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October 4, 2016

By E-mail Only: jeffrey.abrams@vaughan.ca

City of Vaughan
c/o Jeffrey A. Abrams, City Clerk
2141 Major Mackenzie Drive
Vaughan, Ontario
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c	<u>9</u>
Communication	
CW:	<u>OCT 5/16</u>
Item:	<u>9</u>

Attention: Mayor and Members of Council

**Re: Community Area Policy Review for Low-Rise Residential Designations
Adoption of Urban Design Guidelines for Infill Development in Established Low-Rise
Residential Neighbourhoods
Committee of the Whole – October 5, 2016
City File #15.120.2
City of Vaughan**

Dear Mayor and Members of Council:

KLM Planning Partners Inc. has been retained by the Building Industry and Land Development Association (BILD) in response to the proposed adoption of the “Urban Design Guidelines for Infill Development in Established Low-Rise Residential Neighbourhoods”. These guidelines are being recommended for approval by the Deputy City Manager Planning and Growth Management and the Director of Policy Planning and Environmental Sustainability at the October 5, 2016 Committee of the Whole meeting.

KLM Planning Partners Inc. has been involved throughout this process on behalf of several clients throughout the City through the submission of letters to the City of Vaughan at the Statutory Public Hearing on June 16, 2015, as well as providing detailed comments to the Policy Planning Department in response to the public consultation process in addition to participating in the Public Open House at the Vellore Village Community Centre on May 11, 2016.

We have now had an opportunity to review the aforementioned Planning staff recommendation report regarding the above-noted matter, including the “Community Consultation Summary Report” and “Draft Urban Design Guidelines for Infill Development in Established Low-Rise Residential Neighbourhoods” appended to the staff report as Attachments No. 1 and No. 2, respectively. After our review of these documents, we believe the direction proposed by Vaughan Planning Staff will have very serious implications for the efficient use of land in appropriate locations in support of the intensification objectives of the Province of Ontario which exist today and which are currently being

proposed to be substantially increased through the ongoing coordinated review of the Provincial Plans, which commenced in February 2015.

Land use planning in Ontario and specifically the Greater Toronto Area has become increasingly complex since the introduction of the Greenbelt Plan in 2005 and the Places to Grow Plan in 2006. These policy documents along with the Provincial Policy Statement encourage a balanced approach to land use planning through the reduction in outward growth (or urban sprawl) and the introduction of intensification in appropriate areas that is pedestrian friendly, transit-supportive, and efficiently uses land and existing and planned infrastructure to reduce the costs traditionally associated with low-rise developments. These policy documents also encourage a greater range and mix of housing choices within a local community to meet the needs of residents at different stages in their lives. Landowners, developers, and builders are looking for innovative and creative ways to develop infill sites that are both compatible with surrounding land uses and provide a level of intensification that is supportive of existing and planned infrastructure including increased development along transit lines.

We believe the proposed recommendations will stifle intensification and infill projects in Vaughan, especially at a time when the Province is encouraging varying levels of intensification throughout the GTA that is reflective and compatible with its surroundings while conscious of the efficient use of land and existing and planned infrastructure.

Background – Coordinated Review of Provincial Plans

As you are aware, on September 7, 2016, Vaughan Committee of the Whole considered a report from the Deputy City Manager, Planning and Growth Management and Director of Policy Planning and Environmental Sustainability in response to the Provincial Coordinated Review. The purpose of that report was to provide a consolidated response to the Ministry of Municipal Affairs and Housing (“MMAH”) on behalf of the City of Vaughan in response to the proposed changes to *The Growth Plan for the Greater Golden Horseshoe*, *The Greenbelt Plan* and the *Oak Ridges Moraine Conservation Plan* as proposed through the ongoing coordinated review of these Provincial Plans. Of particular relevance to the discussion of the proposed Urban Design Guidelines are the amendments to the Growth Plan that proposes a minimum of 60% intensification (increased from the current 40%) to the existing built up area, and a requirement that the Designated Greenfield Area density requirement be increased to 80 residents and job per hectare (increased from the current 50).

Based on the analysis in the September 7, 2016 staff report, Planning staff indicated that the final outcome of the Provincial review and the proposed intensification objectives will have a direct impact on where and how the City of Vaughan will grow over the next 25 years. Should the Province conclude that a 60% intensification objective is appropriate, the City may need to look at areas where intensification can be accommodated. We believe the proposed Urban Design Guidelines and ultimately the proposed amendments to the Vaughan Official Plan (“VOP”) 2010 to deal with residential infill within existing Community Areas are far too prescriptive and will stifle creative opportunities for intensification that is supportive of transit and contributes to complete communities and is compatible with surrounding development. At a minimum, Council should consider a deferral of the proposed Guidelines and amendments to VOP 2010 until the outcome of the Provincial coordinated review has concluded.

VOP 2010

VOP 2010 was prepared over several years with a significant public consultation and outreach process, which ultimately won several awards for public engagement. We believe that the introduction of townhouse dwelling units as a permitted use within the “Community Areas” and “Low-Rise Residential” designated areas was a deliberate and intentional response by the City in response to the intensification and housing objectives of the various Provincial Plans including the Provincial Policy Statement and Provincial Growth Plan. This was an appropriate policy decision because townhouses and single and semi-detached residential dwellings are compatible low-rise forms of residential development that contribute to the diversity of a community and offer a range of housing options.

The existing policies within VOP 2010 were approved only 6 years ago through an extensive public engagement process and were determined at the time to be an appropriate framework to permit limited opportunities for intensification within the City of Vaughan. We agree the existing policies are general in nature and could benefit from some clarification but in our opinion do not require specific design criteria related to setbacks, amenity spaces, orientation, locational criteria, etc. In most cases, a townhouse development requires a site-specific amendment to the Zoning By-law giving nearby residents an opportunity to participate in the planning process through the Statutory Public Hearing. Additionally, townhouse developments in Vaughan are subject to Site Plan Control, which involves a significant amount of detailed information being submitted to staff for their review and approval. Establishing urban design guidelines and amendments to the Official Plan which provides overly prescriptive design standards removes the opportunity for a creative and thoughtful design process which engages both the public and professional staff at the City. These proposed design standards will limit opportunities for the efficient use of lands which supports transit, complete communities, provides a choice of housing options and is compatible with adjacent land uses.

We believe that the recommendations will have the following impact on matters of Provincial and Regional Interest:

- Results in a significant impact to the provision of affordable housing within the City of Vaughan;
- Would result in a form of development that is less intensive and would not make full use of existing and proposed municipal services including sewers, water, and transit, especially in areas developed historically with larger lots and lower density that could benefit from moderate intensification that is compatible while respecting the character of the community;
- Encourages development that does not efficiently use land;
- Would create more homogenous developments and would discourage an appropriate range and mix of housing choice within communities;
- Attempts to provide a “one size fits all” solution and does not recognize that the Official Plan is an overall policy document intended to provide general guidance on growth and development; and,
- Results in specific policies and development standards that are too prescriptive for an Official Plan document, that rather should be implemented through the Zoning By-law, if deemed appropriate

Previous Provincial Response to VOP 2010

On February 1, 2012, the MMAH provided a letter to the City of Vaughan in response to the adopted and modified version of VOP 2010. Through its letter, MMAH requested that the Region modify the Official Plan to address a number of issues and to ensure consistency with the Provincial Policy Statement and conformity with the Growth Plan.

The City of Vaughan responded to the comments from MMAH in a report to the Committee of the Whole dated April 3, 2012. In response to Policy 9.1.2.2 in VOP 2010 (the principle reason for the introduction of proposed Urban Design Guidelines and VOP 2010 policy amendments), the Province requested a minor addition to the policy to ensure conformity with Provincial Plans as follows:

"The above elements are not meant to discourage the incorporation of features that can increase energy efficiency (e.g. solar configuration, solar panels) or environmental sustainability (e.g. natural lands, rainbarrels), nor prevent changes in lot size that would enable intensification or more affordable housing, that could occur without substantially impacting the character of the neighbourhood."

A copy of the relevant excerpts from the April 3, 2012 report is attached as Appendix 'I'

The Province requested clarity to ensure the proposed policy would not prevent intensification or more affordable housing where character of a community could be maintained. However Vaughan Planning staff recommended that the second portion of the above-referenced sentence not be supported as it could have the potential to impact the character of the surrounding community, notwithstanding we believe the existing policies require that new development in fact shall respect the character of the surrounding community (i.e. good land use planning).

The Province had concerns with the impact the existing policy would have on the City's ability to conform to Provincial Policy related to intensification and affordable housing over 4 years ago. We believe that the proposed Urban Design Guidelines and future amendments to the Official Plan will further undermine the Provinces requirement for intensification, particularly in light of the ongoing coordinated review of Provincial Plans and the increased intensification objectives that are currently proposed.

The Technical Advisory Committee

We acknowledge in the report that the City established a Technical Advisory Committee ("TAC") to assist with the development of the proposed guidelines and OPA amendments. However, we note that the TAC consisted of only internal Municipal Staff and York Region staff, but excluded other stakeholders who have provided comments and could have provided meaningful input into the process. The decisions of the TAC and the City's consultants have been made without input from BILD or other stakeholders.

Summary

In light of the foregoing and attached, we respectfully request that Council defer this matter until such time the coordinated review of Provincial Plans is complete and the intensification objectives have been finalized. The outcome of the review process could result in higher or lower amounts of intensification being required than currently proposed.

Furthermore, setting aside the ongoing coordinated review of the Provincial Plans, we believe the proposed guidelines will stifle development of infill projects in Vaughan, especially at a time when the Province is encouraging varying levels of intensification throughout the GTA that is reflective and compatible with its surroundings while conscious of the efficient use of existing and planned infrastructure.

Finally, we welcome an opportunity to meet with staff to discuss the concerns raised in this letter and based on our experience in working in the City on a variety of development applications. Please provide all notification of future staff reports, public meetings, open houses/ workshops and all decisions of Committee or Council regarding this matter.

Thank you for the opportunity to comment. If you have any questions, please contact the undersigned.

Yours very truly,

KLM PLANNING PARTNERS INC.



Ryan Mino-Leahan, MCIP, RPP
Associate/Senior Planner

Copy John Mackenzie, Deputy City Manager, Planning and Growth Management
 Roy McQuillin, Director of Policy Planning and Environmental Sustainability
 Melissa Rossi, Manager, Policy Planning
 Kyle Fearon, Planner 1, Policy Planning
 Paula Tenuta, BILD
 Danielle Chin, BILD
 Michael Pozzebon, BILD, York Chapter Chair

COMMITTEE OF THE WHOLE – APRIL 3, 2012**MODIFICATIONS TO THE VAUGHAN OFFICIAL PLAN – 2010
RESPONSE TO PUBLIC, GOVERNMENT AND AGENCY SUBMISSIONS
FILE 25.1****Recommendation**

The Commissioner of Planning recommends that:

1. The City of Vaughan Official Plan, Volume 1 (VOP 2010), adopted September 7, 2010, subject to the recommended modifications on September 27, 2011, be further modified by:
 - a) Deleting Policy 9.2.2.7 “Commercial Mixed-Use” replacing it with new Policies 9.2.2.7 “Employment Commercial Mixed-Use” and 9.2.2.8 “Community Commercial Mixed-Use”, as shown in Attachment 1, renumbering the rest of the section accordingly and making the corresponding schedule changes;
 - b) Replacing Policies 2.2.4.2, 2.2.4.3 and 2.2.4.4 with the Policies 2.2.4.2, 2.2.4.3 and 2.2.4.4 as set out in Attachment 2;
 - c) Amending Policies 9.2.2.10 “General Employment” and 9.2.2.11 “Prestige Employment” as set out in Attachment No. 3;
 - d) Amending Section 5.1.2 “Directing Economic Activity” and Section 5.2.2 “Attracting Office Uses” as set out in Attachment No. 4;
 - e) Making other changes as required throughout the document to ensure consistency with the modified policies set out in a) through d) above.
2. The Region of York be advised that the City of Vaughan is satisfied with the Provincial modifications/comments (February 1, 2012), in response to the adopted version of VOP 2010 as set out in Attachment 5, subject to the following:
 - a) That the proposed modification to Policy 9.1.2.2 (Attachment 5, p.16/23) is supported subject to the deletion of the following clause: “nor prevent changes in lot size that would enable intensification or more affordable housing, that could occur without substantially impacting the character of the neighbourhood.”
3. The Region of York be advised that the City of Vaughan is satisfied with the Region’s modifications/comments (March 14, 2012), as set out in Section 3 of this report, subject to the following:
 - a) That in respect of Region of York requested modification 4, as set out in Section 3 of this report, it is the preference of the City to not designate all lands outside of the Core Features of the Natural Heritage Network in the Greenbelt and Oak Ridges Moraine Plan Areas as “Enhancement Areas”, recognizing that the potential for enhancement in these areas is recognized in Policies 3.2.3.18 and 3.2.3.19 of the Plan and that the City will be identifying specific enhancement areas as part of the forthcoming Natural Heritage Network study.
4. The recommended responses to further modification requests to VOP 2010 originating with landowner respondents, the TRCA and City staff, as set out in Attachment 6, be approved as the City position and that such changes be incorporated into VOP 2010, as

Ministry Matrix Page 9/23 – Policy 2.2.3.7 (Now Policy 2.2.3.8)

This policy identifies an area in the north west quadrant of the city as an area for future residential development. Specifically, it applies to the triangle of land bounded by Kirby Road on the north, Huntington Road on the east and the CP Rail line on the west (DiBattista Farms Limited, Signature Developments). The site is opposite the Huntington Community of the North Kleinburg-Nashville Secondary Plan area.

The Ministry advises that the Province does not support the premature identification of urban areas as it is not consistent with the PPS or the Growth Plan and is asking that the Policy be deleted from the Plan. The Region of York is taking the same position.

Staff has no objection to deleting this policy. The lands subject to this policy are now located within the GTA West Corridor Protection Zone, which protects alignment options for a 400-series Highway, by way of a development prohibition. The GTA West Corridor Individual Environmental Assessment is underway, but it could be a number of years before an alignment is refined sufficiently to assess the future of this property. Similarly, the lands to the east (the Huntington Community in the North Kleinburg-Nashville Secondary Plan) are subject to the same development prohibition.

Given the uncertainty over the future of this area, both in timing of a resolution and the unknown effect of the GTA West Corridor alignment, it is considered appropriate to delete this policy.

Ministry Matrix Page 16/23 – Policy 9.1.1.2 of Urban Design and Built Form

Policy 9.1.2.2 provides policy guidelines requiring that new development proposed for established residential areas be designed to reflect and reinforce the existing physical character and uses of the surrounding area. The Ministry is proposing that this policy would benefit if it acknowledged that historical neighbourhoods, “can be receptive to policy changes without risk of loss of character, to better implement PPS policies regarding building strong communities.” It was suggested that a statement be added to 9.1.1.2 clarifying that the existing policies are not meant to discourage the incorporation of features designed to increase energy efficiency or environmental sustainability. There is no objection to this provision.

A second provision is proposed which would provide that the policies of 9.1.1.2 would not “prevent changes in lot size that would enable intensification or more affordable housing that could occur without substantially impacting the character of the neighbourhood.” On September 27, 2011 Council approved the addition of a new policy 9.1.1.3 to VOP 2010 – Volume 1, which specifically strengthened the protection of the City’s historical and older neighbourhoods, which are characteristic of the City’s founding villages. One of the primary objectives of this policy was to protect one of their defining elements, being their expansive yards and amenity areas. The policy suggested by the Ministry would result in uncertainty as to Council’s intent for the area and be subject to establishing what could potentially have a substantial impact on the character of the community. Further, VOP 2010 provides for ample opportunities for intensification. These intensification areas are typically located at the edge of communities in association with the public transit system.

Therefore, it is recommended that the Region of York be advised that the City does not support the inclusion of the second part of the policy suggested by the Ministry.

City staff is satisfied that the overall direction of the Provincial modifications is consistent with the intent of VOP 2010 – Volume 1. The proposed modifications are generally minor in nature and/or are required to address Provincial policy. Regional staff will be addressing the modifications in its

Provincial Response: "City of Vaughan Original Plan One Window Review"

City of Vaughan Official Plan One Window Review

Comment/Concern	Proposed Resolution
regarding the protection of coordinated, integrated and cost effective corridors, consistent with PPS 1.6 seems to be missing from this plan.	Modify this section to include a policy that addresses the need to protect for multi-functioning infrastructure corridors, especially within Greenfield and new community areas, to ensure the provision of services to accommodate expected growth.
support protection of cultural heritage sites.	Insert a policy within this section which indicates that: <i>"Council shall support the reduction of waste from construction debris as a result of the demolition of buildings by promoting and encouraging the adaptive re-use of older and existing building stock."</i>
Policy appears to provide policy direction regarding the transition of historical built form to which is more sustainable and in line with policies of the Official Plan. This policy benefit from acknowledging that urban neighbourhoods can be receptive to changes without risk of loss of character, or implement PPS policies regarding strong communities.	Include a statement at the end of this policy section, such as: <i>"The above elements are not meant to discourage the incorporation of features that can increase energy efficiency (e.g. solar configuration, solar panels) or environmental sustainability (e.g. natural lands, rainbarrels), nor prevent changes in lot size that would enable intensification or more affordable housing, that could occur without substantially impacting the character of the neighbourhood."</i>
Policy identifies a number of possible primary uses that may be permitted within corridors. Some of Vaughan's utility/hydro corridors are subject to the Parkway Belt West (PBWP), which may not permit all of the intended secondary use, i.e. "parking lots and storage accessory to adjacent land	Modify the policy to recognize that for lands within the PBWP, the secondary use must comply with the policies of that provincial plan.
As stated in the attached staff report under "Primary Assessment Growth Plan," the PPS Growth Plan direct that development be planned to ensure orderly development that is consistent with the provision of infrastructure.	In line with the Region of York policy 5.1.8, include a policy that would require substantial completion of existing Greenfield areas prior to the registration of development within the <i>new</i> community.

Britto, John

From: Abrams, Jeffrey
Sent: October-05-16 6:56 AM
To: Britto, John
Subject: Fw: October 5, 2016 - Committee of the Whole, Item 9 - Community Area Policy Review
Attachments: Letter to the City of Vaughan - Community Area Policy Review - Oct 4, 2016.pdf

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Ryan Mino <RMino@KLMPPlanning.com>
Sent: Wednesday, October 5, 2016 12:39 AM
To: Abrams, Jeffrey
Cc: MacKenzie, John; McQuillin, Roy; Rossi, Melissa; Fearon, Kyle
Subject: RE: October 5, 2016 - Committee of the Whole, Item 9 - Community Area Policy Review

Mr. Abrams,

I just realized the attachment I sent in my previous email was missing the Appendix referenced in my letter. Please see attached the updated letter.

Regards,

Ryan

From: Ryan Mino
Sent: Tuesday, October 04, 2016 10:52 PM
To: 'jeffrey.abrams@vaughan.ca' <jeffrey.abrams@vaughan.ca>
Cc: 'MacKenzie, John' <John.Mackenzie@vaughan.ca>; McQuillin, Roy <ROY.MCQUILLIN@vaughan.ca>; 'melissa.rossi@vaughan.ca' <melissa.rossi@vaughan.ca>; 'kyle.fearon@vaughan.ca' <kyle.fearon@vaughan.ca>
Subject: October 5, 2016 - Committee of the Whole, Item 9 - Community Area Policy Review

Dear Mr. Abrams,

Please see attached on behalf of BILD in response to Item #9 on tomorrows agenda. Please circulate to the Mayor and Members of Council.

Sincerely,

Ryan

Ryan Mino-Leahan B.U.R.P.I., MCIP, RPP
ASSOCIATE/SENIOR PLANNER

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Planning | Design | Development

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