
From: john zipay <jjzipay@hotmail.com>
Sent: October-25-16 1:51 PM
To: Clerks@vaughan.ca
Subject: Fw: Low-Rise Policy Review Letter
Attachments: Mayor Bevelaqua and Members of Council, October 2016.pdf; Townhouse Guidelines Review.pdf

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COMMUNICATION
CW (PH) - NOVEMBER 1 / 2016
ITEM - 2

Please forward these documents to the Mayor and members of City Council and the Deputy City Manager of Planning for the Nov 1 public hearing concerning the proposed official plan amendments for the Low Rise Residential designation. Please confirm receipt of this communication.

Thanks,
John Zipay

From: Pamela Zipay <pamelazipay@hotmail.com>
Sent: October 25, 2016 1:12 PM
To: John Zipay
Subject: Low-Rise Policy Review Letter

Sent from Outlook

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October 24, 2016

Mayor Bevelacqua and Members of Council
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario

Dear Council Members

Re: Submission Concerning The Community Area
Policy Review For Low-Rise Residential Designations

November 1, 2016 Public Meeting

The firm of John Zipay and Associates has been retained by the City Park Homes group of companies (listed at the end of this letter), a Vaughan based builder, to review the proposed policies and the related Official Plan Amendments and to provide comment, especially as the policies relate to townhouse development. I wish to note that while the public hearing is intended to consider the OPA, I have not received an actual copy of a Draft Official Plan Amendment from the City and I am uncertain as to whether a Draft Official Plan Amendment is available for review.

The comments in this report are made in the context of several current planning documents which include the City of Vaughan Official Plan, the York Region Official

Plan, the Provincial Growth Plan and the Provincial Policy Statement, all of which encourage the creation of more compact, diverse and complete communities.

As you are aware, 45% of residential growth is to be achieved through intensification within Vaughan's built-up areas. Densities, which are supportive of public transit, are encouraged along transit routes. A diversity of housing opportunities in terms of tenure, affordability, size and form are to be provided. Development should be compatible with established communities to ensure that their character is maintained. Intensification is encouraged to make more efficient use of services and public transit.

With the realization that intensification is a fact of life within the future development scenario of Vaughan as it transforms into a more compact and diverse urban structure, the challenge is to determine where intensification is appropriate and at what density.

The focus of this review is the Low-Rise Residential Designated areas within the established Community Areas. The current Official Plan clearly recognizes that townhouses, semi-detached and single family housing forms are compatible and are capable of co-existing within the community areas. After much discussion through public workshops, the City of Vaughan, through VOP2010 consciously approved an Official Plan which accepted that Low-Rise ground related housing forms should include single detached, semi-detached and townhouses as compatible forms of development that can co-exist. This Official Plan was approved with the inclusion of policies which provided guidance as to where townhouses might be appropriate and also included criteria by which to evaluate development applications.

It is appreciated that change within an established area is often a difficult thing to manage because of the expectation from many people that anything that is not the same is therefore not compatible. As planners we know that this expectation is inaccurate which is why the VOP 2010 contains a series of compatibility policies which were designed to assist in evaluating development proposals within established Community Areas. If the Planning Department is of the opinion that some of these policies require clarification, we may agree so long as the revisions or additions do not arbitrarily prohibit or have the effect of prohibiting certain residential housing forms. Clarification to help make the implementation of compatibility policies better understood

is quite different from the inclusion of policies which prohibit certain forms of townhouse development. More will be said about this aspect later.

In a broader policy context, the current Official Plan may need refinement to clearly enunciate and identify where certain forms of residential redevelopment/intensification within Low-Rise Residential Designated established Community Areas are unsuitable. It is perfectly reasonable to expect, for example, that townhouse dwellings, semi-detached dwellings and small lot single detached dwellings are not appropriate in the midst of a large lot residential estate subdivision or perhaps even within the interior of a stable community area. I am of the opinion that when presented with an inappropriate application, the current VOP 2010 contains appropriate policies to allow one to support that conclusion.

The proposed new policy 9.1.2.4 re-affirms that semi-detached and townhouse dwellings may be permitted as a limited form of intensification along arterial roads. This makes perfect sense as the positioning of these residential forms along an arterial road has numerous benefits such as:

- 1) being located on the periphery of established stable Community Areas;
- 2) having easy access to public transit;
- 3) direct access to a major road thereby avoiding through traffic to the interior of an established neighbourhood;
- 4) frequently having easier and more direct access to public and commercial services.

Having established that arterial roads are appropriate for townhouse re-development, it appears that the sub-clauses of the proposed policy are counterproductive and will only lead to more conflict between the City and the development industry. While, on the one hand, the policy explicitly recognizes that these ground related forms of relatively low density are appropriate, the sub-clauses attempt to severely restrict the amount of development and the form of that redevelopment.

For example, Proposed New Policy 9.1.2.4 states the following:

Policy 9.1.2.4 “All new dwellings shall front and address a public street to be consistent with the orientation of existing dwellings in the established neighbourhood.”

It is difficult to accept and agree with this policy given that arterial roads are often not representative of the established development within the interior of the neighbourhood. It is fair to say that arterial roads are the outside perimeter or border of the neighbourhood. Even the consultant report prepared by Urban Strategies Inc. for the City of Vaughan, dated October, 2016 appears to support this view. Consider the following statement from the report.

“The results of the analysis reveal a number of instances where the lotting and development pattern along an arterial road in a Community Area is inconsistent with the surrounding neighbourhoods on either side of the arterial road.”

Speaking of these large lots, the report further states,

“Because they are not integral parts of the established neighbourhoods, they raise questions about how the VOP 2010 Urban design and Low-Rise Residential policies that apply should be interpreted.”

The Consultant report clearly recognizes that the large lots along the arterial roads that are suitable for re-development are an anomaly and are already “inconsistent with the

surrounding neighbourhood” and further are “not integral parts of the established neighbourhoods”.

Further, the Urban Strategies Report states;

“These lots can generally accommodate townhouse developments that are not appropriate on sites internal to large-lot and medium-lot neighbourhoods because they would be of an incompatible character. That these arterial areas typically front arterial streets, where there is generally more convenient access to public transit and other services, suggests that denser forms of housing are appropriate.”

Given that the existing lots along arterial roads have been categorized by the Consultant Report as “inconsistent with the surrounding neighbourhood” and are “not integral parts of established neighbourhoods”, why does the first sub-clause of policy 9.1.2.4 require that “all new dwellings (townhouses) shall front and address a public street to be consistent with the orientation of existing dwellings in the established neighbourhood”?

It would seem that because these lots have little or no relationship with the existing community, it is by their inherent nature that an opportunity is available to be creative and imaginative in how they are developed so long as the development is compatible and not necessarily the same as the development internal to the neighbourhood. The prescribed policy is detrimental to any creative process in that it severely restricts design options for a development. By virtue of the requirement that all new dwellings shall front on a public street and address a public street, serious consequences follow:

- 1) Such a requirement eliminates common element condominiums and Block townhouse development which use private internal roads to facilitate these forms of development.

- 2) On deep lots, it would force the proponent to build a public road which would reduce the number of units that could otherwise be built with a common element or a block townhouse form of development and in some cases where a lot is deep, but not wide enough to accommodate a public road, the result could be refusal to approve the application.
- 3) The policy will increase costs and liability to the Municipality in assuming public roads that may not necessarily be required to complete a transportation network.
- 4) This policy will force the requirement for an Official Plan amendment for Block and common element townhouses. This only adds bureaucratic process and foster a public preoccupation to oppose the development thereby attempting to defeat the OPA application. We all know the NIMBY phenomenon is alive and well when it comes to the Townhouse redevelopment. This will only drive the process into a political and public quagmire which quite frankly gives the public false hope as the matter will likely proceed to an OMB hearing where the prospect of approval is very high.

Policy 9.1.2.4 c) This policy states as follows:

“Private laneways or driveways shall not be used to provide frontage for residential dwellings”.

As with policy 9.1.2.4 a) this policy also eliminates the common element and Block townhouse form without having to process an official amendment.

Since it has been concluded, through the Consultant Report, that lots fronting arterial roads are suitable for townhouse development, and that those areas are “inconsistent with the surrounding neighbourhood” and “not integral parts of established

neighbourhoods”, we question the necessity of introducing policies that have the effect of prohibiting common element and Block townhouse developments.

The impacts of these policy proposals are as follows:

- 1) The proposed official plan policies would appear to prohibit block townhouses and common element townhouses and would appear to require an Official Plan Amendment in order to proceed with such an application. For these forms of townhouse development this adds to the cost of housing through processing fees, time delay because of more processing time, and a high probability of OMB and legal costs as people object and challenge the application to the OMB causing even more delay.
- 2) There appears to be a deliberate intention to prohibit block and common element forms which limits the scope of design options for any given site. This is short sighted. All forms of townhouse development should be permitted without the necessity of an Official Plan Amendment and more appropriately development proposals should be vetted and reviewed through the site plan application process. Each site is unique and amenable to different design solutions.
- 3) The density of common element and block townhouses is generally significantly higher than with street townhouses. The proposed policies appear to favour street townhouses and appear to be designed to discourage other forms of townhouse development which will result in less diversity, less affordable and less efficient development which is contrary to Regional and Provincial policies. This is a serious consequence and defies good planning.
- 4) Policies which discourage common element condominiums and block townhouse developments are not supportive of public transit and an efficient use of public services and infrastructure. The proposed policies are flawed.

The proposed policies impose severe restrictions which are contrary to the intent of the policies in Vaughan OP2010 which encourages affordable housing and encourages a diversity of housing opportunities in respect to tenure, size and form.

Policy 9.1.2.4 b) "Parking shall be located at the rear of units or underground, accessed by a shared private laneway or driveway requiring minimal curb cuts, to minimize the impact of parking and driveways on the streetscape."

This policy, coupled with the requirement for a 7.5 metre rear yard can have a number of negative impacts.

- 1) If parking is forced underground, the cost of units and thus relative affordability is affected negatively.
- 2) Rear laneways are an appropriate method of accommodating parking for dwellings that face an arterial road. However, in some situations a flankage condition may be more appropriately oriented to the arterial road in which case rear yard parking would not be feasible. This policy fails to accommodate this potential orientation. Where a flankage condition is appropriate, the design of the flankage façade can be upgraded to be compatible with nearby development.

The options for parking and street orientation should be flexible and determined through the site plan process and not rigidly prescribed. Site plan approval can address all of the design issues.

Policy 9.1.2.4 d) addresses the requirement of yard setbacks being the same as those in the adjacent established neighbourhood and prescribes specific yard setbacks. Official Plan Policy is not the appropriate document to prescribe what should be a zoning regulation. The current Zoning By-Law contains Townhouse zones, which have prescribed yard requirements. Depending on the circumstances, yard requirements can and have been varied for specific development the result of having been vetted through the site plan review process. Any variance can be dealt with through Committee of

Adjustment or an implementing by-law based on an approved site plan as part of the development application process. A policy which prescribes strict universal yard requirements has no regard for design variation based on the evaluation of specific site conditions and therefore misses the point of design guidelines. The zoning by-law is the more appropriate tool to prescribe yard requirements and site plan is the appropriate tool to evaluate any variation to the by-law requirement based on design and site conditions.

The staff report states that “unusually deep and/or wide lots at the edges of established communities along arterial roads may present opportunities to accommodate townhouse developments with minimal or no adverse impact on the larger established neighbourhoods.” From the above statement it is clear that large lots on arterial roads offer the best locations for townhouse infill redevelopment. This is a low impact form of intensification. What is of concern is the highly restrictive nature of the proposed policies which will require certain forms of Townhouse development to be subject to an Official Plan Amendment. I would caution that as the municipality makes it more difficult through bureaucratic process, to deal with townhouse applications, land may, at a later time become the subject of higher density development such as mid-rise apartments. Keep in mind that Provincial initiatives generally foster more density as time passes. This trend is likely to continue.

The reports prepared by the Planning Department and Urban Strategies are somewhat conflicting. On the one hand, each report has concluded that the large lots along arterial roads, because of their location on the periphery of neighbourhoods, do not really relate to the internal neighbourhood and they acknowledge that arterial locations represent the best opportunity for townhouse infill development within the low-rise residential communities. On the other hand, each report has proposed policies which severely restrict townhouse development by imposing policies that require frontage on a public road for all units; forbid the use of private laneways for frontage and impose extraordinary parking access and location requirements that are expensive and totally different from that which occurs within the adjacent neighbourhood. The policies

eliminate common element condominium and block townhouses as-of-right because these forms cannot meet the requirements of the new policies.

Further, the implication is that more efficient design solutions are eliminated; diversity of residential stock is diminished; affordability is negatively impacted; less efficient street townhouse development is encouraged while more efficient development forms are discouraged.

The Policy Report ignores some very pragmatic benefits associated with common element and Block townhouse development which reduces cost to the municipality. These include the following:

- 1) garbage pickup is private
- 2) snow removal is private
- 3) road maintenance cost is zero to the City.
- 4) street lighting costs and sewer maintenance costs are private internal to the site.

City Park Homes has built two townhouse developments in the City of Vaughan, Ravines of Islington and West Woodbridge Village, the former consisting of 13 units and the latter 56 units.

In the case of Ravines of Islington, if the new policies and guidelines as proposed were applied, they would result in the refusal of the development because it could not comply with the proposed policies and guidelines. While the lot is deep, there is insufficient width to provide a public street. The rear yard requirements would not comply and there is a flankage condition facing Islington Avenue.

With regard to West Woodbridge Village, a total of 56 dwelling units were approved and serviced by a common element condominium road. If the plan was approved on the basis of a public road as required by the proposed policies using a 17.5m public right-of-way, the plan would only yield 24 units. The impact of requiring all units to front a public road is severe. In this particular case, the use of a private condominium road facilitated the preservation of heritage structures on Kipling Avenue.

The point is, one design solution does not fit all circumstances. This is why a prescriptive approach as proposed, is untenable. The policies should be flexible with

sufficient guidance to allow professional planning staff to use their training and skills to evaluate the design merit of applications taking into account site conditions that vary from one location to another. The prescriptive approach being proposed does not accommodate innovation or flexibility which can be achieved through site plan control. These two examples illustrate that the common element condominium townhouse is more efficient with respect to unit yield, service efficiency, and in providing ground related housing which contributes to meeting the intensification goals of the Province, Region of York and City of Vaughan. In every situation where a private common element road is substituted with a public road, the impact is a reduction in units and accordingly diminishes the ability of the municipality to achieve an appropriate level of intensification through a low-rise form of development.

We are not opposed to developing townhouse projects with a public road. Our opposition is to the requirement that all projects must be designed so that all townhouse units must face a public road. This fails to recognize that deep lots which are suitable for townhouse development may not be able to accommodate a public road.

We are in receipt of communication C6, October 19, 2016, CW Report 34 item 9 from Mr. John MacKenzie, Deputy City Manager, Planning and Growth Management. The willingness to have further consultation and review of private driveways or internal laneways is appreciated. However, we have a fundamental disagreement with the requirement that an Official Plan Amendment will be required simply because of private road access as opposed to public access. Whether the development is serviced by a private or public road should have no bearing on the outcome of a townhouse application as this form is recognized as a compatible type of housing with single and semi-detached forms under the City of Vaughan Official Plan 2010.

City Park Homes has three current townhouse development applications which are in process and all three have received notice of complete application from the City. Given that the submission of these applications has preceded Council consideration of the proposed Official Plan Amendments and Guidelines for townhouses within the Low-Rise Residential designation, it is City Park Homes' position that these applications should be processed under the planning policies in effect at the time the complete applications were made and that the proposed Official Plan Amendments and guidelines should not

be applied retroactively to existing development applications. Accordingly, it is requested that written confirmation be provided to City Park Homes concerning the City's intentions with regard to processing the current applications which have been deemed to be complete through notice received from the Planning Department. While this letter addresses the proposed Official Plan Amendments, attached are comments regarding the proposed design guidelines which have been dealt with separately by Council. The concerns with the guidelines are similar with respect to private versus public road proposals. There are other issues concerning the guidelines which are addressed in the attachment.

A number of issues have been raised in this submission which are a deep concern to our client and the development industry. A fair balance between restriction and permission should be exercised through the implementation of public policy. It is our opinion that fair balance will not be exercised through the proposed Official Plan policies and guidelines.

Sincerely,

A handwritten signature in black ink, appearing to be 'John Zipay', with a long horizontal stroke extending to the right.

John Zipay MCIP, RPP, MSc, U.R.P.

cc: John MacKenzie
Leo Longo
G. Borean
Chris Zeppa, President City Park Homes
Michael Pozzebon, York Chapter of the Building Industry Land Association
Danielle Chin, Senior Manager, BILD
Jeffrey Abrams, City Clerk, Vaughan

List of City Park Homes Group of Companies

Ultra Towns Inc.

Ravines of Islington Encore Inc.

Pine Valley Enclave Ltd.

Pine Valley Enclave II Ltd

Nashville Kleinburg Holdings Inc.

Townhouse Guidelines Review

Guideline Number 5.1

- 1) Requires townhouse “dwellings” to have their front entrance on a public street.

Private driveways or laneways should not be used to provide frontage for townhouses either flanking the street or located to the rear of dwellings fronting the street.

Comment

Not all lot configurations will lend themselves to having each dwelling face a public street within a townhouse development. In the case of deep lots such as Pine Valley Enclave and Ravines of Islington, there is insufficient lot width to provide a public street orientation for all units.

If a public street as opposed to the private condominium road were implemented for these sites, the density of the project would be dramatically reduced because of the space required for a public street. In the case of Pine Valley, a public road would result in approximately 19 units instead of the 28 that were approved with the private condominium road.

This project was approved as a common element development with a private road serving the units in the interior of the block with the front entrance of interior units facing

the private road. The as approved development by the O.M.B. has 4 units adjacent to Pine Valley which, in fact, are oriented to Pine Valley with their front door facing the public street. Garages for these units are located to the rear facing the interior of the site with access to the private condominium road. The view from the public street presents a front yard condition and screens the interior from public view.

The proposed guideline would not allow this development and many others because it is developed as a private road. The resultant reduction in density is totally contrary to the Provincial, Regional and City planning documents which encourage density and efficient use of land and services.

The guideline should be amended so as not to prohibit townhouse development on private condominium roads while at the same time it should require the first row of townhouse dwellings, which are adjacent to an existing public road, to be oriented to the existing public street where feasible.

The guideline should be replaced with the following:

Replacement Wording

- 5.1 In an infill situation where either a Block Townhouse development or Common Element Townhouse development is proposed, dwellings which are adjacent to an existing public street should be oriented to have their front entrance facing the existing public street where feasible. Interior dwellings may be serviced by

private condominium roads. A flankage condition facing a public street may be considered provided that architectural treatment of the structure is designed to be compatible with the prevailing streetscape and their front elevation.

Guideline 5.2

“Front paths should provide direct access to each unit from the sidewalk.”

Comment

Needs to be reworded for clarity.

Replacement Wording

5.2 Where a townhouse dwelling unit faces a public street, a front path should be provided to give direct access from the dwelling unit to the public sidewalk.

Guideline 5.10

“The rear of the townhouse unit should be setback 12 metres from the rear laneway. A minimum landscaped buffer from the rear property line to the laneways should be provided.”

Comment

This guideline assumes that a garage accessed from the rear of a dwelling unit will be either detached or projecting some distance from the rear face of the building and

consequently, an extra 6.0m is required to provide a rear yard amenity area. It fails to recognize other design scenarios. For example, the garage could be built recessed into the main structure which would not require such a deep setback to accommodate an amenity area. Another example might be the provision of amenity space above a projecting garage which would negate the necessity of providing such a deep setback. The main intent seems to be the provision of a minimum amenity area. This could be quantified and determined through the site plan process as design options could be vetted rather than rigidly prescribed. In some situations, market influence would dictate that amenity space could be less for some units where purchasers don't want as large an outdoor space.

Replacement Wording

Where the garage of a townhouse unit is located in the rear of the unit and accessed by a rear laneway, the setback from the face of the garage to the laneway should be 6.0m when the garage is attached and forms part of the dwelling structure. Where the garage is detached, sufficient space should be provided for an additional parking space and appropriate amenity area which would be determined through the site plan process.

Guideline 5.31

5.31 “Artificially raised or lowered grades, or low-lying areas where water collects outside of swales or rain gardens are prohibited.”

Comment

I have spoken with others about this guideline and it is not clear what is intended.

Either scrap it because it doesn't make sense or revise it. In my opinion, there are enough guidelines and grading control through the site plan and subdivision process to ascertain an appropriate grading plan of a site.

The guideline as written makes no sense. What is the meaning of “artificially raised or lowered”? As soon as you put a tractor blade to the ground, the grading is changed and therefore is artificial. The purpose of grading is to drain water from a site so that it does not flow onto neighbouring land and is dispersed in an environmentally appropriate manner or to provide appropriate topography across a site to accommodate roads, sidewalks and services. That is why grading plans are reviewed by the Engineering Department and the Toronto Region Conservation Authority. This guideline is unnecessary and unclear.

Guideline 5.30

5.30 “Generally, there should be minimal changes to the existing grades on the site, and the existing natural grades at the property lines should be maintained.”

Comment

The wording of this guideline will only result in an argument between the approval authority and the proponent of a project. What is meant by “minimal changes to the existing grades”? The Hayhoe Mills site being developed by Citizen would not meet the intent of this guideline as there has been dramatic changes to the natural grading which was recently approved by the City and the TRCA.

A significant point to consider is that because infill redevelopment occurs in areas that are already developed, the ground has, in many situations, already been modified on adjacent properties and on the subject redevelopment site. More often than not, the “natural grades” no longer exist because of retaining walls, raised gardens, lawns and accessory structures.

Replacement Wording

5.30 “Approved grading changes on a site should be such that no adverse impact is imposed on adjacent properties and to ensure that the grading along an adjacent property line is maintained as existing on the adjacent property prior to development unless it can be demonstrated that a change is needed. Grading

plans approval will be subject to review through the site plan or subdivision process and grading changes should only be made to accommodate safe access of pedestrians and vehicles, appropriate water management and site servicing, and a compatible relationship between adjacent properties.”