing, monitoring and the provision of public education."

2. The Draft Secondary Suites Zoning Regulations

In keeping with the concept of criteria based zoning standards introduced by the draft amendment to the Official Plan, the following measures were developed for further consideration.

a. In Section 2.0 DEFINITIONS

- i. Include a definition for a Secondary Suite: "Secondary Suites – Means a self-contained residential unit located within and accessory to a residential dwelling. A secondary suite has its own kitchen and bathroom."
- ii. Change the term "Dwelling, Single Family Detached" to "Dwelling, Single Detached". Update use of this term elsewhere in the By-law.
- iii. Change the definition of a "Dwelling, Semi-detached" to mean "a building containing a maximum of two (2) dwelling units."

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- iv. Add the following clause to the definition of a “Dwelling duplex”: “A dwelling that includes an accessory secondary suite is not a duplex.”
- b. Zoning Standards
 - i. In Section 3.8 of By-law 1-88 add “Residential – Single Detached, Semi-Detached, Street Townhouse with Secondary Suite” as a type of use with a minimum of “3.0 parking spaces per dwelling unit.”
 - ii. In Section 4.1, include a new Subsection titled Secondary Suites stating that “Secondary Suites may be permitted within, and accessory to a single detached, semi-detached or street townhouse dwelling unit, subject to the following provisions:
 - The addition of a secondary suite in a dwelling shall not change the use of the subject lands;
 - A maximum of one (1) secondary suite shall be permitted;
 - The lot frontage shall exceed 9.0 metres;
 - The minimum gross floor area of a secondary suite shall be 35 m²;
 - A secondary suite shall not occupy more than forty-five (45%) of the above finished grade gross floor area of the dwelling within which it is located;
 - Entrances to a secondary suite shall:
 - Be separate from the entrance to the principal dwelling, either as separate exterior entrances or from a common indoor vestibule;
 - Be accessible from the street via a paved walkway or driveway; and,
 - Not be visible from or located in front of the principal entrance of the adjacent building;
 - New entrances for secondary suites in existing dwellings shall not be permitted on the façade facing a public or private road; and,
 - A secondary suite will not be permitted in a dwelling unit accommodating boarders, containing a home occupation, private home daycare or private home tutoring.
 - iii. Add a provision to Section 4.1.5: “A home occupation will not be permitted in a dwelling unit containing a secondary suite.”

It is noted that these policies and standards have not been formatted to reflect the style of amending official plan and zoning amendment documents. The draft amendments will appear in the Public Hearing report, in language and format consistent with City standards.

Addressing the Implementation of the Secondary Suites Policy: The Three Element Approach

It became clear throughout the process that the implications of permitting secondary suites extended beyond the Official Plan and Zoning By-law. Both the Task Force and staff identified a number of implementation and administration issues that would need to be addressed and put in place before the required Official plan policies and amending Zoning By-law were in effect. This mainly related to the identification, monitoring, and regulation of secondary suites and establishing a public education program that would allow the system to operate smoothly. This resulted in a “three element” approach to regulation. This is discussed below.

1. Planning Act Permissions

It is evident that the first element of the process, being the *Planning Act* permissions for secondary suites, can be addressed through the development of the Official Plan Policies and an

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implementing Zoning By-law, which were set out in the previous section of this report. These may be subject to further modification resulting from the Public Hearing process, consideration of the Task Force recommendations and further staff response.

2. Enforcement and Monitoring

The second major area of implementation in response to Task Force recommendations involves the determination of the required enforcement, monitoring and administration processes. Currently staff is investigating the potential implementation, enforcement and monitoring tools. The Task Force recommendations also noted the need for implementation tools, specifically it recommended (see Attachment 3),

“7. That a registry of the legal secondary suites in the City of Vaughan be established and the list be accessible to the public;

8. That a licensing process be implemented with the fees to be determined by the City of Vaughan; ...”

In consideration of the secondary suites policy implementation, the Task Force further recommended (see Attachment 3),

“1. That a cost analysis be completed and made public to determine the costs associated with secondary suite policy implementation (Licensing, monitoring, enforcement); ...”

The determination of the regulatory system was a key point for the Task Force. However, such a protocol is beyond the scope of this study. For this reason, the Project Team has developed the following approach to advancing the remainder of the study.

The Policy Planning Department will prepare a public hearing report, tentatively scheduled for the first Quarter of 2015, outlining the study process to date, related background information, an outline of the issues, as well as the draft official plan zoning by-law amendments. Subsequently in response to the issues identified through the Public Hearing process, the Technical Report will be prepared. A second report will be prepared by the Legal Department, in consultation with the City Clerk's, the By-Law and Compliance, the Building Standards departments and the Vaughan Fire and Rescue Service. It will address the issues relating to the implementation of a monitoring and enforcement regime. This report will be co-ordinated with the Technical Report on the *Planning Act* amendments and will identify resource requirements in greater detail which will inform any required budget requests.

3. Education

The third element is the educational component. This would involve the creation of a resource based approach to information regarding secondary suites. This would include on-line sources providing the public with information and a hardcopy information package containing the same information, which can be obtained at City Hall. The package will also be made available with all building permit applications for secondary suites and grade related residential construction. Staff will consider the educational element in greater detail once it has completed its consideration of the implementation tools as the information to be provided will be impacted by Council's direction.

Next Steps

The following dates have been noted as future milestones for the City-wide Secondary Suites Study:

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November 2014	Policy Planning Staff produce a draft Official Plan Amendment document and a draft Zoning By-law Amendment for circulation and comment.
Nov 2014 – Jan 2015	The City's Project Team continues to meet in order to address implementation issues respecting the potential of enforcement and monitoring for secondary suites.
December 2014	Consultant's Final Report titled "City of Vaughan Secondary Suites Policy Development" Policy Report May 2014 prepared by SHS Consulting in association with pA Planning Alliance will be made available to the general public for review on the Secondary Suites webpage
First Quarter 2015	Statutory Committee of the Whole (Public Hearing) Meeting for the City-wide Secondary Suites Study (Official Plan policies and Zoning Standards) Subsequently, Technical Reports go to Committee of the Whole (Final recommendation on Official Plan policies, Zoning by-law regulations and for the consideration of administrative measures)

Relationship to Vaughan Vision 2020/Strategic Plan

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

Regional Implications

Representatives from the Long Range Planning Division at the Region of York are members of the Technical Advisory Committee (TAC) and have made presentation to the Secondary Suites Task Force Committee.

Conclusion

The next major milestone in the Secondary Suites study is the statutory Public Hearing under the *Planning Act*, for the implementing Official Plan policies and Zoning Amendment. This is expected in the first quarter of 2015. In addition to the Planning Act matters it will be necessary to address a number of administrative issues that would provide for implementation of the Official Plan policies and Zoning standards. Such measures will need to be resolved and be in place coincident with the in force date of the implementing zoning amendment. Through this process, it will be necessary to ensure that the regulation of Secondary Suites will take place in an efficient, cost effective and transparent manner.

The Technical Report on the Planning Act applications will address any issues raised through the Public Hearing process and identify any necessary changes. Another report to be prepared by the Legal Department, in consultation with the City Clerk's, the By-Law and Compliance, the Building Standards departments and the Vaughan Fire and Rescue Service will be coordinated with the Technical Report and will address the implementation matters discussed above. These matters will be elaborated on in the Public Hearing report and any further direction on recommended actions will be sought at that time and ultimately be addressed through the report addressing the implementation program.

Should Council concur with the recommendation set out in this report Staff will proceed with preparation for a statutory Public Hearing.

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Attachments

1. Buck Slip
2. March 28, 2014 – Memo to Mayor and Members of Council
3. Minutes from the April 24, 2014 Secondary Suites Task Force Meeting – Task Force Recommendations

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(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.)