

COMMITTEE OF THE WHOLE – JULY 28, 2010

**OFFICIAL PLAN REVIEW
CITY-WIDE POLICIES
RESPONSE TO PUBLIC, GOVERNMENT AND AGENCY SUBMISSIONS
FILE 25.1**

Recommendation

The Commissioner of Planning recommends that:

1. The draft City of Vaughan Official Plan, Volume 1 (April 2010) be revised in accordance with the recommendations set out in Attachment No. 1 to this report; and the following recommendations as set out in this report, including:
 - a) Under the section “Timing of Secondary Plans in New Development Areas” the following policy be added to s. 10.1.1 “Secondary Plans” of s. 10.1 “Implementing the Plan.”

In order to achieve orderly managed growth and development within the City, as constituted through intensification within the current urban boundary area and expansion of the urban boundary area into New Community Area blocks, it is the policy of Council that the sequencing of the preparation of “Required Secondary Plans”, as shown on Schedule 14, “Areas Subject to Volume 2 Policies”, will be at the direction of Council with the proviso that the commencement of the preparation of these plans, must give priority to the Required Secondary Plan Areas, which are located within the urban boundary existing prior to the new urban boundary expansion. Further, the general principle will apply that at least three of the Required Secondary Plan Area plans should be substantially advanced before the commencement of the studies for the new community area blocks.

- b) Under the section “Required Secondary Plan Areas – Policy Regarding the Processing of Individual Development Applications” the following policy be added to s.10.1.1 “Secondary Plans” of s. 10.1 “Implementing the Plan.”

Notwithstanding the policies concerning the Required Secondary Plan Areas identified in Schedule 14, Council may permit the continuance of processing of an existing development application submitted prior to May 17, 2010 when it is demonstrated to Council’s satisfaction that the proposed development is generally compatible with the vision contemplated in the Official Plan; is significant in terms of its contribution to city-building; and that the proposal could be adversely affected because of any delay caused by having to adhere to the timing of a secondary plan process.

Upon direction by Council to staff to proceed with the processing of a development application in advance of the Secondary Plan, it will be required that the applicant attend a pre-application consultation meeting with appropriate staff at which meeting the requirements for various studies will be established, to the satisfaction of the City, to be undertaken as part of a complete application.

- c) Under the section “Supporting and Transforming the Retail Sector” the following changes be made to Policy 5.2.3.7 by deleting the second sentence and replacing with:

In addition to and in recognition of Intensification Areas and Heritage Conservation Districts which are already subject to a prohibition of drive-through facilities, it is intended that the prohibition shall also pertain to all Intensification Areas except Primary Intensification Corridors that are not Regional Corridors as identified on Schedule 1.

2. The revised version of the Official Plan proceed to Council for adoption at the Council meeting of September 7, 2010; and that the plan reflect the changes approved by Committee of the Whole at this meeting.
3. On adoption of the new Official Plan, Council also adopt a resolution specifying that all applications for official plan and zoning by-law amendments, received, between the adoption and final approval of the Plan by the Region of York, will be evaluated on the basis of both the existing and new Official Plan policies.

Contribution to Sustainability

Goal 2 of *Green Directions Vaughan*, the City’s Community Sustainability and Environmental Master Plan, focuses on the new Official Plan to “ensure sustainable development and redevelopment”. The description of Goal 2 explains the transformative vision for the new Official Plan.

Vaughan is committed to sustainable land use. Vaughan Tomorrow, our consolidated Growth Management Strategy – 2031, has a central focus on creating a cutting-edge Official Plan that will provide for increased land use densities, efficient public transit, considerations for employment lands and open space systems, as well as walkable, human scale neighbourhoods that include services, retail, and an attractive public realm. The plan will guide the creation of the physical form that will reflect a “complete” community.

While the City of Vaughan Official Plan: A Plan for Transformation most prominently implements Goal 2 of *Green Directions Vaughan* (GDV), the policies and vision of the Official Plan address key aspects of the community sustainability strategy. Key sustainability initiatives of Green Directions Vaughan that are addressed in the Official Plan are listed below.

- Demonstrating leadership through green building and urban design policies (GDV Goal 1 and Goal 5).
- Protecting green space and countryside by establishing a Natural Heritage Network and limiting urban expansion (GDV Goal 2).
- Intensification areas and corridors in 4% of the land base to promote transit and active transportation, as well as reduce commuting distances through better live-work relationships (GDV Goal 3).
- Mixed-use communities in the Vaughan Metropolitan Centre and other Primary and Local Centres, together with an emphasis on design excellence, to foster vibrant communities (GDV Goal 4).
- An overall vision and policy structure that supports implementation of Green Directions Vaughan (GDV Goal 5 and Goal 6).

Economic Impact

The draft Vaughan Official Plan establishes the planning framework for development throughout the City to 2031. The Plan, when approved will have a positive impact on the City of Vaughan in terms of managing growth and fostering employment opportunities while fulfilling the City's obligations to conform with Provincial policies and meet Regionally imposed targets for residential and employment growth.

Communications Plan

The project status, analysis and results of the Official Plan review have been communicated to the public through an extensive engagement and consultation process. The extent of public participation and communication is set out in the "Public Consultation" section of this report.

Notice of the statutory Open House and Public Meeting (Hearing) for the new Official Plan was given on April 12, 2010; and the draft Official Plan was made available for public comment on April 27, 2010. The notices were mailed to local residents that requested notification, posted on various online web pages including the City of Vaughan website, Vaughan Tomorrow, the City Page Online and the Planning Department Notice of Public Hearing(s) webpage. Notices were published in various local newspapers including the Vaughan Weekly, the Vaughan Liberal and Vaughan Citizen.

The Public Open House was held on May 3, 2010. It provided an opportunity for the public to comment on the draft Official Plan and the Public Hearing was held on May 17, 2010.

On consideration of the submissions at the May 17, 2010 Public Hearing Meeting, Committee of the Whole adopted a resolution scheduling a Special Committee of the Whole meeting for July 28, 2010, to consider a report and recommendations by the Commissioner of Planning in regard to the comments received on the draft Official Plan. This resolution was ratified by Council on June 8, 2010. On July 9, 2010 notice of this meeting was sent to all those individuals/companies that requested notification or appeared before Council in respect of the new Official Plan. The notice was also placed on the City of Vaughan web site July 7, 2010.

Purpose

To provide a follow-up technical report and recommendations from the Commissioner of Planning in regard to the comments received on the draft City of Vaughan Official Plan, Volume 1 (April 2010) emerging from the May 17, 2010 Public Hearing meeting.

Background – Analysis and Options

Location

The draft Official Plan applies to all lands within Vaughan. The final Official Plan document will be produced in two volumes. This meeting deals with comments emerging from the draft City-wide policies (Volume 1) which will generally be applicable throughout Vaughan. A separate public hearing was held on June 14, 2010, to deal with Volume 2 which will contain the secondary plans resulting from focused area studies currently being completed and existing secondary plans and site specific policies applicable to a number of areas which require detailed planning analyses and policies. Recommendations following the June 14, 2010, Committee of the Whole (Public Hearing) meeting will be presented to the Special Committee of the Whole meeting on August 31, 2010.

Official Plan Designations

The draft Official Plan introduces a set of land use designations applicable to lands throughout Vaughan. It includes an enlarged series of land use maps for each part of the City, enabling the reader to more clearly read and understand the detailed land use information presented thereon, including the maximum permitted heights and densities. More specific policies and designations are or will apply to areas identified in Volume 2, as set out in Schedule 14. This includes the retention of several previously adopted secondary plans, the focused area secondary plans (e.g. the Vaughan Metropolitan Centre plan), the required secondary plan areas, a number of site specific plans (e.g. Jane Street and & Major Mackenzie Drive) and a number of site and area specific studies.

Zoning

The provisions of Zoning By-law 1-88 will remain in effect until they are updated or replaced. Following approval of the Official Plan, it is anticipated that work will begin on the preparation of a new by-law to bring the zoning into conformity with the new Official Plan. A budget and work plan will be prepared for consideration by Council during the 2012 budget process, based on the assumption that the Official Plan will be in effect by June of 2011. The Planning Act requires that the by-law be prepared within three years of the approval of a new Official Plan.

Public Consultation

The Official Plan's innovative approach to public consultation, taken under Council direction and described below, garnered Vaughan a 2009 Award for Excellence in Communications and Public Education from the Ontario Professional Planners Institute.

The program ran throughout the Vaughan Tomorrow process and was tailored to the various stages of the program and included:

- A Speaker's Series kicked-off the consultation program, featuring invited experts speaking on a number of topics to engage and educate the public on issues of city-building;
- Five Visioning Workshops were held in each of the communities to gather citizen input into the direction that the new Official Plan should take;
- A documentary film, "A Vision for Transformation", was prepared including contributions from experts, City Council, and citizens describing the need for change and a desired future for the City. This film was shown at Vaughan Tomorrow public meetings, was sent to ratepayer associations and community groups and was screened in libraries and at other public events;
- As background reports were prepared, summaries were provided in a series of Citizens' Bulletins, providing information on the various subject areas being studied in preparation of the new Official Plan. These Citizens' Bulletins, as well as the full length reports, were available in the Civic Centre, in libraries and on the dedicated Vaughan Tomorrow website;
- The Vaughan Tomorrow website acted as a clearing house for all Growth Management related news and information, including the interactive VaughanQuest city growth simulation software, which allowed citizens to see the potential impact of many growth management decisions on the quality of life and shape of their city;
- The youth of Vaughan were also engaged with an educational package that was made available to all Public and Catholic high schools in Vaughan;
- Workshops on the Vision for Transformation were held with land industry professionals, the general public and ratepayer associations. The Vision for Transformation was also shared at smaller community events such as community dinners;

- As detailed analyses were prepared, two comprehensive open houses were held to inform the public and stakeholders of key issues and areas of discussion. At these events, representatives of all supporting studies related to the preparation of the Official Plan were on hand to share findings and solicit feedback;
- The draft Official Plan was released on April 27, 2010, on May 3, 2010 the Statutory Open House was held, followed by the Public Hearing on May 17, 2010;
- Each of the five Secondary Plans has been subject to its own separate public consultation process. Statutory Open Houses were held, one in each Ward, on April 7, 12, 14, 19 and 22. The five focused area studies have resulted in draft Secondary Plans, which were the subject of individual Public Hearings on June 14, 2010;
- Notification of all the open houses and public hearings was provided to the public via emailing, direct mailing and newspaper advertising in keeping with the notification policies of Council and the requirements of the Planning Act;
- Throughout the Official Plan process, information regarding public meetings, events, studies and reports associated with the Official Plan have been posted on the City's Growth Management web site, www.vaughantomorrow.ca.

In addition to consultation with the general public, the Official Plan was prepared through consultation with related agencies such as York Region, the School Boards, and the Toronto and Region Conservation Authority, and the City's Senior Management Team and their respective Departments, to ensure a comprehensive and integrated approach.

Council Direction

The Statutory Public Hearing was held on May 17, 2010 for the purpose of obtaining public input and comment on the draft Official Plan. A total of 54 deputations and 12 written submissions and coloured drawings were received. In response Committee of the Whole (Public Hearing) recommended:

- 1) That the following be approved:

Whereas the City of Vaughan Draft Official Plan has been presented to the public at an open house on May 3, 2010 and is the subject of a Public Hearing on May 17, 2010; and

Whereas the Official Plan process has included 43 open house meetings, speaker series and variety of public engagement events; and

Whereas the public has been informed that comments on the plan are to be submitted no later than Monday, June 7, 2010; and

Whereas it would be beneficial to allow the public more time to comment on the plan, and for the Planning Department to have more time to give appropriate consideration to the comments received from the public;

Be it resolved that the final date for receipt of comments from the public be extended to June 14, 2010, and that a Special Committee of the Whole meeting be held on July 28 2010, at 7:00 p.m., to consider a report and recommendations from the Commissioner of Planning having regard for comments received; and

That this resolution be forwarded to the next Council meeting for ratification of any action taken in this regard;

- 2) That the following report of the Commissioner of Planning, dated May 17, 2010, be received;

- 3) That the presentation by Mr. Pino Di Mascio, Urban Strategies Inc., 197 Spadina Avenue, Suite 600, Toronto, M5T 2C8, and presentation material, be received;
- 4) That the following deputations, written submissions and coloured drawings, be received:

(A total of 54 deputations and 12 written submissions)

This recommendation was ratified by Council on June 8, 2010. This report was prepared in response to the direction provided in 1) above.

Period for Accepting Comment

The draft Official Plan was made available for public comment on April 27, 2010 and Council, through its June 8, 2010 ratification of the Committee of the Whole recommendation, set June 14, 2010 as the final date for submissions. Therefore, the primary commenting period extended from April 27 to June 14. However, staff has continued to accept submissions and have endeavoured to respond to those received before July 9, 2010. If new submissions are received they may be addressed through the Region of York's approval process.

It is recognized that there may be issues that will not be resolved to the satisfaction of some of the respondents prior to the City's adoption of the new Official Plan. This may result in appeals, which may ultimately have to proceed to the Ontario Municipal Board for adjudication. However, post-adoption negotiation can continue during the Region of York's approval process and in advance of and during any OMB proceeding, if fruitful progress is made.

Analysis of Submissions

In analyzing the submissions and preparing recommendations a number of objectives were taken into consideration. These included maintaining the principles of the new Official Plan, ensuring continuing conformity with senior level policy direction (e.g. the Regional OP and the Places to Grow plan) and ensuring adherence to sound planning principles. In addition, meetings have been held with a number of the respondents to clarify issues and to discuss potential solutions.

Staff has reviewed approximately 200 written submissions from landowners, public agencies and governments, the development industry and citizen and interest groups in response to the April 2010 draft of Volume 1 of the new Official Plan. Some are provided in the way of comments and others request specific amendments to the plan. As such, each was considered on its merits and where necessary, recommendations have been provided on appropriate responses and actions. In addition, staff has identified areas where changes should be made to the plan. Such City initiated changes will also need to be considered and incorporated.

To ensure an efficient and thorough analysis, staff established a template for the evaluation of the submissions. The template forms the basis for Attachment No. 1, which sets out the recommended responses. Also attached, forming Attachment No. 6, is the originating correspondence. Each piece of correspondence in Attachment No. 6 is referenced by an item number to correspond with the response in Attachment No. 1 to allow for a detailed review of the source material.

The Review Template

The responses in Attachment No. 1 are presented in tabular form in the following manner:

- **Part A:** An **Index of Correspondence** for Parts B and C identifying each respondent by way of an Item number, date of originating correspondence and name of respondent and subject/location;

- **Part B: The Summary of Respondents' Requests/Concerns and Staff Comments and Recommendations;**
- **Part C: City Departmental Requests/Comments.** The requests from the City Departments will be incorporated, as required, into the draft Official Plan during its finalization.
- **Part D: Mapping and Recommended Changes**

The tables comprising Parts B, C and D contain the following:

- The **Item** number corresponding to the number in the Index of Correspondence in Part A;
- The **Submission** date and proponent identification;
- The **Issue** raised in the response to the draft OP as summarized by staff;
- Staff **Comment** on the submission;
- Staff **Recommendation** to Council on further action.

In applying the template the following general principles were adopted:

- Each submission has been evaluated on its merits and a response has been provided in Attachment No. 1;
- Where there are multiple submissions pertaining to one property/properties or issue/issues from a **single** person, firm or agent they may be grouped for the purposes of providing a single response (e.g. two submissions sent by an agent pertaining to a single property); and
- Where there are multiple submissions pertaining to one property/properties or issue/issues from **more than one** person, firm or agent they may be grouped for convenience or have a single response.

Attachment No. 6 has been prepared to allow for public review of the originating correspondence, which forms the basis for the summarized "Issues" in Attachment No. 1. The summary of the issues is the City staff synopsis of the matters raised in the correspondence. Attachment No. 6 will allow the reader access to the respondent's complete submission.

Due to the length of Attachment No. 6, it is not included as part of the printed agenda. An electronic version of Attachment No. 6 is available on the City's website at www.vaughantomorrow.ca and a printed copy has been placed in the City Clerk's Department for public review. Digital or hardcopy versions of Attachment No. 6 have been provided to the Mayor and the Members of Council.

Attachments No. 1 through 6 to this report will form part of the public record of comments received on the draft Volume 1 of the City of Vaughan Official Plan and will be forwarded to the Regional Municipality of York as part of the approval process under the *Planning Act*.

Submissions Received

Approximately 200 written submissions have been received in respect of Volume 1. The majority of the respondents identified concerns about how the policies and land use designations affect specific properties. Other responses pertain to general policy issues from the public and responses have been received from various government bodies and public agencies.

Key Policy Areas – Overview of Recommendations

Many of the responses received address key policy areas that are fundamental to the plan. Each response is treated individually in Attachment No. 1. However, a number of the important policy issues are identified below along with an overview of staff's recommended approach.

Urban Boundary Expansion

At the Public Hearing on May 17, 2010 respecting Volume 1 of the Official Plan, some deputants expressed concerns about the urban expansion areas (Blocks 27 & 41) being proposed by the new Official Plan. The concerns ranged from, but not limited to, questioning the need for the urban expansion areas, preserving prime agricultural lands, the need for additional supporting studies and documentation including an economic impact study and a more detailed natural heritage analysis, accommodating intensification within the existing urban boundaries and conformity with the Growth Plan.

The work undertaken by Hemson Consulting and Urban Strategies Inc. concluded that approximately 85% of the City's forecast housing demand to 2031 can be accommodated within the existing urban area. This is based on 45% of new housing demand within the existing urban boundary being accommodated through intensification. The remaining 15% could be met through a combination of the following options:

- a. Additional intensification within the built boundary;
- b. Additional development within the designated greenfield area;
- c. An urban boundary expansion; and.
- d. A combination of some or all of the above.

The major growth management challenge has been to balance the need to improve the liveability and economy of the community, while still meeting the goals of the Growth Plan and the Regional Plan. The evaluation of these options has led to the conclusion that a moderate urban boundary expansion is the appropriate means to address the City's forecast long- term land requirements, for the following reasons:

- a. The identified intensification opportunities being reflected in the draft Official Plan will satisfy the Region's requirement that 45% of forecast future housing units within the Built Boundary will be through intensification, and will exceed the Growth Plan's policy directive of 40%;
- b. Reliance on intensification to address all of the City's forecast future housing needs is unrealistic given evidence of market preferences and demand for ground related housing types;
- c. Excessively restricting the availability of lands for lower density housing may result in inflated land and housing prices, creating affordability concerns as well as encouraging sprawl in other areas of the Region less appropriate to accommodate it;
- d. Minimal opportunity exists to achieve additional development within existing designated Greenfield areas as planning approvals are already in place for nearly all such lands, and most are already in the process of development; and
- e. A modest amount of urban expansion will supplement the remaining supply of Greenfield area and provide for balance in the housing market.

In considering the City's options for urban expansion to address the need for 480 hectares of community land, Urban Strategies examined the remaining 'white-belt' areas within Vaughan (recognizing that lands subject to the Oak Ridges Moraine Act and the Provincial Greenbelt does not permit significant urban development). The 'white-belt' options are quite constrained within Vaughan, being limited primarily to lands east and west of Highway 400 north of Teston Road, and lands east of Highway 50 north of the Vaughan Enterprise Zone north of Nashville Road.

To address the City's needs for community lands, the most logical location for urban expansion are the blocks east and west of the Highway 400 North lands, in Blocks 27 and 41 respectively.

Both blocks are contiguous with approved residential development in the communities of Maple and Vellore, and municipal services can readily be provided. Both blocks have a significant amount of developable land unconstrained by the Oak Ridges Moraine and Greenbelt and together provide sufficient opportunity to satisfy the identified need for community lands. Other remaining rural blocks in Vaughan are further removed from existing development and their developable lands are too fragmented, difficult to service, and limited in area to address the City's requirements. The draft Official Plan identifies both blocks for urban expansion and development, subject to completion of secondary plans. These areas will be required to achieve the Regional minimum average density requirements of 20 residential units per hectare and 70 residents and jobs per hectare, consistent with the Provincial Growth Plan and Regional Official Plan. The Official Plan also establishes a comprehensive set of policies to create complete communities with a range of residential densities and a mix of land uses in keeping with Provincial and Regional initiatives.

The approach taken to the proposed urban expansion areas conforms with the Growth Plan and staff is satisfied that all the necessary studies and background work has been completed to support their inclusion in the new Official Plan.

The Region of York has initiated Official Plan Amendment No. 2 to the Regional Official Plan for the purposes of designating two new urban expansion areas in Vaughan. The City's Official Plan must conform to the Regional Plan.

Requirement for a Financial Impact Analysis for an Official Plan

While the Province does not require a financial impact analysis for the preparation of an Official Plan; under the Growth Plan, it must be demonstrated that the existing and planned infrastructure required to accommodate the proposed expansion will be provided in a financially sustainable manner. The expansion areas represent a logical and sequential extension of the existing infrastructure. The cost of extending the infrastructure to accommodate growth in the new urban expansion areas will be borne by new development. The Development Charges Act provides the mechanism for the front-ending and recovery of growth related costs from development.

Notwithstanding, there is no Provincial requirement for a financial analysis, staff met to assess when a financial analysis may be beneficial. Based on these discussions, a financial analysis may be beneficial when certain significant policy decisions are contemplated during the review of an Official Plan. For example these could include a decision to significantly change development densities or intensify growth beyond what is mandated, a significant change in residential to non-residential development mix is planned, and/or significant new or enhanced service levels are proposed. The Official Plan does not specifically change service levels provided by the City. The impact of changes to services levels would be prioritized and the financial impact determined as part of master plans.

At the Public Hearing on May 17, 2010 deputants stated that an economic analysis is required in support of the new Official Plan. It was also stated that urban expansion is costly for a municipality and will result in increased property taxes.

The City has prepared its Official Plan to meet the mandated Growth Plan targets (density) established by the Province and the Region of York. Given that the growth targets are mandated, and the City has no ability to change the population and density targets, a financial analysis is not warranted.

The urban boundary expansion being proposed is not significant in the context of the existing and potential development contemplated by the draft Official Plan. It is anticipated that the policies of the new Official Plan will maintain the existing residential to non-residential development mix and therefore, not result in a significant fiscal impact relating to a shifting of proportions.

Staff plan to begin the process to update the City's Development Charge Background Study and By-law early in 2011 and will be incorporating information from master plans into this review. The Development Charge Background Study and By-law will identify the growth related cost of new capital infrastructure. Many of the City's services are determined on a per capita basis and therefore not directly affected by an urban boundary expansion. The Official Plan must be updated every five years, and the financing plan set out in the Development Charge Background Study must be updated at least every five years. In addition, the City will continue to monitor the financial impact of the master plans over time.

Growth-related infrastructure costs for the urban expansion area included in the updated Development Charge Background Study and By-law will be paid by new development through development charges. As noted previously in this report, the expansion area is contiguous with approved residential development, therefore services can readily be provided. The higher than traditional density levels proposed in the expansion areas will result in efficient use of infrastructure and efficient delivery of services.

Timing of Secondary Plans in New Development Areas

It is the intent of this Official Plan that growth and development proceed in an orderly and sequential manner. Emphasis is given to intensification as a cornerstone for the majority of future growth in the City. This key principle is in conformity with the Provincial Policy Statement, Places to Grow and the Regional Official Plan.

While intensification will accommodate the majority of new growth, it is also important to acknowledge that a variety of housing forms will still be required to provide the necessary range of housing choices. Some of this housing will need to be accommodated in the urban expansion areas in future years, subject to the density requirements expressed in this Plan and the Regional Plan.

To support the primacy of intensification and a commitment to orderly growth and managed growth, the draft Official Plan contains phasing policies required to be addressed through the Block Plan process. This will follow the formulation of secondary plan policies that are required to meet comprehensive criteria addressing complete communities and this will apply to the proposed urban expansion blocks and other areas.

To reinforce the Plan's strong commitment to orderly and managed growth, and to reinforce the commitment to intensification within the existing urban boundary, it is recommended that the following policy be added to s. 10.1.1 "Secondary Plans" of s. 10.1 "Implementing the Plan". This policy will ensure that planning priority will be given to the preparation of secondary plans which pertain to areas which are targeted for intensification, as shown as "Required Secondary Plan Areas" on Schedule 14.

Recommended Policy

In order to achieve orderly managed growth and development within the City, as constituted through intensification within the current urban boundary area and expansion of the urban boundary area into New Community Area blocks, it is the policy of Council that the sequencing of the preparation of "Required Secondary Plans", as shown on Schedule 14, "Areas Subject to Volume 2 Policies", will be at the direction of Council with the proviso that the commencement of the preparation of these plans, must give priority to the Required Secondary Plan Areas, which are located within the urban boundary existing prior to the new urban boundary expansion. Further, the general principle will apply that at least three of the Required Secondary Plan Area plans should be

substantially advanced before the commencement of the studies for the new community area blocks.

Required Secondary Plan Areas – Policy Regarding the Processing of Individual Development Applications

Schedule 14 identifies seven areas as “Required Secondary Plan Areas”. It is the intention that secondary plans be prepared for these areas for inclusion in Volume 2 of the new Official Plan. The objective is to achieve comprehensive development for these areas. However, there may be instances where it is appropriate for an individual development application to proceed before the preparation of the secondary plan. This should only apply to applications submitted before May 17, 2010. Authority to proceed would be at the direction of Council and in accordance with evaluation criteria set out in the new Official Plan. Therefore, it is recommended that the following policy be added to s.10.1.1 “Secondary Plans” of s. 10.1 “Implementing the Plan.”

Recommended Policy

Notwithstanding the policies concerning the Required Secondary Plan Areas identified in Schedule 14, Council may permit the continuance of processing of an existing development application submitted prior to May 17, 2010 when it is demonstrated to Council's satisfaction that the proposed development is compatible with the vision contemplated in the Official Plan; is significant in terms of its contribution to city-building; and that the proposal could be adversely affected because of any delay caused by having to adhere to the timing of a secondary plan process.

Upon direction by Council to staff to proceed with the processing of a development application in advance of the Secondary Plan, it will be required that the applicant attend a pre-application consultation meeting with appropriate staff at which meeting the requirements for various studies will be established, to the satisfaction of the City, to be undertaken as part of a complete application.

The GTA West Corridor Individual Environmental Assessment (I.E.A)

The Ministry of Transportation is currently conducting an Individual Environmental Assessment to establish future transportation infrastructure needs to 2031 within a study area that extends from Highway No. 400 to Guelph. The IEA will identify measures that will provide better linkages to the Urban Growth Centres in the Provincial Growth Plan (Places to Grow), between Downtown Guelph and the Vaughan Metropolitan Centre. It is currently at the system planning stage, which will lead to a transportation development strategy.

The study has identified the need for a new transportation corridor that will extend west from Highway No. 400, among other measures. The alignment has not been defined as yet but it is expected to be in the north part of Vaughan. The Region of York, in its comments, has identified the need to include policies in the new Official Plan, which will protect these areas from development until the alignment has been determined. This will affect future development in the City including the OPA 637 area (The Highway 400 North Employment Lands) and possibly other lands including the Block 41 New Community Area, bounded by Pine Valley Drive, Teston Road, Weston Road and Kirby Road.

More complete information will emerge as the study evolves. The necessary policy adjustments in the plan will be developed in consultation with the Region of York.

Natural Heritage Issues

Issues raised in the public comments regarding the environmental policies in Chapter 3 of the Official Plan relate largely to mapping items and the policies regarding the Core Features and

Enhancement Areas that comprise the Natural Heritage Network. Corrections to the Natural Heritage Network map will be made to reflect recent planning approvals. Policies regarding Core Features will be revised to allow for minor modification of the boundaries based on appropriate site-specific evaluations. Policies regarding Enhancement Areas will be revised to emphasize that there is an underlying land use designation, but that these areas identify opportunities to improve connectivity of the Natural Heritage Network. The policies will direct that appropriate ecological evaluations be undertaken to determine whether portions of Enhancement Areas can be designated as Core Features or other open space designations, as appropriate. Other minor changes to the environmental policies will be made to provide clarity and overall consistency regarding implementation through the development approvals process.

The recommended changes will be incorporated into Section 3.1 "Environmental Management" of the plan. The specific references and policies are set out in Attachment No. 1 under Item No. 19B.

Religious Institutions

The City has been reviewing its current official plan policies and By-law 1-88 standards governing the location and development of places of worship and religious assembly. The intent of the review is to determine if the current policies and standards are appropriate and to advise Council on any necessary changes. A public hearing was held on June 1, 2010. A number of important issues were raised which will require more review and further public input. Concurrently, the public hearing process was underway for the new Official Plan and the City is also in receipt of comments on the policies governing places of worship in the draft plan.

In consideration, Council adopted a resolution on June 29, 2010 calling for a more extensive public consultation process, further research and a more extensive evaluation of public input; and that current official plan policies and zoning provisions, remain applicable until new City-wide official plan policies are approved. As such, policies governing Places of Worship will be removed from the draft Volume 1 of the new Official Plan s. 9.2.1.9 e) and in s. 10.2.2.1, "Definitions" pending the outcome of the review. Language will be inserted in s. 9.2.1.9 e), which will provide that the current official plan and zoning standards will continue to apply until the completion of the aforementioned studies.

In accordance with Council direction, these changes are provided for in Attachment No. 1 under Item No. 21.

Gas Stations and Drive-Through Facilities

Concerns have been raised by the fast food and petroleum industry in regard to the proposed policies affecting drive-throughs that will prohibit them in Intensification Areas designated by the draft Official Plan. New larger format gasoline stations are now typically adding ancillary drive-through facilities that are associated with a gasoline station's retail component. The petroleum industry is concerned that this will affect their new "one-stop-shopping" business model. Although gasoline stations are permitted along arterials within Intensification Areas, their drive-through component would not be. Existing gasoline stations and retail businesses with drive-through facilities will be permitted to remain as legal non-compliant under the new Official Plan.

The Committee of the Whole Report, "City of Vaughan Improvement and Potential Regulation of Drive-Through Facilities" dated January 25, 2010, that has informed drive-through policies within the draft Official Plan. The report proposed a three-pronged approach to addressing the impact of drive-throughs on the City in the context of the broader goal of intensification. This is a main objective of the new draft Official Plan consistent with Provincial and Regional policy directives. The approach includes Official Plan policy changes along with enhanced Zoning By-laws and Urban Design Guidelines.

While existing drive-through uses and gasoline stations will be permitted to remain as legal non-compliant, it is necessary to curb the further proliferation of drive-throughs and car-dependent uses such as gasoline stations. They have the capability to erode the public realm and indirectly inhibit Vaughan's evolution to a more pedestrian-friendly, transit-supportive compact mixed-use urban form. It may be argued that drive-throughs are both a cause and effect of urban sprawl and that drive-throughs may indeed be an effective response to consumer service delivery in a low density environment; however, if steps are not taken to contain them in strategic Intensification Areas that represent a fraction of Vaughan's land area, intensification will not take root.

The proposed drive-through policy in Volume 1 of the draft City of Vaughan Official Plan is consistent with existing City policies in the Maple, Thornhill, Kleinburg-Nashville, Woodbridge heritage conservation districts, Carrville and Vellore district centres and the Steeles West secondary plan area. Drive-through facilities are not permitted in these areas where a pedestrian oriented and compact built form is promoted.

The draft Official Plan continues this prohibition of drive-through uses in Vaughan Metropolitan Centre and in three (3) other intensification centres and along intensification corridors through Highway 7, Bathurst Street, Rutherford Road, Yonge Street, Jane Street, Centre Street and Major Mackenzie Drive. The policy does not prohibit drive-throughs in other areas of the City.

The policy is part of a coordinated City and Regional approach that includes a review and reduction of parking standards, a new approach to city building and place making and investments in higher order transit.

The objective is to create environments where car dependence is reduced by promoting transit and pedestrian and cyclist friendly alternatives envisioned by Places to Grow (2005) that would transform the City into a more sustainable form. In order to address unique conditions within Vaughan, it is necessary to establish such policies within the Official Plan.

In recognition of the concerns of businesses whose retail activities include drive-through facilities, a modification to the prohibition of drive-throughs in intensification areas is proposed. The change in policy recognizes that some of the local Intensification Corridors also perform a linking arterial function where lower intensity, single-use development is permitted. Provided that developments with associated drive-through facilities adhere to the urban design objectives, they may be permitted on local Primary Intensification Corridors but not Regional Primary Intensification Corridors as shown on Schedule 1 of the draft Official Plan.

Recommended Policy

The following addition is recommended after the first sentence in Policy 5.2.3.7:

In addition to and in recognition of Intensification Areas and Heritage Conservation Districts which are already subject to a prohibition of drive-through facilities, it is intended that the prohibition shall also pertain to all Intensification Areas except Primary Intensification Corridors that are not Regional Corridors as identified on Schedule 1.

Recognition of Existing, Pending and Required Secondary Plans and Site and Area Specific Policies: Volume 2

It is intended that the new Official Plan provide the planning framework for the City to the year 2031. As such, the existing planning policies will be superseded by the new Plan. However, the new Official Plan will also need to recognize a limited number of existing and pending approvals, which are recent or anticipated. They have been or will be developed from area specific land use studies or resulted from the processing of site specific development applications.

The intent of Section 10 and Schedule 14 of Volume 1 is to identify where area specific secondary plans and site specific amendments will continue to apply. Schedule 14 identifies four separate categories of existing and pending OP approvals that will be recognized in the new Official Plan. The area and site specific policies are intended to provide more direction than what is provided in Volume 1. The more specific policies will be continued and be incorporated into Volume 2. Where the policies of Volume 1 conflict with the policies of Volume 2, the Volume 2 policies shall prevail. The four categories include:

- Secondary Plan Areas (e.g. Steeles West – OPA 620)
- Secondary Plan Areas To Be Approved (e.g. – The Focussed Area Studies like the VMC Secondary Plan)
- Required Secondary Plan Areas (e.g. Jane St. – Major Mackenzie Dr.)
- Site and Area Specific Policies (e.g. Kleinburg Core)

This will ensure that special circumstances will continue to be recognized in the new Official Plan.

Response from the Regional Municipality of York

The Region of York has responded to the City's request for comment on the April 2010 draft of Volume 1 of the new Official Plan. The Region has focused its comments on the protection of Regional and Provincial interests such as the Provincial Plans (e.g. Places to Grow) and the newly adopted Official Plan and the supporting Master Plans. The Region expressed its satisfaction with both the draft document and the collaborative process used in developing the plan as it maintains the vision, goals and objectives of the recent Provincial and Regional growth management measures.

The Region has identified a number of minor text and mapping changes which are being taken into consideration in the finalization of the plan. Substantive issues requiring attention include:

- Recognition that the Primary Intensification Corridors in the draft Official Plan are composed of Regional Primary Intensification Corridors (e.g. Highway 7 and Yonge Street) and Local Primary Intensification Corridors (e.g. Jane Street).
- Adjust the 2031 population projection from 418,800 to 416,600.
- The Region is recommending that a phasing and sequencing strategy be put in place. This is discussed further in the "Timing of Secondary Plans in New Development Areas" section of this report.
- To protect against the conversion of Employment land to non-Employment uses the Region is recommending that the Growth Plan criteria for permitting employment land conversions be included in the plan and that the plan state that applications for employment land conversions that are not part the municipal five-year comprehensive review are not appealable to the OMB for a refusal or non-decision.
- To ensure conformity with the Provincial Greenbelt and Oak Ridges Moraine plan a number of clarifications to the plan have been requested.
- Inclusion of a policy in Chapter 4 that provides for the protection of the Highway 427 and GTA West Transportation Corridors from the use and development of lands that may have an impact on potential alignments.
- Delete from Schedule 10 – Transit Network, the conceptual extension of the Spadina Subway northward along Jane Street from the VMC Station.
- Revise Schedule 10 to identify Rutherford Road as a "Regional Transit Priority Network" and not as "Regional Rapid Transit Priority Network".

The changes recommended by the Region of York are set out in Attachment No. 1 under Item No. 184. Staff will be working with the Region to finalize the form of the policy adjustments.

Approach to the Transition Period: Post-Adoption – Pre-Approval

In the period between the adoption of the new Official Plan and its approval, by the Region, the City will be operating with the old official plan policies still in full force. It is possible that applications to amend the existing Official Plan and Zoning By-law 1-88 will be received in this period. In evaluating these applications staff will take their conformity to the new Official Plan into consideration. The objective is to bring any such amendments into conformity with the intent of the new Official Plan. While not in force the new OP will represent the City's most contemporary expression of planning principles, which was developed over a three year period involving extensive study and public consultation. As such, they will warrant consideration in the review of the applications. This will help to ensure that the integrity of the new plan is maintained during the transition period.

It is recommended that, on adoption of the new Official Plan, Council also adopt a resolution specifying that all applications for official plan and zoning by-law amendments, received, between the adoption and final approval of the Plan by the Region of York, will be evaluated on the basis of both the existing and new Official Plan policies.

This will clearly set out the City's intention when dealing with applications received during the transitional period.

Staff Review – Amendments to Text and Mapping

On-going staff review of the Plan will continue in the period leading up to its anticipated adoption by Council on September 7, 2010. This review will include work required to further public, City, and government and agency comments identified on Attachment 1 that may arise after this meeting. Also, changes addressing issues pertaining to the style and formatting of the document may be made as necessary.

The comments received from the City Departments, other governments and agencies as outlined on Attachment 1 have not received specific itemized recommendations in a manner similar to the external submissions. The "Recommendation" column makes reference to the "Issues" column of Attachment 1 to identify the recommended amendments to the plan. A separate list is provided (Part D of Attachment 1), which itemizes each of the proposed mapping changes to the Schedules of the Official Plan resulting from the analysis of each response and continued staff review. Leading up to the anticipated adoption of the Plan, further amendments (text and mapping) may be initiated which respond to Council direction from this Committee of the Whole Meeting.

In addition, the Schedules of Volume 1 of the Plan will be amended to reflect the Council approved Secondary Plans for the Vaughan Metropolitan Centre, Yonge Street Corridor, Woodbridge Focused Area, Kleinburg-Nashville Focused Area, West Vaughan Employment Area and the Jane St. & Major Mackenzie Dr./Healthcare Campus)

Relationship to Vaughan Vision 2020

The new Official Plan is addressed under the objective "Plan and Manage Growth & Economic Vitality", including the following specific initiatives:

- Complete and implement the Growth Management Strategy (Vaughan Tomorrow);
- Conduct the 5-year comprehensive review of the Official Plan as part of the Growth Management Strategy 2031;
- Support and coordinate land use planning for high capacity transit at strategic locations in the City;
- Review the Vaughan Corporate Centre Vision; and

- Prepare an employment area plan for the Vaughan Enterprise Zone and employment lands.

Regional Implications

The new Official Plan has been prepared in consultation with Region of York staff and is in conformity with the Region's Official Plan. The Plan relies on the population and employment forecasts of the Regional Official Plan, which was adopted in December 2009. The Regional OP is currently awaiting approval by the Province. The City's Official Plan has been designed to conform to the Regional Official Plan. As the approval authority for the Vaughan Official Plan, this report will be forwarded to the Region on adoption of the plan by the City.

Next Steps

The changes to the April 2010 draft of the Official Plan (Volume 1) directed by Committee of the Whole as a result of this report will be ratified on September 7, 2010. In the interim, the plan will be revised to incorporate these revisions. This will allow Council to consider the adoption of the draft Official Plan at the September 7 meeting. Any further changes resulting from continuing review or issue resolution will be reported on September 7 by way of an Additional Information item.

As noted, the Official Plan is composed of two volumes. Volume 1 will include the City-wide policies. Volume 2 includes the site specific secondary plans that were presented at the June 14, 2010 public hearing. The technical reports on the secondary plans will be brought forward to the August 31, 2010 Committee of the Whole meeting. Council will consider their adoption at its September 7 meeting. This will include the following plans: The Vaughan Metropolitan Centre; the Yonge Street Corridor, the Woodbridge Focused Area, the Kleinburg-Nashville Focused Area and the West Vaughan Employment Area.

Conclusion

The draft Vaughan Official Plan (Volume 1) was made available for public review on April 27, 2010. This was followed by a statutory Public Open House on May 3, 2010 and a statutory Public Hearing on May 17, 2010. On May 17, Committee of the Whole received the deputations and submissions from the public hearing, established June 14 as the final date for the receipt of public comments on the plan and scheduled this Committee of the Whole meeting (July 28) to consider a report and recommendations having regard for the comments received. Staff has continued to address submissions received up to July 9, 2010.

Approximately 200 submissions were received from private citizens/landowners, development interests, interest groups and governments and public agencies. The submissions have been analyzed and where appropriate, recommendations have been developed to respond to the identified issues. These are set out in detail in Attachment No. 1. The approach taken to some of the key policy areas have been highlighted above.

Based on the submissions, the overall direction and content of the plan is not a matter of contention. Requests for changes to the plan were primarily focussed on specific areas of policy or specific lands which may be impacted by a policy or a land use designation(s). Each request for a change was considered on its merit taking into consideration the principles of the new Official Plan, the need to ensure continuing conformity with senior level policy direction (e.g. the Regional OP and the *Places to Grow* plan) and adherence to sound planning principles.

It is recognized that there may be issues that will not be resolved to the satisfaction of some of the respondents prior to the City's adoption of the new Official Plan. This may result in appeals, which may ultimately have to proceed to the Ontario Municipal Board for adjudication. However,

post-adoption negotiation can continue during the Region of York's approval process and in advance and during any OMB proceeding if fruitful progress is made.

Therefore it is recommended that the draft City of Vaughan Official Plan, Volume 1 (April 2010) be modified in accordance with the recommendations contained in this report. It is further recommended that that staff proceed with revisions to the plan, incorporating the changes recommended herein and that the revised plan proceed to Council for adoption at its September 7, 2010 meeting.

Attachments

1. Summary of Submissions, Staff Comments and Recommendations: Draft City of Vaughan Official Plan (Volume 1), April 2010.
2. Schedule 1, "Urban Structure", draft Official Plan (April 2010).
3. Schedule 13, "Land Use Designations", draft Official Plan (April 2010).
4. Schedule 14, "Areas Subject to Volume 2 Policies", draft Official Plan (April 2010).
5. Proposed Employment Land Conversion Map.
6. Correspondence Pertaining to the Draft City of Vaughan Official Plan (Volume 1), April 2010 (Mayor and Members of Council ONLY).

Report prepared by:

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Respectfully submitted,

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