



April 3, 2017

File No. 132971

BY EMAIL: Barbara.McEwan@vaughan.ca

Mayors and Members of Council
City of Vaughan
Vaughan City Hall
2141 Major Mackenzie Dr.
Vaughan, ON L6A 1T1

Attention: Barbara McEwan, City Clerk

Your Worship and Council Members:

Re: **Low-Rise Residential Proposed Official Plan Amendment**

Re: **Committee of the Whole, April 4, 2017 Meeting, Agenda Item 5**

We represent City Park Homes.

At the November 1, 2016 Public Hearing, representations were made on behalf of our client in opposition to certain aspects of the proposed Official Plan Amendment and design guidelines as they relate to townhouse development within the Low-Rise Residential Designation of VOP 2010. In addition, a written submission outlining specific concerns about the proposed policies and guidelines was made on behalf of City Park Homes by their planning consultant John Zipay and Associates Limited.

Having reviewed the above-captioned report to Committee of the Whole, the concerns as expressed through our previous oral and written submissions have not been addressed to our satisfaction.

It is noted in the current report to Committee that "all development applications submitted in the Low-Rise Residential areas in the established Community Areas prior to the approval of the amendments to the Official Plan resulting from this process will be reviewed on the basis of the policies that were in effect at the time the applications were submitted". This clarification is appreciated and is one with which we concur. It is our view that such applications should also be subject only to the design guidelines that existed prior to adoption of the guidelines by Council on October 19, 2016.

The suggestion and requirement that development applications will be subject to the Urban

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Design Guidelines approved by Council on October 19, 2016 is not supported for the same reasons regarding the proposed Official Plan policies.

The staff report states that:

“These guidelines were based on the existing policies and will be considered in the review of all such applications”.

In fact, the proposed guidelines are not simply based on the existing policies of VOP 2010, but are based on the policies of VOP 2010 as per the proposed draft amendments to VOP 2010. The November 1, 2016 report to Committee of the Whole contained the Policy Review for Low-Rise Residential Areas as prepared by Urban Strategies. That report prescribed a variety of policy amendments, introduced new policy sections 9.1.2.4, and 9.1.2.5, and contained Low-Rise Residential Infill Guidelines. These guidelines were approved separately, prematurely and well before the OP policies before you today.

However these guidelines are based on the new policy sections noted above and other amended policies; and not just the policies as they currently exist.

As an example, the adopted guidelines regarding Orientation, Setbacks and Character reflect the newly proposed policies.

The new proposed policy 9.1.2.4 states,

“9.1.2.4

- a) All new dwellings shall front and address a public street.
- c) Private laneways or driveways shall not be used to provide frontage for residential dwellings.”

The adopted guidelines under Orientation, Setbacks and Character as described in the consultant report states that

“1. Townhouses should be oriented to and have their front yard on a public street; alternatively, they may front a public park. Private driveways or laneways should not be used to provide frontage for townhouses either flanking the street or located at the rear of dwellings fronting the street.”

The current VOP 2010 policy 9.2.3.2, with respect to orientation simply states the following:

“9.2.3.2

- d) Townhouses shall generally front onto a public street. Townhouse blocks not fronting onto a public street are only permitted if the

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unit(s) flanking a public street provide(s) a front yard and front door entrance facing a public street.”

Clearly, the guidelines reflect more than just the existing policies and reflect/implement a combination of existing and new proposed policies.

The proposed policy and the adopted guidelines prohibit the use of private driveways or laneways to create frontage for townhouses.

The current policy under VOP 2010 does not contain such a prohibition.

There are other examples of where the guidelines require and reflect the new policies or amended policies and not just the existing policies as currently written.

The requirement that all townhouses must front a public road, coupled with the prohibition of using private laneways or driveways to provide frontage for residential dwellings effectively means that large deep lots will no longer be able to fully develop the rear portion of such lots to create a second row of development behind a first row of units facing the public street. Likewise, a form of townhouse development, being BLOCK townhouse or condominium block development, will be prohibited. It is our submission that such a policy is detrimental to good planning and the efficient use of land and services and contrary to Provincial and Regional planning policies.

Proposed policy 9.1.2.4e) makes reference to “applicable urban design guidelines”. Through this policy, the “urban design guidelines” are intended to implement the proposed policy initiatives or changes to the Official Plan. As shown, these guidelines in fact reflect not yet approved Official Plan policy changes, yet these guidelines have already been adopted by Council. Since the guidelines also prohibit the use of laneways or private driveways to create frontage for townhouse dwellings, we have the same concern as with the proposed OP policy. Proposed policy 9.2.4e) links the proposed Official Plan and the guidelines by making reference to the guidelines. Accordingly, it is our view that the adoption of the guidelines separately and prior to the final report on the proposed Official Plan Amendments was premature and that the draft Official Plan and guidelines should have been dealt with as a complete and comprehensive package.

To claim that the guidelines are based on the existing policies is, in our opinion, misleading since the changes in the Official Plan policies mirror the same language as found in the guidelines thereby confirming that the guidelines are based on the draft Official Plan amendments as well as the existing policies.

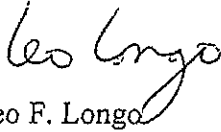
This letter confirms our client’s opposition to certain elements of the proposed Official Plan amendments and guidelines. Please notify the undersigned of any By-law passage adopting the proposed amendments and consider this letter as an objection to that By-law.

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Yours truly,

AIRD & BERLIS LLP



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