

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 16, 2010

Item 1, Report No. 4, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on February 16, 2010.

1
**CITY OF VAUGHAN IMPROVEMENT AND
POTENTIAL REGULATION OF DRIVE-THROUGH FACILITIES
FILE 15.109
WARDS 1-5**

The Committee of the Whole (Working Session) recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated January 25, 2010, be approved;
- 2) That staff be directed to inform applicants that drive-through applications should be made by way of a zoning application;
- 3) That the presentation by the Senior Planner, Policy Planning and Urban Design, and presentation material submitted entitled, "Drive-Throughs - City of Vaughan Improvement and Potential Regulation of Drive Through Facilities, Proposed Regulations (Official Plan & Zoning) and Draft Design Guidelines" dated January 2010, be received; and
- 4) That the deputation of Ms. Michelle Saunders, Ontario Restaurant Hotel & Motel Association, 2600 Skymark Avenue, Suite 8-201, Mississauga, L4W 5B2, be received.

Recommendation

The Commissioner of Planning recommends:

1. THAT the report dated January 25, 2010 from the Commissioner of Planning regarding proposed Official Plan Amendments, proposed Zoning By-Law Regulations, and Draft Design Guidelines for Drive-Through Facilities be received;
2. THAT the Policy Planning Department be directed to initiate public and industry consultations concerning the Proposed Official Plan Amendments, Proposed Zoning By-law Amendments and Draft Design Guidelines for Drive-Through Facilities; and
3. THAT a report with final recommendations be submitted to Council for consideration after appropriate consultations have been completed.

Contribution to Sustainability

Consistent with *Green Directions Vaughan*, the City's Sustainability and Environmental Masterplan, the regulation of drive-throughs along with Design Guidelines will support environmental sustainability and fulfill a number of goals and objectives outlined by the plan, specifically:

Goal 2: To ensure sustainable development and redevelopment

Goal 3: To ensure that Vaughan is a city that is easy to get around with low environmental impact

3.1.2. Through policies to be described in the new Official Plan, develop a more walkable and transit-friendly community with adequate public spaces and a finer grain network of streets.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 16, 2010

Item 1, CW(W.S) Report No. 4 – Page 2

The needs of pedestrians, compact development and public transit will be supported by the strengthening and improvement of the public realm. A reduction in car dependence may also help reduce greenhouse gas through a reduction in vehicular idling. A reduction in site paving which is needed to support the drive-through function and other car dependent uses may also help to reduce the urban heat island effect and increase ground water penetration.

Economic Impact

There are no requirements for new funding associated with this report.

Communications Plan

Proposed amendments to the Official Plan and Zoning By-law and Design Guidelines discussed in this report will be presented to the public and industry representatives (Ontario Restaurant Hotel & Motel Association) for further discussion and input.

Purpose

The Policy Planning Department has prepared proposed Official Plan amendments, proposed Zoning By-law regulations and draft Design Guidelines for Drive-Through Facilities, in response to the initial Committee of the Whole motion of November 10, 2008 requesting that: "Planning Staff be directed to bring forward a report to a future Committee of the Whole meeting, to deal with the issue of drive-throughs."

At the Committee of the Whole (Working Session) on June 22, 2009, Policy Planning Staff presented policy initiatives aimed at mitigating the impact of drive-throughs. In addition, information regarding the status of other municipalities' actions concerning this issue was provided. On June 30, 2010 the Committee of the Whole recommended approval of recommendations put forth by the Commissioner of Planning in the June 22, 2009 report that planning staff be directed to undertake a review of the Zoning By-law and Official Plan and prepare Design Guidelines with respect to drive-through facilities for consideration at a future Committee of the Whole meeting.

Background - Analysis of Current Conditions

Vaughan's urban form is largely shaped by the automobile. The resulting built and spatial form and densities are posing a challenge to the creation of a more transit supportive, pedestrian friendly urban form, as required by the Region of York Official Plan (December 2009) and Places to Grow, Growth Plan for the Greater Golden Horseshoe (2006). Drive-throughs not only have site specific ramifications such as litter, odour and noise that can have a negative impact on adjacent residential areas, but given their proliferation, these facilities promote car-dependence that is linked to urban sprawl. This ultimately plays a part in undermining the key drivers of Vaughan's transformation, as identified by the current Official Plan Review process – placemaking and environmental sustainability.

Provisions for 'drive-through facilities' within Bylaw 1-88 do not adequately address site specific impacts of drive-throughs such as their design and relationship to adjacent uses and the public realm. In addition, under Vaughan's current zoning regime, drive-throughs are not defined as a separate land use and have been permitted as an accessory use for Convenience Eating Establishments in certain Commercial zones (C2, C5, C7 and C10), as of right. Banking establishments and other commercial land uses that do not explicitly permit drive-throughs are required to apply for a site-specific By-law to obtain approval for a drive-through facility or obtain permission through a minor variance to the Committee of Adjustment. These applications have generally been supported.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 16, 2010

Item 1, CW(WS) Report No. 4 – Page 3

Many of Vaughan's recent policies such as OPA 620 (Steeles Corridor – Jane to Keele) promote pedestrian-friendly and transit-supportive development thereby implying restrictions on drive-throughs. Drive-through accessory uses are restricted explicitly within the Thornhill Centre Street area (OPA 671), discouraged from locating within the Vellore District Centre (OPA 650) and the Carville District Centre (OPA 651). OPA 633 (amendment to the Kleinburg-Nashville Community Plan) does not permit auto-oriented uses and zoning does not permit drive-throughs within the Villages of Maple, Kleinburg and Old Thornhill.

Vaughan currently has 80 drive-through facilities primarily associated with convenience eating establishments or banks, the highest number per capita in the Greater Toronto Area (See Fig. 2). Vaughan has 1 drive-through for every 3,141 persons compared to Mississauga which has 78 drive-throughs or 1 drive-through per 8,571 persons. In contrast, our neighbouring municipality, Markham, which has a similar population density and is at a comparable stage in its urban evolution has 30 drive-throughs or 1 per every 8,719 persons.

The large number of drive-throughs is a symptom of sprawl and the relative convenience of the automobile in a low density environment with predominantly segregated rather than a mix of land uses. This underscores a need to re-examine our priorities with respect to environmental stewardship, pedestrian and transit-oriented mobility versus our current paradigm which is automobile oriented. Where drive-through facilities are permitted, there is the need to improve the aesthetic appearance of these uses and site planning aspects.

Mitigating the effects of these car-oriented uses is difficult to manage through the site plan control process alone. City-wide policies enshrined within the City's new Official Plan and more comprehensive standards and provisions under Zoning By-law 1-88 are needed along with Design Guidelines to address the full spectrum of issues. Such an endeavour is supported by existing municipal, regional and provincial policies, including the Region of York Official Plan and Transit-Oriented Development Guidelines, City of Vaughan Pedestrian and Bicycle Master Plan Study, Parking Standards Review Study, "Green Directions Vaughan", the Environmental Masterplan, and the City of Vaughan new Official Plan exercise.

Ontario Municipal Board Ruling

Efforts to regulate the location and proliferation of drive-through facilities through zoning controls rather than outright prohibition, have been more widely supported by the Ontario Municipal Board. When used in conjunction with design guidelines such controls have enabled municipalities to somewhat manage and reduce the development of drive-throughs.

In 2004, the City of Toronto introduced zoning provisions that defined drive-throughs as a separate land use. The provisions prohibit them from certain areas such as mixed-use and residential areas, and establish standards to be applied in other areas where drive-throughs are permitted.

A series of appeals (36 in total) were heard by the Ontario Municipal Board, as the new zoning regime was applied to each municipality comprising the amalgamated City. The Board supported the City, recognizing the City's efforts to define and regulate, but not prohibit, a land use, which is entirely the purview of Council. In the decision issued on January 23, 2004, the Board Member acknowledged that:

"While treating drive-throughs as accessory uses to permitted uses has generally been a satisfactory approach to date, it is clearly within the purview of Council to determine that the increase in the number of applications for drive-through facilities necessitates that the land use be defined..."

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 16, 2010

Item 1, CW(W)S Report No. 4 – Page 4

The Board has also supported the use of zoning restrictions to achieve municipal planning objectives related to the creation of more pedestrian-friendly, transit-supportive precincts and development forms. Where zone restrictions are applied the OMB has also accepted requirements for minimum separation distances to mitigate concerns related to adverse impacts, such as noise, odour, air quality, hours of operation and pedestrian safety resulting from the drive-through operation.

In conclusion, efforts to regulate but not ban drive-through facilities outright to fulfill broad planning objectives have been supported by the Board.

Other Municipalities

Several GTA municipalities are responding to the proliferation of the drive-through facilities through the imposition of new statutory regulations and/or design guidelines to mitigate the effects of drive-through development, notably Toronto, Mississauga, Brampton, Markham and Oakville.

The following Table 1 chart summarizes how a number of comparable cities in the Greater Toronto Area are addressing the drive-through issue.

Table 1. Drive-Through Policies of Other Cities in the Greater Toronto Area and Beyond

Municipality	Prohibitions/Restrictions	Zoning By-law/Official Plan amendment	Design Guidelines
Toronto	City-wide restrictions in residential, mixed-use and central area zones are in place. Drive-throughs permitted in employment and commercial zones with 30 metre separation from residential zones.	Separate land use, strict setbacks and conditions. Consolidated in one city-wide by-law	Yes
Markham	Considering prohibitions in some areas. Markham Centre by-law does not permit drive-throughs	By-law prohibiting drive-throughs, reducing queuing lanes and their location being considered. Currently rely on site-specific amendments to regulate drive-throughs	A public meeting on the drive-through draft design guidelines will be scheduled in the first quarter of 2010
Oakville	Permitted in all commercial zones with mandatory buffer strips abutting residential areas. Permitted in employment zones except where abutting residential. Prohibited in exclusively residential zones. Discouraged from downtown and traditional main street areas.	No separate land use designation. Considered an accessory to a land use	Guidelines prepared based on study, but deemed insufficient in addressing problems. Anti-idling By-law augments efforts but difficult to enforce

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 16, 2010

Item 1, CW(W)S Report No. 4 – Page 5

Waterloo	Drive-throughs permitted in certain commercial zones, discouraged in Uptown and residential areas	Accessory to a land use. Recent zoning amendments to permit drive-throughs refused by Council	Finalized Design Guidelines
Caledon	Restrictions under consideration. Proposed amendments (OPA 204) will establish locational restrictions and a 90 metre separation between drive-through facilities and residential areas.	Drive-throughs are an accessory to a land use. Proposing restriction of drive-through facilities to certain locations within Rural Service Centre and Industrial/Commercial Centers, and prohibition in Villages and Hamlets with the exception of Caledon Village commercial core.	Finalized design guidelines have been prepared for industrial commercial areas only.
Mississauga	Not city-wide, but restricted in Streetsville and Port Credit. Drive-throughs cannot be within 60 metres of a residential zone.	Drive-throughs are an accessory to a land use.	Design Guidelines applied on a case-by-case basis. Further restrictions are being considered as well as an Anti-idling By-law to ticket drivers in stacking lanes.

The conclusion that may be drawn from this overview is that many municipalities within the Greater Toronto Area and beyond have undertaken to address the site-specific and city-wide impacts of drive-through facilities. The particular focus is on discouraging or restricting drive-through facilities from city and district centres undergoing or planned for intensification; applying minimum setbacks to protect residential areas from the noise, pollution and litter such facilities may generate; and producing design guidelines to more effectively address site-specific issues.

Proposed Official Plan Policy, Zoning By-law and Design Guidelines for Drive-Through Facilities

The Policy Planning Department has developed Official Plan policies, Zoning By-law provisions and Design Guidelines for drive-through facilities that support and promote the intensification of key areas within the City of Vaughan while protecting sensitive areas. These will serve as catalysts for the urbanization of the City of Vaughan, consistent with Provincial and Regional policy directives. The specific objectives are as follows:

1. To restrict drive-through accessory uses from areas undergoing or planned for intensification and those areas where a pedestrian-friendly character needs to be protected and enhanced such as primary intensification corridors, local centres (district centres and Heritage Conservation Districts), primary centres and the Vaughan Metropolitan Centre while permitting conventional drive-through facilities in certain commercial and employment zones of the City where opportunities for mixed-use and transit service are limited;

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 16, 2010

Item 1, CW(WS) Report No. 4 – Page 6

2. To curb the proliferation of drive-throughs by restricting them on the official plan level to an accessory use associated with convenience eating and banking establishments in specific areas; and
3. Where permitted, to improve the site planning and design of drive-throughs and their relationship to pedestrians and other land uses such as residential.

Official Plan Policies

In order to better manage the location and proliferation of drive-throughs, policies need to be incorporated into the New Official Plan that support the implementing Zoning By-law regulations and Design Guidelines proposed by and attached to this report:

Drive-throughs are now an established retailing practice for types of commercial uses and service providers, and as such can have a significant impact on the urban fabric, streetscape and residential environmental quality of life. To support pedestrianization and transit, all new drive-through facilities shall adhere to specific Design Guidelines and should only be permitted outside of existing or planned intensification areas and areas where a pedestrian-friendly character needs to be protected and enhanced. These areas include primary intensification corridors, local centres (district centres and Heritage Conservation Districts), primary centres and the Vaughan Metropolitan Centre. Official Plan policies and zoning should mitigate the effects such facilities can have especially on residential areas while maintaining the services that are to be provided. The Official Plan policies should consider such matters as the separation of uses, design of sites, and the relationship of the building and site to the public realm. The following policies will shape future drive-through applications:

- 1) Drive-throughs are a complement to commercial activity at appropriate locations and should only be located such that the use does not adversely affect the goals of pedestrianization, transit supportiveness or have an adverse impact on residential neighbourhoods;
- 2) Drive-through facilities should be restricted from primary intensification corridors, local centres (district centres and Heritage Conservation Districts), primary centres and the Vaughan Metropolitan Centre, New Community Areas and areas where a pedestrian-friendly character needs to be protected and enhanced, as defined by the Region of York Official Plan;
- 3) Drive-through uses shall adhere to high standards of urban planning and design in that they:
 - Provide for pedestrian safety, scale and comfort
 - Complement existing uses
 - Be compatible with current and planned uses
 - Contribute to attractive streetscapes, views and sightlines
 - Do not separate buildings from the public street
 - Are separated from sensitive uses such as schools and residential areas with appropriate setbacks

Zoning By-law Provision Changes

Designation of drive-throughs as a separate land use is not recommended; however, existing land uses that permit drive-throughs will have to be amended to include banking establishments. Provision will also have to be made for both Convenience Eating Establishments or Banking Establishments within these existing land uses to operate with or without a drive-through facility subject to the standards proposed below. The City's current development standards for drive-throughs are set out in Section 5.1.7 of By-law 1-88.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 16, 2010

Item 1, CW(WS) Report No. 4 – Page 7

The more stringent standards are intended to further intensification objectives and protect existing residential neighbourhoods from the impact of drive-through facilities.

The existing drive-through facilities may continue to operate as they are, but any change or expansion of use will trigger the application of the new standards.

The following amendments and supplementary regulations to the existing provisions for drive-through facilities within the Zoning By-law are recommended:

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 16, 2010

Item 1, CW(WS) Report No. 4 – Page 8

Table 2. City of Vaughan Current and Proposed By-Law Standards

<p align="center"><u>Current By-Law Standards for Drive-Through Facilities:</u></p>	<p align="center"><u>Proposed By-Law Standards for Drive-Through Facilities:</u></p>
<p>A drive-through facility shall only be permitted with a Convenience Eating Establishment and in accordance with the following provisions:</p> <ul style="list-style-type: none"> a) The stacking lane shall be separated from the parking area by a curbed island or other such barrier; b) The stacking lane leading to the pick-up window shall accommodate a minimum of eight (8) cars, and shall have a minimum width of 3.5 metres; c) The stacking lane shall be clearly identified; and d) The access points to a stacking lane shall be properly located so as to minimize the impact of the stacking lane on the internal traffic circulation. 	<p>A drive-through facility shall only be permitted with a Convenience Eating Establishment or Banking Establishment and in accordance with the following provisions:</p> <ul style="list-style-type: none"> a) The stacking lane shall be clearly identified and separated from the parking area by a curbed island or other such barrier; b) The stacking lane leading to the pick-up window shall be designed to accommodate a minimum/maximum of eight (8) cars for Convenience Eating Establishments and five (5) cars for Banking Establishments, and shall have a minimum/maximum width of 3.5 metres; c) All points of a drive-through facility including stacking lanes associated with a Convenience Eating Establishment or Banking Establishment shall be set back a minimum of 30 metres from any residential zone; d) No portion of a drive-through facility including stacking lane, drive aisle, pick up station associated with a Convenience Eating Establishment or Banking Establishment shall be located between the building and a public street. e) A maximum of one (1) drive-through lane shall be permitted for each establishment; f) Drive-through facilities shall not be permitted side-by-side; g) Drive-throughs shall be restricted on lands in the areas identified on the Proposed Drive-through Restriction Area Map, Attachment 3, (subject to amendment)

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 16, 2010

Item 1, CW(WS) Report No. 4 – Page 9

Design Guidelines

To complement the proposed Official Plan policy and Zoning By-law changes, a comprehensive set of Design Guidelines has been attached. These Design Guidelines will address site specific design issues that will minimize conflicts between pedestrians and cars, mitigate noise, odour and all forms of pollution generated by drive-through facilities, raise aesthetic standards and promote a positive street relationship.

The following urban design guideline categories are proposed:

1. Site Plan Organization
2. Pedestrian Safety, Amenity and Access
3. Vehicular Circulation and Parking
4. Landscaping and the Environment
5. Signage
6. Servicing and Utilities

Illustrations of typical site layouts are included in the guidelines to demonstrate how they are to be applied. Each example has been built and tested in the City of Vaughan or in other municipalities. The following site conditions are illustrated:

1. On a corner site.
2. On a mid block-site.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly “Plan & Manage Growth & Economic Vitality”.

Regional Implications

This approach is consistent with Region of York Official Plan (December 2009) with respect to compact, efficient development within Centres and Corridors and Region of York Transit-Oriented Development Guidelines (September 2006).

Conclusion

The regulation of drive-throughs is an essential step towards creating the pedestrian-friendly and transit-supportive urban environment that underpins successful urban development, consistent with provincial, regional and municipal policies. As evidenced by the proliferation of drive-throughs in Vaughan, site plan control alone cannot be effective. Changes to the Official Plan, existing zoning regime and Design Guidelines are needed to address the site specific and City-wide impact of drive-through uses and facilities. Consultations with the public and industry will serve to further refine the aforementioned guideline and policy changes proposed by Staff to ensure that they will be workable and successful.

Attachments

1. Draft Design Guidelines for Drive-Through Facilities.
2. Distribution of Drive-Throughs in Vaughan
3. Proposed Drive-Through Restriction Areas

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 16, 2010

Item 1, CW(WS) Report No. 4 – Page 10

Report prepared by:

Ted Radlak, Senior Planner, ext. 8237

Wayne McEachern, Manager of Policy Planning & Urban Design, ext. 8026

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 16, 2010

Item 2, Report No. 4, of the Committee of the Whole (Working Session), which was adopted, as amended, by the Council of the City of Vaughan on February 16, 2010, as follows:

By approving the following:

That the Terms of Reference be approved, subject to Section "5.6 Community Consultation Program" for the Vaughan Secondary Suites Study reading as follows:

Composition: *In order to ensure that the composition of the Secondary Suite Task Force is reflective of the communities of the City of Vaughan and includes qualified experts alike, the Task Force should comprise members of the public, and appropriate local experts in the field of housing and social services.*

Role: *The role of the Secondary Suites Task Force is to provide Council with recommendations based on their experience and knowledge of the subject and in response to the information that comes forward as a result of the study work.*

Structure: *The Secondary Suites Task Force will review the Study, hold public meetings, gather information and provide recommendations to Council.*

The Task Force structure should be as follows:

- 1) *The Task Force should consist of citizens, ratepayer group representatives and housing and social services agency representatives who have indicated an interest in the subject of secondary suites. These people will be identified at the beginning of the study at an introductory meeting. A proposed Task Force members list will subsequently be created and subject to the approval of Council. These citizens must have a stated commitment to following through on the majority of meetings and the study process until the final report is brought to Council;***
- 2) *The Task Force should work with the Consultant and a resource group of City staff from the following departments: Policy and Development Planning, the Building Standards Department, By-law Enforcement Department and Fire and Rescue Services. These representatives will be available to the Task Force to educate, clarify and aid the Task Force in their deliberations;***
- 3) *The Task Force shall consist of not more than 20 members, quorum on any voting matter shall comprise 2/3rds of the membership;***
- 4) *That the chair (or co-chairs) of the Panel will be appointed by the Task Force;***
- 5) *A senior staff member shall act as liaise between the Task Force and Council/City staff over the term of the study; and***
- 6) *In the event of a vacancy due to resignation (or major impediment to attendance) of any member of the Task Force, a comparable replacement will be nominated and approved by the chair/co-chairs of the Task Force, subject to the approval by Council; and***

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 16, 2010

Item 2, CW(WS) Report No. 4 – Page 2

By receiving the memorandum from the Commissioner of Planning, dated February 12, 2010.

**2 SECONDARY SUITES
FILE #15.112
WARDS 1 TO 5**

The Committee of the Whole (Working Session) recommends:

- 1) That Clauses 1, 2 and 3 contained in the following report of the Commissioner of Planning, dated January 25, 2010, be approved;
- 2) That staff provide additional information to the Council meeting of February 16, 2010 on the structure of the proposed Secondary Suites Task Force;
- 3) That the presentation by the Director of Policy Planning/Urban Design and presentation material submitted entitled, "City of Vaughan Secondary Suites, Background Report and Terms of Reference" dated January 2010, be received; and
- 4) That the following deputations be received:
 - a) Ms. Anna Bortolus, 303 Westridge Drive, Kleinburg, L0J 1C0;
 - b) Rev. Jim Keenan, 9225 Jane Street, Maple, L6A 0J7; and
 - c) Ms. Heidi Last, 20 Glacier Court, Maple, L6A 2V3.

Recommendation

The Commissioner of Planning, in consultation with the Director of Budgeting and Financial Planning, recommends:

1. That a study on secondary suites be undertaken;
2. That the Terms of Reference attached as Attachment 1 to this report, BE APPROVED;
3. That Council endorse the study expenditure of up to \$45,000.00 (excluding GST). Funds are available in the Policy Planning Department's 2010 Operating Budget; and
4. That a Secondary Suites Task Force be established to provide advice and input to the study.

Contribution to Sustainability

The Province and the Region have identified affordable housing as being a key component of a sustainability strategy.

Secondary suites are one affordable housing option that meets the needs of a variety of people, such as singles, students, seniors, extended family members, and people with fixed incomes. Since secondary suites are usually constructed inside existing buildings, they help optimize the use of the existing housing stock and infrastructure, and re-populate neighbourhoods with declining populations. In this way, they can increase transit supportiveness through minor intensification. Secondary Suites can offer a greater range of housing opportunities within the municipality allowing for a broader demographic to live closer to work.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 16, 2010

Item 2, CW(WS) Report No. 4 – Page 3

Economic Impact

A total budget of up to \$45,000.00 is required to complete the study, a breakdown of which is provided in the body of the report under Funding.

Communication Plan

A Task Force should be formed consisting of Councillors, citizens, local housing experts, ratepayer representatives, social service providers and City and Regional staff. The Task Force, facilitated and supported by the Consultant and City staff, through working meetings, would review and comment on a range of planning and development issues relevant to secondary suites. In addition, the Study would include extensive public consultation, education and feedback, and regular communiques through the City's website and print media.

Purpose

The purpose of this report is to obtain Council approval of the Terms of Reference for a Study of Secondary Suites in residences, and to establish a Secondary Suites Task Force to provide advice and input to the study.

Background - Analysis and Options

On November 3, 2009, City of Vaughan Council endorsed the recommendations of the October 19, 2009 Committee of the Whole that a report be initiated by adopting the following recommendations:

- “1. That the deputation of Rev. Jim Keenan and written submissions, dated October 5, 2009, and October 16, 2009, be received and referred to staff for a comprehensive report to the Committee of the Whole (Working Session) that includes terms of reference for the examination of this issue including the provision of a task force; and
2. That the written submission of Ms. Anna Bortolus, dated October 15, 2009, be received.”

The deputations and the written submissions above, related to the need for safe, affordable rental housing in Vaughan. Reference was made to 3,400 households being on a waiting list for affordable housing.

Other concerns were raised related to secondary suites, which included that apartments, particularly basement apartments, can be substandard in terms of safety and Fire and Building Code compliance. A suggested way to improve issues related to fire, health and building safety is to register existing second suites in Vaughan and to implement a by-law where fire inspections are required for every house sale in Vaughan.

The deputants requested that a Secondary Suite Task Force be formed and that it investigate permitting secondary suites as of right in residences and provide a framework for implementation.

Secondary Suites

What is a Secondary Suite?

The term “secondary suite” generally describes a room or group of rooms as a unit with its own kitchen and bathroom facilities designed for the exclusive use of the occupants, which is separate from the principle dwelling in a house (detached house, semi-detached house, and rowhouse). A secondary suite is commonly known as a basement apartment, accessory apartment or another form of secondary residential unit that is located in a house or on the same lot, containing no more than one other unit.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 16, 2010

Item 2, CW(W.S) Report No. 4 – Page 4

Even if family members occupy the second suite, it is still a separate unit. Therefore, rights under the *Residential Tenancies Act* (R.S.O. 2006) are conferred with the rental agreement.

A secondary suite is not a boarding house or lodging house, which comprises rental units that share bathroom and/or kitchen facilities.

Both legal and illegal apartments are controlled by the *Residential Tenancies Act* (R.S.O. 2006).

Secondary Suites as Affordable Housing and Intensification

Affordable housing is mandated for municipalities by both the Province and the Region. However, many of the strategies, tools, and implementation as well as location of affordable housing are the purview of the City. The Region of York's Official Plan calls for comprehensive secondary plans for Regional Centres and key development areas along Regional Corridors to be prepared by local municipalities and implemented in co-operation with the Region and related agencies. These secondary plans shall include; a minimum requirement that 35% of new housing units be affordable, offering a range of compact housing forms and tenures, and intrinsically affordable units for low and moderate income households.

Affordable housing is defined by the Province and the Region as both rental and ownership housing in which the cost of shelter does not exceed 30% of the annual gross income of the residents or is 10% below market value of the regional market. Vaughan is currently in the enviable position of having a fairly affluent populace, making these targets easier to achieve.

Secondary suites are one type of 'private market' option of affordable rental housing. Aside from being affordable to renters, second suites can provide income and extra security for the homeowner who may have more space than needed, and where the rental income can offset mortgage costs.

The Background Paper on Population and Housing (Hemson, 2008), which was prepared as part of the City's Official Plan Review, indicates that important changes can be expected in the future that will need to be accommodated through careful planning. These changes include:

- The population is 'aging', indicating two important shifts: firstly, more people will live alone as seniors as partners pass away and children leave the family home; secondly, people will live longer and will live this increased span independently, many on fixed incomes. It would seem to be desirable to support "aging in place" strategies to address this.
- While there will be an increased pressure to provide higher density housing, the current market preferences of the predicted demographic has not traditionally supported this. How can housing intensification be made more attractive than traditional suburban patterns?
- Housing needs and choices of all income levels of the population must be met while still meeting the increased intensification targets.

The Vaughan Social Services Study (Urban Strategies, 2009), prepared as part of the City's Official Plan Review, reiterates these conclusions and further draws the connections between this aging population, mobility and service provision.

Secondary suites are often a housing option that can meet the needs of a variety of people, such as singles, students, seniors, extended family members, and people with fixed incomes. In the City of Vaughan 27.5% of residents are spending 30% or more of their income on housing, (Vaughan Social Services Study: Urban Strategies 2009). Only 7.2 percent of the housing market in Vaughan is rental. This number puts Vaughan at the bottom of the spectrum of rental accommodation in the GTA as Markham is at 11.3%, Mississauga is 25%, and Brampton is

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 16, 2010

Item 2, CW(WS) Report No. 4 – Page 5

18.5%. This indicates a possible gap in the market that is not being addressed. Secondary suites can be part of a range of rental housing options in the City, which would help to attract and keep employees by enabling them to live near work. However, they are not the only affordable housing option, but one of a variety of strategies that the City may wish to employ to meet Provincial and Regional targets.

Secondary suites are usually constructed inside existing buildings, helping to optimize the use of the existing housing stock and infrastructure and re-populate neighbourhoods with declining populations. They can also play a role in meeting the Province's and Region's intensification targets if permitted in areas that are to be transit-supportive.

Legalized second suites would improve health and safety for residents as each unit would be subject to the Fire and Building Codes.

Secondary suites could create jobs in construction and other sectors.

Frequently Asked Questions Respecting Second Suites

Will secondary suites change the neighbourhood?

Non-related people are allowed to live in the same building and often do already. There is evidence that these units already exist in many areas. For example, on Craigslist in November 30, 2009, in Vaughan there were 4 "basement apartments" for rent and two houses listed that had "separate entrance finished basements". Secondary Suites allow for intensification to happen without changing the physical appearance of neighbourhoods by permitting people to lease part of their house to another. More people are now living alone and it is expected that this is an increasing trend. Neighbourhoods will reflect this change in many ways and secondary suites are likely to be one of them, regardless of whether or not they are legally permitted.

Will the introduction of new permissions suddenly increase the number of people in the neighbourhood?

Many secondary suites already exist. It seems unlikely that there will be a sudden rise in the number of people living in an area. However, once legalized, it will be easier to track and implement changes required for other services, such as community centres should the need arise. They may make some services more feasible, such as transit. The study will need to examine the potential for this by providing data on cities that currently permit second suites.

Will secondary suites introduce new problems to the single-family neighbourhoods?

The requirement for additional parking potentially generated by a second suite is perhaps the single most concern in neighbourhoods that are car-dependant and where the lack of sufficient parking is already an issue. As well, any impacts to the exterior of a residence resulting from storage and access will need to be addressed. These issues should be examined through the study taking into consideration the suburban context.

Will secondary suites affect infrastructure?

Secondary suites do not generally mean a doubling of the population. Many of the services in Vaughan are pay-as-you go and user fee dependant, which mitigates the expansion costs of these services. The changing demographic of an aging population will be far more important to the delivery of social services. With the expected decline in multi-person households, there may be no net effect on the physical infrastructure. In some areas, it may have a positive impact by providing ridership for public transit.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 16, 2010

Item 2, CW(WS) Report No. 4 – Page 6

Will second suites be fire inspected?

All new buildings must comply with the building and fire codes. However, since not all suites are inspected, there is no way to know which ones are or are not safe. With the creation of a registration or licensing system, fire and building code inspections can become part of the regulation of these units. A schedule of inspections and fines that handle non-compliant properties can also be established. The solution that best fits Vaughan's context should be addressed in the study.

Current Policy Context on Secondary Suites

Province of Ontario

In 1994, the Provincial government passed Bill 120 (the Residents Rights Act) which amended the Landlord/Tenant Act, the Rent Control Act, the Rental Housing Protection Act, the Planning Act and the Municipal Act. The Bill required municipalities to permit second suites as of right in all single and semi-detached dwellings as well as townhouses, regardless of municipal zoning, subject to Building and Fire Code provisions. In 1996, Bill 20 was passed by a new Provincial government that restored powers to municipalities to determine if second suites would be permitted.

The Province has made changes to the Planning Act and has brought in a variety of policies which, through the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe, encourage compact development form, intensification, the provision of a range of housing types, affordable housing and the efficient use of land.

The Provincial Policy Statement (PPS) 2005 (Section: 1.4 HOUSING) speaks to the provision of providing an appropriate range of housing types and densities required to meet projected requirements of current and future residents of the regional market area, as well as the facilitation of residential intensification.

The Growth Plan for the Greater Golden Horseshoe (GPGGH) encourages intensification and a range and mix of housing taking into account affordable housing needs. The GPGGH requires that municipalities develop and implement, through their official plans and other supporting documents, an intensification strategy which will encourage the creation of secondary suites as follows:

"2.2.3 General Intensification

6. All municipalities will develop and implement through their official plans and other supporting documents, a strategy and policies to phase in and achieve intensification and the intensification target.
 - j) Encourage the creation of secondary suites throughout the built up area."

The Planning Act

In an effort to promote a mix and range of housing types the Province has provided municipalities with the ability to adopt "second unit" official plan policies without being subject to appeal (Section: 17, Subsection: 36.1). Furthermore, Section: 34, Subsection: 19.1, allows municipalities to pass zoning by-laws for locating or the use of two residential units in a house without being subject to an appeal.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 16, 2010

Item 2, CW(WS) Report No. 4 – Page 7

York Region Official Plan

The new Region of York Official Plan states in its affordable housing policies that lower-tier municipalities are “to encourage building design that will facilitate subsequent conversion to provide additional housing units, such as secondary suites.” (3.5.18). It goes on in section 22 to “encourage local municipalities to include “as-of-right” secondary suite policies, on a municipality wide basis, in local official plans and zoning by-laws.” Further, in the section on “Intensification” (5.3.3) that local municipalities, “shall complete and adopt *intensification* strategies [that] identify the role for [...] the following: [...] vi. Secondary suites.” This is then reiterated in the definition of “Intensification”.

The York Region Official Plan encourages the creation of new rental units through public-private ownership.

It supports zoning provisions that are flexible enough to permit a broad range of housing forms, types, sizes and tenures including second suites in houses, except in locations serviced by individual septic systems or communal sewage disposal.

City of Vaughan

Currently in the City of Vaughan, secondary suites are not permitted as of right. However, they do exist. Within the City of Vaughan 220 basement units were listed for rent in 2007. (May 18, 2009. <http://www.vaughantoday.ca/story.php?id=1887>). This does not address secondary suites occupied by family members and therefore not listed for rent. A casual review of rental listing shows units being posted for rent on a daily basis, many in houses built since 1996.

According to the 2006 census, only 11.7 percent of housing in Vaughan is rental stock. In the City of Toronto approximately one-third of housing is rental. The low number of rental availabilities diminishes the availability of choice of tenure to residents of Vaughan, and may have an impact upon the ability of some people to live and work in the same area. In York Region, only the Town of East Gwillimbury and the Town of Newmarket broadly allow second suites; the Town of Markham allows second suites in certain areas.

Current Area Municipalities' Practices

A review of current area municipality practices, respecting secondary suites, varies from those municipalities that permit the use to those that do not. Some municipalities that are in the process of undertaking studies to implement official plan amendments and/or zoning by-laws to facilitate secondary suites (See Attachment 2 - Appendix 1 – Area Municipalities Secondary Suites Practices and Attachment 3 – Secondary Suite Permissions Comparison Chart). Those municipalities that permit the uses allow them in selective zones areas subject to Fire and Building Code requirements and some require mandatory registration. A more comprehensive description of what the area municipalities are doing with respect to secondary suites is outlined in Appendix 1.

Terms of Reference

The current City Official Plan policies do not address secondary suites in residences and By-law 1-88, does not permit secondary suites in residential zones. The Terms of Reference (Attachment 1) focus on the objective of developing an understanding of secondary suites elsewhere and in Vaughan and the subsequent development of official plan policies and potential zoning standards for secondary suites. The Study will engage the community in a consultation process to establish an approach to secondary suites in Vaughan.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 16, 2010

Item 2, CW(W.S) Report No. 4 – Page 8

The Components of the Study

The following are key tasks to be undertaken in the completion of the Secondary Suites Study:

- a) Background Review: This will include the review of previous planning studies on secondary suites, history of secondary suites, and the existing affordable housing policy context. This step will entail the review of existing Federal, Provincial, Regional, other municipal official plans and by-laws, as well as City of Vaughan Official Plan policies and zoning provisions.
- b) Issue Identification, Review and Analysis:
 - i) The assessment of existing conditions and relevant planning considerations. Building on the work of the Hemson Background Paper and Urban Strategies' Social Services Study, this study will include economic and demographic indicators, a current affordable housing, rental and secondary suite market assessment, quantification of future projections of housing stock (surplus/shortfall) versus housing demand;
 - ii) Assess the implications of Regional affordability policies on Vaughan and assess how secondary suites can comply with the Region's policies;
 - iii) Assess potential positive/negative outcomes of legalizing secondary suites, and identify economic ramifications of implementing plans;
 - iv) Identify constraints and opportunities for implementing second suites, such as identification of appropriate locations for second suites, health and safety concerns, impact on existing facilities and services;
 - v) Assess and evaluate traffic/parking/transit considerations on current and future demand and ramifications for the existing road and transit network;
 - vi) Recommend examples of policy frameworks and strategies that employ secondary suites as part of an affordable housing strategy;
 - vii) Estimate staffing requirements to enforce regulation of these facilities (i.e. licensing, by-law enforcement, safety inspections);
 - viii) Conduct consultation/education of public respecting second suites in concert with the Task Force;
 - ix) Identify potential life safety policies in dealing with existing units; and
 - x) Identify potential licensing options.
- c) Development of Planning Principles and Objectives: these will be formulated in consideration of points a) and b) of this list.
- d) Identify possible locations and areas for localized policy implementation.
- e) Educate and engage the Task Force and general public on the requirements and opportunities that secondary suites pose.
- f) Preparation of Alternatives: The development of a number of options for a secondary suites strategy, possibly including the status quo, will be carried out.
- g) Technical Input from Departments and Agencies: To develop options for a secondary suite strategy all relevant City Departments and external agencies will be consulted.
- h) Develop an Implementation Strategy: Including an approach to life safety and enforcement.
- i) Finalize Study Report and Related Draft Official Plan Amendment and Draft Zoning By-law Amendments for land use and Draft Licensing By-Law for consideration of Council.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 16, 2010

Item 2, CW(WS) Report No. 4 – Page 9

Task Force on Secondary Suites

Important in the process of evaluating secondary suite options and policies, is the mandate of a Task Force that will liaise with City staff, the consultants and public on this study. The composition of the Secondary Suite Task Force will consist of Council members and local experts in the field of housing, social service providers, interested citizens and representatives of ratepayer associations, as approved by Council.

Public Consultation Process

The Terms of Reference provide for a public consultation process, wherein City and Regional Staff, the advisory Secondary Suite Task Force and the Consultants participate in working meetings focused on a full range of planning and design development issues relevant to secondary suites. The outcome of this work will be presented to the general public at different points in the process.

As a part of this public outreach process, a symposium (a) would be held that brings in various experts in ways that secondary suites can be integrated into developments. These could include not-for-profit representatives, charitable provider representatives, private developers who have experience in affordable housing initiatives and provincial and/or regional experts in the field.

The main product of the study will be a planning and policy framework to be presented at a public Open House, followed by a Public Hearing early in 2011.

Funding

A study cost of \$45,000.00 is required, \$35,000 of which would be available to retain a consultant and \$10,000 for advertising, copying, notice requirement, additional meetings and venue rental, if necessary. The funding for this study is available in the Policy Planning 2010 Operating Budget – Professional Fees.

Study Time Schedule

The study can be initiated in the second quarter of 2010, following Council's approval. It is expected the work will require approximately eight months from date of project initiation, and be substantially completed by the end of 2010.

Relationship to Vaughan Vision 2020/Strategic Plan

The Vaughan Secondary Suite Study is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth & Economic Vitality". The Study is consistent with the Vaughan Vision Strategic Plan 2020 in terms of implementing a component of the Growth Management Strategy.

This report is consistent with the priorities previously set by Council, however the necessary resources have not yet been allocated and approved.

Regional Implications

The Official Plan and Zoning By-law Amendments, presented at the conclusion of the study will be consistent with the policies expressed in the Region of York's Official Plan and the Provincial Policy Statement.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 16, 2010

Item 2, CW(WS) Report No. 4 – Page 10

Conclusion

As per Council's direction Staff has prepared a Terms of Reference for the examination of secondary suites. The Study will focus on providing an understanding of secondary suites in Vaughan by undertaking a review of previous planning studies on affordable housing and secondary suites, existing and recent policy context, relevant Federal, Provincial, Regional, and Municipal documents, including policy statements, official plans and zoning by-laws. It will research the existing market conditions and context and look at likely future trends, locations and directions for secondary suites as a component of that. It will undertake public consultation to solicit input into the preparation of a finalized study report, which sets forth the related Official Plan Amendment and Zoning By-law Amendments for further consideration by Council.

Should Council concur with the Terms of Reference, the recommendation should be approved to enable staff to proceed with the consultant assignment.

Attachments

1. The Draft Terms of Reference for the Vaughan Secondary Suites Study
2. Appendix 1 - Area Municipalities Secondary Suites Practices
3. Secondary Suites Permission Comparison Chart
4. Council Meeting of November 3, 2009 – Extracts

Report prepared by:

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(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 16, 2010

Item 3, Report No. 4, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on February 16, 2010.

3

**CITY OF VAUGHAN
COUNCIL MEMBER EXPENSE POLICY**

The Committee of the Whole (Working Session) recommends that an Audit and Operational Review Committee meeting be convened as soon as possible to consider proposed refinements to the Council Member Expense Policy.