

June 16, 2015

Our File No. 120539

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Chair and Committee Members  
Committee of the Whole Public Hearing  
City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, ON L6A 1T1

Dear Committee Members:

Re: **Public Hearing – June 16, 2015**  
**Report No. 27, Item No. 1**  
**Low-Rise Residential Designation Policy Review**

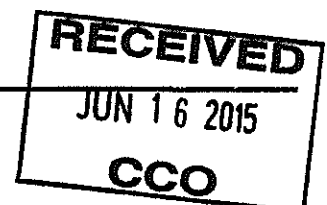
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We are counsel to 2357847 Ontario Inc., the owner of 8204 and 8210 Pine Valley Drive. We also represent Ravines of Islington Encore Ltd., the owner of 8451-8457 Islington Avenue and City Park Homes (Dufferin) Ltd., the owner of 7803-7815 Dufferin Street.

Our clients and their consultant have only recently become aware of the above-captioned public hearing staff report. Below are our initial submissions based upon our preliminary review of this report.

We have been advised that:

- a draft report prepared by Urban Strategies does exist. However, it is not available to the public and our clients' consultant was denied his request for a copy. He was advised that the draft report which forms the basis of the staff report, which is under consideration tonight, is not finalized by the consultant and is only in draft form. We find this incredulous given that the meeting tonight is for the purpose of public consultation, yet we cannot get a copy of a background document.
- with regard to the list of properties studied by the consultant, our clients' consultant was advised that this also is unavailable to the public.
- with regard to the March 18, 2014 Resolution calling for this policy review, we have been advised that this was introduced at the Council table under "New Business" by Councillor Iafate.



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With respect to the Public Hearing Report, it appears that the tone of the report is to reduce the size of townhouse developments within infill situations. Of particular concern is the proposed density cap of 35 UPH/14 UPA which we have been advised would be incorporated into the Official Plan through an amendment. Our concerns respecting that proposed density are as follows:

- an arbitrary number which does not rely on any evaluation or judgement based on site characteristics, transit availability, traffic, accessibility, or design guidelines.
- an arbitrary cap with no room for flexibility will only lead to more Official Plan Amendment applications and bureaucracy.
- the majority of townhouse developments would not be proposed at such a low figure.

The impact of establishing such a low density cap would be as follows:

- the yield per acre would make these homes less affordable which is contrary to goals of the Vaughan Official Plan and Provincial Policy.
- a lower density would not make the most efficient use of hard services which is contrary to the Growth Plan and Provincial Policy Statement which encourage land use efficiencies and use of services.
- a lower density is less supportive of public transit, school enrollment and park utilization. The older residential areas are characterized by the lowest densities which make for an inefficient use of public infrastructure. These neighbourhoods need more density to support public transit etc.

Townhouses are a compatible form of development with single family detached dwellings and that is why the Vaughan Official Plan 2010 very clearly recognized their contribution toward building complete communities and providing a range of housing within the low-rise designation as a permitted housing form.

The ink on the new OP is barely dry. What warrants such a significant city-wide policy change being considered now? We also question the public notification employed respecting this initiative. Linking it with a localized ICBL matter is confusing and obscures the true nature of policy review. Why has there been no consultation with BILD and the development industry?

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The staff report's recommendation concerning providing policies to "respect and reinforce" the existing community is troublesome as applied to infill townhouse development. The last sentence reads:

"significant departures from prevailing development patterns would not be permitted".

The problem with this recommendation is that townhouses, by their very nature do represent a very different development pattern.

The question should not be focussed on how different this form of development is to that which surrounds it, but rather whether is it compatible with the existing development. The report seems to dwell on the differences of style with respect to lot fabric, lot size, building size, existing yard setbacks.

In the interest of building complete communities, the report should focus on the compatibility aspect and accordingly rely on evaluation as to whether the proposal is compatible with much less focus on dissimilarities with existing communities.

The existing Official Plan provides the tools to make these judgements through the processing of zoning and site plan applications as judged by applying the design criteria already in the Official Plan.

The policy recommendation which proposes that townhouse development must generally front on a public street and not front a private lane at the rear or side of townhouses on the same lot is simply confusing and requires clarification. Further, the requirement to build private lanes to a public road standard also needs clarification. Is staff talking about road width, roadbed construction or other parameters?

Common element condominiums are designed to be developed with private roads. The development of first row units can front on a public road with which there is no dispute. However, with respect to deep or wide lots, private lanes are an appropriate method of development recognized as such through the *Planning Act*. To develop everything on public roads is wasteful and a long term cost commitment to the municipality.

The staff report also specifies that where townhouse development adjoins existing residential development, the rear yard should be a minimum of 25 feet. Such an arbitrary number fails to evaluate site characteristics or design features which could support a rear yard of less than 25 feet. The more appropriate method would be to allow the site plan control process and design evaluation to determine what is appropriate in each situation so that the development is based on the merit of site design, landscaping and building.

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If there are areas which the municipality wishes to preserve as is, then these areas should be identified in the Official Plan as areas to be preserved with a strict set of redevelopment criteria and rules. A good example is estate lot development. Policies regarding this could be strengthened for clarity purposes. It should be noted however, that the current Official Plan has policies, processes and tools to deal with these situations.

There are applications which are currently submitted to the municipality or are anticipated to be submitted, and it is our expectation and request that the City does not attempt to enforce any new rules and policy retroactively.

Townhouse development represents a very significant portion of new housing development; is the most affordable form of ground-related housing; and the least impactful form of intensification. In accepting this staff report, the city would be taking regressive action in a modern planning world.

The staff report states that "there are no economic impacts as a result of this report". How can this be so when one considers the following:

- dropping from a typical 19-20 UPA medium density Common Element Townhouse development to a purposed 14 UPA affects DC revenues to the city [at an estimated \$70,000 per dwelling, there will be an average loss of \$300,000-400,000 per developable acre]. Who came up with this density cap? What and from where is the information gathered to base this density reduction recommendation?
- with the Mayor and Council trying to prevent property tax increases, how does losing 4-6 units per developable acre affect tax roll assessment and who/what will make up this difference?
- how does this density reduction recommendation affect Powerstream, Enbridge, transit/subway/LTR and the Hospital?
- how does this density reduction recommendation affect the affordability of low-rise housing [where fewer units per acre will result in larger, more expensive units]?

Please separate your consideration of the Keele Street ICBL matter from this Policy Review.

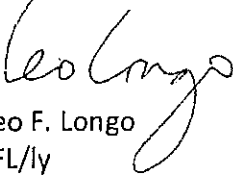
Please terminate this Policy Review at this time. It is not needed. It is ill-considered. It will have far-ranging financial consequences. Let the recently established policies set out in

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Vaughan Official Plan 2010 have a chance to be applied and considered before embarking on such a significant policy review as has been proposed.

Yours truly,  
AIRD & BERLIS LLP

  
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LFL/ly

c: Client  
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