



Memorandum

TO: Committee of the Whole
FROM: Paul Freeman, Chief Planner
DATE: June 21, 2018
RE: **York Region Comments on Draft Provincial Guidance to Support Implementation of the Growth Plan for the Greater Golden Horseshoe, 2017**

This memo provides a summary of York Region staff comments on the Provincial Draft Guidance Documents to Support Implementation of the Growth Plan for the Greater Golden Horseshoe, 2017: specifically, guidance material on the Application of the Intensification and Density Targets and the Municipal Comprehensive Review Process. The purpose of these two documents is to provide a better understanding of the policies in the Growth Plan and to support the implementation of the Municipal Comprehensive Review (MCR) and the various targets set out in the Growth Plan.

The draft guidance documents are detailed and technical in nature and contain further detail on components of Intensification, Employment and Housing Strategies as inputs to the required Land Needs Assessment, including setting density targets for Major Transit Station Areas (MTSAs), Employment Areas and the Designated Greenfield Area.

The attached letter with the Region's detailed comments was submitted to the Province prior to the commenting deadline on June 19th, 2018. Staff appreciate the Province putting forward draft guidance on the MCR process and intensification and density targets, however staff have a number of concerns, the most significant of which are highlighted below:

- The Province should recognize the importance of providing municipalities with flexibility when completing MCR work, including the determination of alternative targets for MTSAs, and recognizing the existing Regional and local municipal planning and land use contexts. It would be beneficial in the final guidance documents for the Province to indicate where flexibility is permitted and where it is not.

- The Province should provide municipalities with a response and explanation when comments are not included in final documents.
- The delineation of MTSAs should be at the discretion of local municipalities to include areas where intensification is appropriate. Rather than be based primarily on a 500m catchment area to support transit, the delineation of MTSAs should follow logical planning boundaries and exclude existing low density residential areas in cases where it is not appropriate.

Staff will continue to work with Provincial staff as needed to finalize the Application of the Intensification and Density Targets and the Municipal Comprehensive Review Process guidance documents in the coming months.

Paul Freeman, MCIP, RPP
Chief Planner

Attachment (1)



June 18, 2018

Mr. Aidan Grove-White, Manager
Partnerships and Consultation Branch
Ontario Growth Secretariat
Ministry of Municipal Affairs
777 Bay Street, 17th Floor
Toronto, ON M5G 1Z3

Dear Mr. Grove-White

Re: York Region Comments on Draft Guidance to Support Implementation of the Growth Plan for the Greater Golden Horseshoe, 2017: Application of the Intensification and Density Targets & The Municipal Comprehensive Review Process (Notice #013-2359)

York Region staff are pleased to provide the following comments on the above noted draft guidance documents to support the implementation of the Growth Plan. York Region staff look forward to working in partnership with the Province throughout the Region's MCR process. We provide the following overall comments:

- The Province should recognize the importance of providing municipalities with flexibility when completing MCR work, including the determination of alternative density targets. There needs to be recognition of the existing regional and local municipal planning and land use contexts. It would be beneficial in the final guidance documents for the Province to clarify where flexibility is permitted and where it is not.
- The Province should provide municipalities with a response/explanation when comments are not included in final documents.

Application of the Intensification and Density Targets

1. The exclusion of buffers and SWM facilities within the Natural Heritage System from the DGA density calculation

The guidance document should clarify that buffers as well as stormwater management facilities, parks etc. within natural heritage systems can be excluded in the DGA density calculation. Page 16, under *Natural Heritage Features and Areas*, states that vegetation protection zones (commonly referred to as buffers) associated with features or areas are not to be excluded. However, under *Natural Heritage Systems*, the document indicates that lands "within a natural heritage system that are precluded from development and where their purpose is for conservation or to help to protect natural heritage features and areas" may be excluded.

Given that that buffer areas are precluded from development because they form part of the natural heritage systems, the Region has interpreted this to mean that buffers may be

excluded from the DGA density calculation. The same interpretation applies to stormwater management ponds, parks etc. that are within the natural heritage system. As such, the Region recommends removing the statement at the bottom of page 16 that states: “Where lands within natural heritage systems are not precluded from development by provincial and official plan policies (e.g. stormwater management facilities) they are not to be excluded from the DGA density target calculations”.

2. Soften language on undertaking watershed planning in the allocation of growth

Page 24 includes “undertaking watershed planning to inform water, wastewater and stormwater infrastructure planning in the allocation of growth” as one of a number of initiatives that municipalities should undertake to help meet the objective of achieving the DGA density targets. With respect to watershed planning, York Region recommends that this language be softened so as to not require a full update to the watershed plan as part of the MCR process, only if it is deemed necessary based on satisfying the requirements of the Watershed Planning guidance, and amendments to existing watershed plans may be sufficient.

3. Planning for SGAs in the DGA versus other policy areas

There appears to be conflicting language when setting SGA targets in the DGA. Page 59 of the document states that where a SGA is proposed to be located within the DGA, the density target of the DGA is to be planned to be achieved within the Growth Plan horizon for the purposes of determining land needs. However, for all other SGAs, the buildout of these areas can extend beyond the horizon of the Plan.

This is further complicated by the fact that through the land needs assessment, upper-tier municipalities will have a fixed number of units that can be allocated to the DGA which may result in units not being available for allocation to these areas prior to 2041. The Region proposes a two-step process to this approach:

1. In order to increase density in the DGA, municipalities be encouraged to identify SGAs in the DGA and establish long term build outs for these areas (like SGAs in other areas).
2. For the purposes of land needs assessment, municipalities should identify a reasonable assumption for intensification in these areas to 2041.

4. Measuring employment area density

Clarification should be provided in the document on how employment area density is to be calculated. Page 37 states that “The target required by the Growth Plan is a gross target and will represent an overall ratio of jobs per hectare...” The Region recommends that the reference to ‘gross target’ be removed and that developable area be used to generate the employment area density target to ensure that jobs are only being assigned to developable portions of an employment area. Additionally, page 41 of the document should remove the reference to the total area of land and instead refer to the area of employment land that is developable.

Using developable area would also be more aligned with the process for calculating DGA density and provide a more consistent basis for comparing employment area density targets across municipalities. The extent of non-developable lands can vary significantly across

municipalities, which could have significant impacts on density if measured on a gross area basis. Examples of this are large, land extensive transmission stations, or environmental areas.

5. Language on deriving the employment area density target should be revised to match the final Land Needs Assessment Methodology

Page 40 outlines a series of steps for allocating forecast employment land employment to existing employment areas using the employment area density target. Step E5 of the final Land Needs Assessment methodology derives a new process for determining the employment area density target involving assessing capacity in three categories: existing employment areas, built employment areas and newly developing areas. Both the terminology and process for calculating the employment area density target should be revised in the guidance document to match what is in the final Land Needs Assessment Methodology.

6. Treatment of rural employment parcels

There is no reference to small, rural, often isolated parcels with an employment designation in local official plans and how these should be treated in the development of the Employment Area Density target. There are a number of these parcels in York Region. Given that these parcels are not large enough to be considered an employment "Area", York Region staff assume that the employment on these parcels would be classified as rural. If so, language in the document should reflect this.

7. The portion of the Newmarket VIVA Davis Drive Bus Rapid Transit from Roxborough Ave to Highway 404 in mixed traffic should be excluded from the list of priority transit corridors

Page 47 identifies the "VIVA Davis Drive Bus Rapid Transit from Yonge Street to Roxborough Road, and in mixed traffic to Highway 404" as a priority transit corridor. This does not align with Schedule 5 of the Growth Plan which does not extend to Highway 404 and therefore excludes the portion of VIVA on Davis Drive in mixed traffic. The identification of the portion in mixed traffic to Highway 404 also does not align with the definition for higher order transit, which specifies buses in dedicated rights of way.

8. Municipalities should be given flexibility in the inclusion of "stable neighbourhoods" in MTSA delineations

The Region has concerns with the inclusion of "stable neighbourhoods" in the MTSA delineation (page 48). The Province appears to define MTSA boundaries as more of a catchment area ("the delineated area of the MTSA should maximize the number of potential transit riders within walking distance of the station or stop") vs. an intensification area, where there is true potential to increase densities in the surrounding area. The inclusion of stable neighbourhoods not only impacts the achievement of the prescribed density targets, but an unintended consequence is that it places intensification pressure on these areas. Additionally, the size of the delineation has no impact on the number of potential transit users in a given area. While the Region agrees there are cases where assuming redevelopment potential on stable neighbourhoods is appropriate, it should not be

a requirement in all MTSAs. Municipalities should be given flexibility on determining what areas are appropriate for intensification in the delineation of MTSAs based on existing and planned local contexts.

9. Reference to MTSAs achieving minimum density targets within the horizon of the Plan should be removed

Page 55 states that upper- and single-tier councils may request alternative MTSA density targets if planning for the relevant minimum density target would be premature within the horizon of this Plan. The last part of this sentence “within the horizon of this Plan” should be removed because of the flexibility in the Growth Plan for MTSAs to be planned to achieve their density targets beyond 2041. The key component of this statement is that the minimum density target is premature given the potential for redevelopment of the exiting built form.

The Municipal Comprehensive Review Process

1. Request that Province provide further detail on the estimated timing and process for considering alternative targets

Page 5, 2nd paragraph makes reference to requests to the Minister to permit an alternative target which should occur prior to undertaking the land needs assessment. Provincial staff are part of the York Region MCR working group and we would expect that as a result of that collaboration, we would get timely consideration of any alternative targets that are requested. We would ask that Provincial staff be able to raise any concerns regarding alternative targets up front as part of this collaborative process. York Region staff request that consideration of alternative targets be done in a timely manner so as not to cause undue delay to the Region’s MCR process.

In addition, the process requiring municipalities to obtain Council and Provincial approval for alternative targets (page 31) may be problematic because of the timing of the municipal elections in 2018. Requiring a resolution from Council requesting the Minister to permit the use of an alternative target and the need to get sign-off from the Minister prior to undertaking the land needs assessment could result in delays in York Region’s MCR process. This situation reinforces the need for a timely response to requests for alternative targets.

2. Request use of consistent language in considering employment land conversions

Page 19 – 4th paragraph – in dealing with the issues of employment area conversions, the way the guidance document is currently written implies that municipalities should be looking for employment area conversions as opposed to considering employment land conversions that have been proposed. This is inconsistent with the Provincial direction of protecting employment areas. This tone is also used on page 20, 1st paragraph which states that “...municipalities will need to consider whether any employment area land is appropriate for conversion prior to undertaking a settlement or boundary expansion.” Staff request that the same language used in the Final Land Needs Assessment methodology document (on page 106) also be used in the Guidance document with regards to the need to consider employment area conversions.

3. Employment land conversions should be assessed based on a full set of criteria, not simply if there is a surplus of employment land

Both the Lands Needs Assessment methodology and the MCR Process guidance document imply that employment land conversions should only be considered if a surplus of employment land has been identified. For example, page 19 of the MCR Process guidance document states that municipalities "...should consider clearly identifying which employment areas or lands within employment areas may be appropriate for conversion to non-employment uses if it is determined through the MCR process that they are not required over the planning horizon for the employment purposes for which they are designated." There is also similar language in the Land Needs Assessment methodology document which states that a municipality will need to consider employment land for conversion if there is a surplus of employment land and a shortage of community land, and subject to the required criteria for considering employment land conversions.

The direction on assessing employment land conversions in the MCR Process guidance document should be revised such that employment land conversions are assessed comprehensively, based on a fulsome list of criteria, and not exclusively based on whether or not there is a surplus of employment land and/or a shortage of community land. Section 2.2.5.9 of the Growth Plan sets out the requirements for permitting conversion of employment lands which consists of demonstrating the following: a need for the conversion, that the lands are not required for employment purposes, that sufficient employment lands are maintained to accommodate forecast growth, the viability of the larger employment area is not adversely affected and that the proposed use can be serviced. In addition, York Region staff are planning to build upon these criteria in developing employment land conversion criteria for the Regional Official Plan.

4. Guidance document should indicate that if urban expansion is needed, this may require adjustments to the forecast housing mix

The second paragraph on page 19 of the Guidance document states that "...an upper-tier municipality cannot finalize allocations of forecasted growth to lower-tier municipalities or identify minimum targets for lower-tier municipalities until later in the MCR process after the quantum and location of any new DGA has been determined." Similarly, the top of page 27 states that "The allocation of forecasts must occur after land needs assessment has been completed and the location of any settlement area boundary expansion(s) (or excess lands) has been determined."

Overall, there needs to be consistency in the local municipal forecast allocation, the forecast housing mix and the land needs assessment in terms of meeting the required DGA density target and the guidance document needs to recognize the link. Any changes to the final housing mix need to be incorporated into the final land needs assessment. Staff suggest that the wording used on page 109 of the Land Needs Assessment methodology regarding potential changes to the land needs assessment should also be used in the guidance document.

5. Request confirmation that there is flexibility in the components of the Housing Strategy

Neither guidance document provides significant additional direction on the components of the Housing Strategy. Page 16 of the Land Needs Assessment methodology provides some direction on the foundational analysis of the anticipated composition of households, analysis of the existing housing stock and the needs of future households. York Region staff are confirming that the Province is allowing flexibility in terms of the components of the Housing Strategy and how the Strategy is delivered (i.e. stand-alone strategy vs. multiple documents).

York Region staff have recently produced or are in the process of updating a number of key Regional housing documents that contribute to the Housing Strategy. These documents include the York Region 10-Year Housing Plan, Housing Matters: A Review of the Housing Market in York Region, the York Region Affordable Housing Measuring and Monitoring Guidelines and the Rental Housing Incentives Guidelines. In addition, York Region and local municipal housing working groups are well- established and have been working towards a rental housing incentives framework. The updated Regional housing documents cited above along with the Regional Official Plan housing policy updates and other housing related studies as required will collectively constitute the Region's Housing Strategy. York Region staff are requesting confirmation from the Province that this is an acceptable approach for undertaking the Housing Strategy as required under the Growth Plan.

York Region staff would be happy to discuss these comments further with Provincial staff. For questions regarding the above comments, please contact Paul Bottomley, Manager, Policy, Research and Forecasting at 1-877-464-9675, ext. 71530 or at Paul.Bottomley@york.ca.

Sincerely,

Paul Freeman, MCIP, RPP
Chief Planner