



DATE: JUNE 22, 2017

TO: MAYOR AND MEMBERS OF COUNCIL

**FROM: JOHN MACKENZIE, DEPUTY CITY MANAGER,
PLANNING AND GROWTH MANAGEMENT**

RE: COMMUNICATION – COUNCIL MEETING – JUNE 27, 2017

ITEM 4, REPORT NO. 6 – COMMITTEE OF THE WHOLE – FEBRUARY 7, 2017

**AMENDMENT NUMBER 13 TO THE VAUGHAN OFFICIAL PLAN 2010
RELATED TO THE CITY-WIDE SECONDARY SUITES STUDY (FILE 15.112)**

Purpose

The Policy Planning and Environmental Sustainability Department submits for Council consideration Official Plan Amendment 13 (OPA 13) to the Vaughan Official Plan. OPA 13 will permit secondary suites as-of-right in a single detached house, semi-detached house and townhouse in the City of Vaughan, subject to specific criteria to be established in the City of Vaughan's Comprehensive Zoning By-law. OPA 13 will amend Section 7.5 Housing Options (Section 7.5.1.4.d) of the Vaughan Official Plan 2010 and introduce new secondary suites policies (Section 7.5.1.5, 7.5.1.6). OPA 13 is one component of the implementation tools developed through the City-wide Secondary Suites Study. Other tools include the Zoning By-law Amendment and Implementation Strategy. The related Zoning By-law Amendment will be tabled for Council consideration in Q3 2017, following the commencement of the Implementation Strategy and Public Education Program.

Background

The draft OPA was presented to Committee of the Whole on February 7, 2017. On February 21, 2017, Vaughan Council adopted the February 7, 2017, Committee of the Whole recommendation to approve the Draft Official Plan Amendment OP.15.112. Vaughan Council approved six recommendations related to Secondary Suites. The following recommendation is in reference to the OPA:

1. THAT the Official Plan Amendment (File 15.112 City-wide Secondary Suites Study) to amend Section 7.5 Housing Options, of Vaughan Official Plan 2010 to permit secondary suites, as shown in Attachment 1 BE APPROVED;

In response, the final version of OPA 13 (including modifications) has been prepared for Council approval at the June 27, 2017 Council Meeting.

Communications

The following two supplementary documents are attached to this Communication. The first Attachment is an exemption letter from York Region. The City requested exemption from



memorandum

Regional Council approval for OPA 13. The approved Exemption Request Letter is attached to this Communication. Under Section 8.3.8 of the York Region Official Plan, the Exemption Letter delegates approval authority to Vaughan Council, OPA 13 will be in effect once adopted by Vaughan Council.

The Summary of Public Comments and Response table includes public comments received throughout the Study and staff response. To satisfy the enhanced public notification requirements resulting from (Bill 73) *The Smart Growth for our Communities Act 2015*, as contained in the *Planning Act*, the following table noting the comments received from the public and staff responses have been provided in Attachment 2 to this Communication.

Attachments

1. York Region Exemption Letter dated June 13, 2017
2. Summary of Public Comments and Response

Respectfully submitted,

JOHN MACKENZIE
Deputy City Manager,
Planning and Growth Management

CB/lm

Copy to: Daniel Kostopoulos, City Manager
Barbara McEwan, City Clerk



Corporate Services

June 13, 2017

Mr. Mark Christie
Director of Policy Planning and
Environmental Sustainability
The City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Attention: Armine Hassakourians, Senior Planner

**Re: Request for Exemption from Regional Approval
of Official Plan Amendment
Secondary Suites
City of Vaughan
Your File No.: OPA 13**

This is in response to your request for exemption from Regional approval of the above-captioned Official Plan Amendment.

The *Planning Act*, under Section 16(3), states “an official plan shall contain policies that authorize the use of a second residential unit”. Section 17(24.1) also states that there are no appeals of official plan second unit policies, except by the Minister.

The purpose and intent of OPA 13 is to permit accessory secondary suites on a lot with or within a single detached, semi-detached and townhouse, subject to specific criteria to be established in the City of Vaughan Comprehensive Zoning By-law. OPA 13 amends Vaughan’s Official Plan 2010.

OPA 13 conforms to Regional Official Plan policy 3.5.22, that requires “local municipalities to adopt official plan policies and zoning by-law provisions that authorize secondary suites.” OPA 13 also addresses and complies with Regional policies that encourage and increase affordable housing options.

Based on our review and assessment, this proposed OPA appears to be a routine matter of local significance. Furthermore, in accordance with Regional Official Plan policy 8.3.8, and in consideration of the balance of the Regional Official Plan, the proposed Amendment does not adversely affect Regional planning policies or interests.

Pursuant to Council authorization specified in By-law A-0265-1999-017, this application is hereby exempted from approval by Regional Council. This allows the Amendment to come into effect following its adoption by the City of Vaughan.

We respectfully request a copy of the Notice of Decision be forwarded to this office. Please contact Augustine Ko at 1-877-464-9675 ext. 71524 should you have any questions or require further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen Whitney". The signature is fluid and cursive, with the first name "Karen" written in a larger, more prominent script than the last name "Whitney".

Karen Whitney, M.C.I.P., R.P.P
Director of Community Planning and
Development Services

AK

VAOP-13-00012 of 13 August 2013

City-wide Secondary Suites Study – Summary of Public Comments and Response

Theme	Response	Implementation Tool					Implementation/ Enforcement	Other
		OP	By-law 1-88	Education				
Neighbourhood Character								
Permitting Secondary Suites in Townhouses and Semi-detached dwellings	Provincial Legislation requires municipalities to permit secondary suites in single, semi-detached and rowhouses (townhouses) dwellings. Through the Study, concerns were raised regarding the location of secondary suites in higher density residential areas. Specifically, the need to accommodate additional parking and modifications to front yard landscaping were identified as areas requiring further regulation. In response, the Official Plan policies will permit secondary suites in single, semi-detached and townhouse dwellings subject to specific criteria as contained in the implementing Zoning By-law Amendment. See parking and frontage responses below.	✓	✓	✓	✓	✓		
Additional parking needed to accommodate a secondary suite	The provision of sufficient parking to accommodate the needs of tenants and landlords on a lot that contains a permitted secondary suite is a significant concern for the City. Existing parking requirements for different dwelling types vary and may not be sufficient to accommodate an additional vehicle in certain areas. To address these additional parking needs consistently throughout the City, the Zoning By-law Amendment requires that three spaces be provided on a lot in which a secondary suite is permitted. Due to challenges in regulating compliance with requiring a dedicated parking space for a secondary suite, a dedicated parking space is not required. The required three spaces are intended to accommodate the parking needs of both landlords and tenants.		✓	✓		✓		
On-street parking	On-street parking is currently not permitted in the City of Vaughan between 2am and 6am, except for a couple of streets previously established. Changes to the parking By-law to allow for on-street parking were not contemplated as part of the City-wide Secondary Suites Study. A separate review of developing a standardized process for consideration of paid-permit on-street parking in residential areas is currently underway, led by Public Works, which may result in the introduction of on-street parking where feasible and will include amendments to the parking by-law as required.		✓			✓		Paid-permit On-street Parking

Theme	Response	Implementation Tool				Implementation/ Enforcement	Other
		OP	By-law 1-88	Education			
Minimum lot frontage	The 9m minimum lot frontage requirement is intended to address concerns regarding parking and modification to the front yards of lots where a secondary suite is permitted. A lot that provides a 9m frontage generally can accommodate the required 3 parking spaces while maintaining the hard/soft landscaping and minimum driveway width requirements in the City's Comprehensive Zoning By-law. Adding a provision relating to a minimum lot size would not address the landscaping and driveway width minimum requirements of the Zoning By-law.		✓	✓		✓	
Location of Entrances	The provision of a separate and accessible entrance to a secondary suite is an important life safety and privacy issue. Concerns were raised through the Study that the location of a separate entrance on the front exterior wall of a residential dwelling may have an impact on Neighbourhood Character. The Zoning By-law Amendment requires that a secondary suite be accessible through a separate entrance located at the side or rear of a residential dwelling or through a common vestibule located interior to the dwelling. Access to an entrance located at the side or rear of a dwelling shall have a consistent 1.2m wide path of travel leading to the entrance.		✓	✓		✓	
Conversion of garages to secondary suite uses	The conversion of a garage to accommodate a secondary suite is not permitted under the Zoning By-law Amendment. In order to ensure a lot can provide the required 3 parking spaces, the City will not permit the conversion of garages attached to the primary structure in which a secondary suite is located. Provincial policy requires that municipalities permit secondary suites in detached structures, which may include a detached garage. However, due to a lack of policy examples the City determined further review of secondary suites in detached accessory structures is required.		✓	✓		✓	Ongoing review

Theme	Response	Implementation Tool				Other
		OP	By-law 1-88	Education	Implementation/ Enforcement	
Maximum Total Gross Floor Area	The maximum Total Gross Floor Area requirement will limit the size of a secondary suite in relation to the dwelling in which it is located. The maximum Total GFA is intended to ensure the secondary suite is secondary to the primary use of the dwelling.		✓	✓	✓	
Health and Safety						
Concerns respecting safety	A major outcome of the Study is to ensure the safety of both tenants and landlords who occupy a residential dwelling containing a permitted secondary suite. The introduction of secondary suites permissions provides the City an opportunity to review applications for secondary suites to ensure life safety matters are addressed. The Official Plan policies require that a permitted secondary suite meet Ontario Fire and Building Code standards. The application and enforcement of existing municipal By-law requirements, including but not limited to, those related to conditions in which properties must be maintained will also help to support the safety of tenants and neighbouring properties. In addition to land use planning tools, the City will develop a Public Education Program intended to raise awareness of specific issues related to the introduction of secondary suites permissions. The Education Program will emphasize relevant health and safety issues. As the City is not pursuing a licensing regime, requiring either a landlord or tenant to purchase insurance is not possible under the land-use planning tools available.	✓	✓	✓	✓	
Building and Fire Code Requirements	The Official Plan policies require that permitted secondary suites meet Ontario Fire and Building Code regulations. Through the submission of a Building Permit application, eligible secondary suites will be inspected to ensure Building and Fire Code compliance. The inspection process will evaluate three streams of secondary suites applications according to their date of construction. The inspection process will ensure the appropriate Code requirements are applied to a proposed secondary suite. The Public Education Program will describe the requirements of the compliance process. This material will include information on Building and Fire Code requirements for secondary suites.	✓		✓	✓	

Theme	Response	Implementation Tool				
		OP	By-law 1-88	Education	Implementation/ Enforcement	Other
Strain on Infrastructure						DC Study review
Impact on Development Charges	The City determines the infrastructure needs of the City based on population and servicing allocation provided by the Region. The <i>Development Charges Act</i> provides for the exemption of new secondary suites in prescribed classes of existing buildings. Recent modifications to the <i>Development Charges Act</i> extend this exemption to the creation of new secondary suites in prescribed classes of new buildings. Regulations under the <i>Development Charges Act</i> are forthcoming.					
Impact on Public Services such as Garbage Pick-Up	A potential increase in population resulting from the introduction of secondary suites permissions was identified as a key issue through the Study. Specifically, the provision of public services was raised as an area of focus. In regards to infrastructure, the servicing capacity of the water and wastewater system in Vaughan is considered sufficient to accommodate additional population growth. While the public and separate School Boards in York Region acknowledge high enrollment in certain areas, there is sufficient program flexibility to accommodate larger cohorts. At the municipal level, it is not anticipated that the approval of secondary suites will generate a significant increase in demand for other institutional uses such as community centres and libraries. Waste management programs operated by the City include the collection of additional garbage (3 bag limit) as well as unlimited organic waste and recycling. As secondary suites are approved, City staff will monitor the volume of building permit applications and evaluate the impact on the provision of public services. Data collected through the Building permit approval process will be available to City Departments and Regional agencies upon request to review and adjust budgets and programming accordingly.					

Theme	Response	Implementation Tool					Other
		OP	By-law 1-88	Education	Implementation/ Enforcement		
Community Awareness							
Impact on assessment and taxes	The introduction of secondary suites permissions may have financial implications for homeowners who wish to pursue the legalization of a secondary suite on their property. MPAC information presented to the Secondary Suites Task Force concerned property tax assessments confirmed that an approved secondary suite would increase the value of a property and subsequent property tax rate.						

**The regulation and enforcement of all related regulations will be carried out through a collaborated effort between the City's Fire and Rescue Services, Building Standards and By-law and Compliance, Licensing and Permit Services Department.