

HUMPHRIES PLANNING GROUP INC.

October 31, 2016
HPGI: 16465

C 12
COMMUNICATION
CW (PH) - <u>Nov 1/16</u>
ITEM - <u>2</u>

Clerks Department
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Attn: Mr. Jeff Abrams
Clerk

Re: Committee of the Whole Public Meeting November 1 2016
Item #2 - Community Area Policy Review
Low-Rise Residential Designations
Amendments to the Vaughan Official Plan 2010
File 15.120.1

Humphries Planning Group represents Marlin Spring Investments. We have reviewed the staff report for the above noted matter and note that many of our previous stated concerns outlined in correspondence to the City of Vaughan dated September 30, 2016 have not been addressed. Despite the fact that the staff report states that the guidelines are not operative/ non-statutory to the VOP 2010 amendments, they are still intended to be used for interpretation purposes and by default will be utilized as if they were statutory. The guidelines and proposed policies make no allowance for site specific circumstances as related to compliance resulting in the mandatory filing of Official Plan Amendments for situations wherein such should not be required. A degree of tolerance/ discretion should be provided. We enclose our previous correspondence illustrating this concern.

Yours truly
HUMPHRIES PLANNING GROUP INC.


Rosemarie L. Humphries BA, MCIP RPP
President

cc. Mayor and Members of Council
Mr. John Mackenzie
Client

216 Chrislea Road
Suite 103
Vaughan ON
L4L 8S5

T 905-264-7678
F 905-264-8073

www.humphriesplanning.com
~ Do Something Good Everyday! ~

HUMPHRIES PLANNING GROUP INC.

September 30th, 2016

Clerks Department
City of Vaughan
2141 Major Mackenzie Dr.
Vaughan, ON
L6A 1T1

Attn: Mayor and Members of Council

Re: October 5th 2016 Committee of the Whole – Item 9
Urban Design Guidelines for infill development in established low-rise residential neighbourhoods
City File 15.120.2

Humphries Planning Group Inc. (HPGI) represents Marlin Spring Investments. On behalf of Marlin Spring Investments, HPGI has evaluated the "Draft Design Guidelines for Infill Development in Established Low-Rise Residential Neighbourhoods" (the Draft UDGs). It is HPGI's opinion that as currently proposed the Draft UDGs are not appropriate for approval as they represent a 'one size fits all' approach, which, although appropriate in some contexts, is not appropriate for every infill development circumstance in the City of Vaughan.

Design guidelines are intended to present a series of performance standards which are generally desirable for development. It is reasonable to expect that a proposed development in site specific circumstances should be able to vary from guidelines where the proposed development is able to demonstrate that the overall intent of the guidelines are maintained and/or certain aspects of the guidelines are just not applicable as found on a case by case basis. The proposed guidelines should incorporate some degree of flexibility in the planning process, as no policy document can adequately anticipate and provide appropriate policy for every possible site specific context. The Staff Recommendation Report prepared in support of the Draft UDGs on the other hand indicates that once approved, any variation from the policies of the Draft UDGs would result in the need for an Official Plan Amendment Application (emphasis added):

"Land Use Permissions

The Low-Rise Residential designation permits single detached, semi-detached and townhouse dwellings. In considering infill developments of this nature, all applications need to be evaluated through a set of design policies to assess their conformity with the intent of the Plan. Should they not fulfill the intent, then an

216 Chrislea Road
Suite 103
Vaughan, ON
L4L 8S5

T 905-264-7678
F 905-264-8073

www.humphriesplanning.com

~ Do Something Good Everyday! ~

amendment to the Official Plan would be necessary. The Guidelines would serve to confirm the expectations of the Plan."

The draft UDGs are being presented as 'guidelines' for development, operatively it would be akin to Official Plan Policy, and any variation from them would require an Amendment to the Official Plan. This will result in a number of unnecessary Official Plan Amendment Applications in order to support development proposals which simply seek to address site specific conditions not anticipated by the Draft UDGs.

As part of our review of the staff report and proposed guidelines we wish to note/demonstrate several examples of where non compliance with the proposed guidelines would still meet the intent of the guidelines but would require an Official Plan amendment because the guidelines would not be met in all aspects as noted below:

- i) For example, the Draft Townhouse Infill Guidelines (part of the Draft UDGs) only consider a specific context for infill townhouse development; a context where the development site is surrounded by existing residential development on all sides. This results in guidelines such as 1.5m buffer to side yards and the 3m buffer to rear yards. However, these guidelines may not be appropriate if a site abuts an open space area of the Natural Heritage Network wherein rear yards would be desirable rather than a rear laneway with garages.
- ii) Similarly, the Draft Townhouse Infill Guidelines also only consider one type of development lot, one which is relatively deep and therefore can accommodate units with a minimum depth of 12m and also provide for a 12m setback to a rear lane, a 6m rear lane, and a 3m buffer from that lane to adjacent properties. While these prescriptive guidelines for depth and rear yard setback may be appropriate in a number of scenarios, lotting fabric along arterial roads is not consistent, and it is likely that several lots will not be able to meet these specific guidelines. However, that should not preclude creative designs which accomplish the goals of the Official Plan and provide an appropriate transition to adjacent lands/Low-Rise Development.

The fact that design guidelines require a degree of flexibility when being applied is even recognized within the Draft UDGs, which note that (emphasis added):

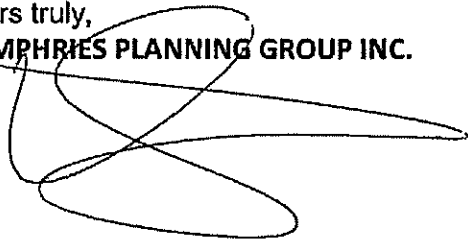
"While all infill projects in Vaughan's established Community Areas should respect these guidelines, since many infill developments are unique, not all of the design guidelines listed in this document will apply or be appropriate in every infill situation. Exceptions to the guidelines may be considered by City staff to be acceptable and will not require Council approval. Where an exception is proposed, however, the applicant will be required to demonstrate that the guideline cannot be satisfied given the conditions of the site, and that the

exception will not prevent the development from meeting the intent of the Official Plan."

However, despite this wording, as noted above, it would appear that staff expect the Draft UDGs to be read as prescriptive Official Plan policy which cannot be varied from without an Official Plan Amendment. As such HPGI, on behalf of Marlin Spring Investments, objects to the approval of the Draft Design Guidelines for Infill Development in Established Low-Rise Residential Neighbourhoods as recommended by staff in their current form and request that the matter be deferred. We further request that council consider establishing a policy framework that would exempt development applications on a site by site basis from having to apply for unnecessary Official Plan Amendment applications where it is demonstrated that guidelines which cannot be met is the result of site specific circumstances.

We continue to remain interested in this matter and request notification of any decisions.

Yours truly,
HUMPHRIES PLANNING GROUP INC.

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Rosemarie L. Humphries BA, MCIP, RPP
President

cc. James Stevenson, Marlin Spring Investments
Kyle Fearon, Vaughan Policy Planning & Environmental Sustainability