

ONTARIO MUNICIPAL BOARD

1281216 Ontario Inc. (Intracorp) has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 270-2004, as amended, of the City of Brampton to rezone lands respecting Part of Lots 14 and 15ND, Concession 7, EHS from "Recreational Commercial" and "Floodplain" to "Executive Residential, Valley Land and Parkette" to permit residential uses.

OMB File No. PL081113

1281216 Ontario Inc. (Intracorp) has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the City of Brampton to redesignate land at Part Lot 14 and 15ND, Concession 7 from "Recreational Commercial" to "Residential" to permit residential developments.

Approval Authority File No. C07E15.009

OMB File No. PL081175

1281216 Ontario Inc. (Intracorp) has appealed to the Ontario Municipal Board under subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from the failure of the City of Brampton to make a decision respecting a proposed plan of subdivision on lands composed of Part of Lots 14 and 15, Concession 7ND, in the City of Brampton.

Approval Authority File No.

OMB File No. PL081174

WITNESS STATEMENT OF

KATHERINE A. ASH

Background

1. This witness statement has been prepared by:

Katherine A. Ash, MCIP, RPP
Manager, Land Development Services (Subdivision Approvals)
Planning, Design and Development Department
City of Brampton

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Phone: (905) 874-2067

2. I am a development planner with the City of Brampton with over 22 years experience in a wide variety of land use planning matters, particularly with subdivisions. I have a degree in Environmental Studies (Urban and Regional Planning) from the University of Waterloo and am a member of the Canadian Institute of Planners and a Registered Professional Planner since 1987. A copy of my curriculum vitae is attached to this witness statement as Attachment "A".

3. My evidence will focus on the draft plan of subdivision submitted by Candevcon Limited, revised January 24, 2008. I will address issues contained in the December 1, 2008 staff report. In accordance with the issues list approved by the Ontario Municipal Board, I will be providing opinion evidence with regards to issues 12, 13, 14, 15, 21 and 22.

4. In addressing the issues identified I will be referring to the 1993 Official Plan, as well as the current in force Official Plan, the Vales of Castlemore Secondary Plan, a design brief prepared by MBTW Group dated March 7, 2008 Upscale Executive Housing Study prepared by the MBTW Group, September 14, 1999, the Design Workbook for Brampton's Upscale Executive Housing, September 2000, OP93-130 and its supporting documentation. In addition to the opinions expressed in this statement, I will provide further clarification and opinion evidence as part of my testimony before the Ontario Municipal Board. I will also be providing some background and historical information related to the applicable planning documents and the rationale behind the Upscale Executive Housing policies in the City's Official Plan.

5. The subject lands are currently being used for the Castlemore Golf Course and are located to the east of the West Humber River Tributary valley corridor. The subject plan is bisected by 14 estate residential lots on Tortoise Court and abut 5 estate lots on the south side of Countryside Drive. These lots are approximately 2 acres in size with lot widths of 60 metres (200 feet) and greater. Most of the lots have generous setbacks to the road and property boundaries and comprise a rural cross section with storm gutters. This is one of the greatest concentrations of estate lots for which development is proposed abutting estate residential lands. The plan completely envelops the existing estate development on Tortoise Court.

There are 2 drainage features that traverse the subdivision in a southeasterly direction from Countryside Drive to Goreway Drive. Both features have been incorporated into the existing estate residential lot fabric. The westerly feature drains an existing stormwater pond location north of Countryside Drive and east of Landscape Drive, as well as localized road drainage from Countryside Drive. The easterly feature conveys storm drainage from the Countryside Drive right-of-way to the north of the existing residences as well as from an existing stormwater management pond outlet.

6. The City's Strategic Plan identifies an objective to establish an executive housing stock that complements the City's economic development strategy to attract higher-order prestige offices and attract executives to both work and live in Brampton. This statement is echoed in the 1993 Official Plan under section 4.1.2.

In October 1998, the review of the City's housing policies and an assessment of Brampton's housing stock identified a need to establish new upscale executive housing communities in Brampton. In this

regard, Brampton has had a relatively small share of the GTA market for upscale executive housing, particularly the large-lot high-end single detached homes. This was partly attributed to Brampton not having housing policies for the provision of upscale executive communities. The City's initiative to establish upscale executive communities with associated planning criteria, community amenities, development standards and general urban design and architectural guidelines was intended to provide significant tangible returns (e.g. higher residential assessment base and a better overall residential community structure for the City) and intangible returns (e.g. an attraction of high-order industries and a skilled labour force, an improvement of the overall City image) to the City.

In September 1999, a workshop was held with staff, the Mayor, members of City Council and the development industry regarding issues of upscale executive housing. By February 14, 2000, the City adopted an amendment to the Official Plan that incorporated upscale executive housing policies in the Official Plan (OP93-130). Seven areas in the City were identified as areas that could support upscale executive housing communities. These seven areas were selected based on the following essential characteristics for successful upscale executive housing areas:

- Existing site conditions;
- Existing surrounding context; and,
- Community design objectives

The seven upscale executive housing special policy areas collectively yield a minimum of 4100 upscale executive housing units with 500 allocated to the Castlemore Secondary Plan (area 5).

ISSUES LIST:

7. The following is a summary of my opinions regarding the above noted issues to which I will provide testimony at the scheduled OMB hearing.

8. **Issue No. 12:** Do the required OPA and ZBA represent good planning? Does the requested Official Plan amendment represent good planning in accordance with the applicable Official Plan and the secondary plan? Does the proposed development represent an appropriate land use in accordance with the Vales of Castlemore Secondary Plan, which permits Low Density development on the subject lands?

Issue 12 is linked with issues 13 and 14. It will be my evidence that it is my opinion that the proposed development does not represent good planning as it does not promote, but rather undermines, the establishment of an Upscale Executive Community as envisioned in the City's Official Plan for the area.

The Provincial Policy Statement (PPS) requires an appropriate range of housing types and densities required to meet projected requirements of current and future residents. The upscale executive policies were introduced in part to recognize the existing context of communities and the ability to achieve a compatible land use interface, as well as designating sufficient areas to meet predicted demand for the form of housing intended by the Upscale Executive Housing policies in the Official Plan. Policy 1.1 – Managing and Directing Land Use to Achieve Efficient Development Land Use Patterns – this policy speaks to accommodating an appropriate range and mix of residential development. Policy 1.4.1 also addresses an appropriate range of housing types and densities for lands, which are designated and available for residential development. The PPS defines “designated

and available” as lands designated in the official plan for urban residential use and for municipalities where more detailed official plan policies (e.g. secondary plans) are required before development applications can be considered for approval, only lands that have commenced the more detailed planning process are considered to be designated. In this regard, the lands are designated for a particular purpose in the secondary plan, which calls for very low density development. It is my opinion that the PPS supports the upscale executive housing policies.

Policy 4.1.2 of the Official Plan describes the Upscale Executive Housing Areas as being a predominantly low density form of housing characterized by high value/high quality houses on large lots located within relatively homogeneous areas of such housing in association with enhanced streetscape designs and enhanced open space and related community elements. While single detached residential units are an appropriate land use, the subject plan does not meet the specific policies for Low Density development in the secondary plan, calling for large lots abutting estate residential development.

9. Issue No. 13: Does the requested Official Plan amendment meet the Upscale Executive Housing Policies of OP 4.1.2?

It will be my evidence that in my opinion, the Official Plan amendment does not meet the upscale executive housing policies of OP 4.1.2.

Specifically, the following policies apply to the subject lands:

4.1.2.2 - The following detailed principles and standards shall, as much as practicable, be incorporated into the secondary plan level and tertiary plan level design of upscale executive housing areas.

- (v) a variety of lot sizes up to and beyond 26 metre (85 foot) lot widths with many sufficient sized lots to accommodate three car garages shall be provided in these communities.

The subject plan fails to meet this requirement for a variety of lot sizes and widths up to and beyond 26 metres. Only two lots in the plan exceed the 26 metre lot width, but they are really external to the plan in that these lots front onto Goreway Drive and are isolated from the other lots in the community.

- (vi) distinct and high quality housing forms with lots greater than 21 metres (70 feet) frontage be established as anchors to each upscale executive community.

While the proposed plan offers lot sizes ranging from 15.24 metres to 25.9 metres, of the total 188 dwelling units, only 40 lots have widths in excess of 21 metres, representing just over 20% of all lots. Anchor lots are defined in the Design Workbook for Brampton's Executive Special Policy Areas as having a frontage of 21 metres (70 feet) or greater and are considered the key element that gives the executive community its distinct exclusive character. As anchor lots, they are intended to represent a significant number or percentage of all lots proposed in an Executive Special Policy Areas. The minimum lot depth is 40 metres (131 feet). Thirty-one of the lots have a depth of 35 metres while the balance of the lots only have a depth of 30 metres. Lot depths should be increased for larger lots in this category where they abut the estate residential community. Anchor lots form the nucleus of the community and unless these lots are significantly represented within the area it becomes extremely difficult to establish the type of community envisioned in the policies.

In addition to being deficient in the lotting size and pattern, it will be my evidence that it is uncertain whether the housing forms are distinct and

of high quality as the Design Brief submitted in support of the proposal does not go far enough to demonstrate this important feature.

- (vii) Despite the prescribed minimum lot frontage and maximum density requirements, a buffer of appropriately sized lots shall be planned within the upscale executive community areas to provide a desirable interface with any abutting lower density portions of the community such as existing estate residential developments and it is recognized that the average net density may have to be reduced to accomplish this while achieving the desired upscale executive characteristics.

Policy 4.1.2.2 vii) of the Official Plan indicates a buffer of appropriately sized lots shall be planned within upscale executive community areas to provide a desirable interface with any abutting lower density portions of the community such as existing estate residential developments and it is recognized that the average net density may have to be reduced to accomplish this while achieving the desired upscale executive housing characteristics. In my opinion the proposed plan is deficient in that it does not provide for an appropriate buffer of suitably large lots between the existing estate residential lots and the proposed plan of subdivision as required by this policy. The lots immediately abutting the estate lots are not sufficient in terms of both frontage and depth to represent an appropriate buffer in this context.

- (xii) a high quality urban design, architectural treatment and streetscape will be incorporated into the fabric of the community, expressed by means of enhanced architectural character of individual dwellings and structures and by features such as landscaped medians and boulevards, entrance features, open space, natural features,

public walkways and other public realms, to ensure an enhanced overall community appearance an upscale image and a strong sense of place.

The design brief submitted by the applicant does not reveal these important characteristics.

Peter Gabor and Bryan Smith will also be speaking to this issue in their witness statements and in addition to my evidence, I will also be relying on their evidence. There needs to be an appropriate interface abutting the estate residential lots and other upscale attributes of the surrounding area. Lot configuration needs to be addressed together with the road fabric.

In my evidence before the Board I will provide greater detail as to the requirements of the Official Plan with respect to Upscale Executive Housing and how the proposal from the applicants fails to meet those policies and why it is my opinion that the proposed plan fails to meet this policy.

- 10. Issue No. 14:** How does the proposed development fit within the context of the existing community? Is the integrity of the existing estate residential community maintained? What is the appropriate form of development for the subject lands and does it enhance the housing mix in accordance with the low-density designation of the secondary plan?

As noted in point number 5 above, the area around this plan contains 19, 2 acre estate residential lots; a heavy concentration of large lots for which the subject plan needs to be integrated.

It will be my evidence that given the surrounding uses and area the site meets the locational criteria to support upscale executive housing and should be maintained for same. There should be an enhanced interface with elements, which make the area desirable for upscale development, such as the presence of the Humber River valley. While single detached dwellings are an appropriate form of development in this area, the lot sizes (density) must be considered in the context of the existing community, which is as I have described one of the most unique pockets of estate residential developments for which the plan needs to be integrated.

For the “Low Density” designation, policy 3.1.18 of the secondary plan stipulates that the density shall not exceed 7 units per hectare (2.8 units per acre) of gross residential area. The subject plan has a net density of 13.04 units per net residential hectare (5.28 units per net acre), which is far in excess of that contemplated by the secondary plan. In addition, lots directly adjacent to Estate Residential designations are required to have a minimum lot size of 2,000 square metres (0.5 acres) while lots directly abutting Estate Residential designations shall have a minimum lot size of 4,000 square metres (1 acre). The proposed lots abutting the estate residential designation generally have lot areas of less than 1,000 square metres – a significant departure from that prescribed by the secondary plan and that which the City has deemed necessary to maintain the full range of housing it is trying to accommodate. In my opinion, the proposed lot mix does not fit within the context of the existing estate residential community as densities are too high for what the City is trying to achieve and that in my evidence before the Board I will provide further expansion and detail as to my rationale and opinions for arriving at this conclusion.

11. **Issue No. 15:** Once the limits of developments are known, what are the appropriate zoning standards and conditions of draft plan approval needed to implement the upscale executive community?

The zoning standards would address minimum lot widths and depths, among other things, but the plan as currently proposed will need to be revised to address this in light of the Official Plan and Secondary Plan policies for unit mix and lot sizes that I have referenced previously. In addition, the design brief would have to address specific elements that may be incorporated into the zoning by-law and any specific conditions of draft plan approval. It will be my evidence that once the limits of development have been established that the form of housing that should be approved for the subject lands is one that provides for the development of an Upscale Executive Community that takes advantage of the attributes that the area has to offer. The zoning standards and conditions of approval that would follow will have to address the elements of lot sizes, including minimum widths, depths and area necessary to accommodate this form of housing as reflected in the City's Official Plan and urban design guidelines.

Enhanced interior side yards of 1.5 metres will be required and varying setbacks to the street to make for an interesting streetscape. Increased rear yard setbacks must be considered especially for lots abutting the estate residential development. Garages should have specific setbacks so as not to dominate the streetscape and upscale garage door designs need to be considered.

In my evidence before the Board I will expand upon the evidence in my witness statement in further detail to identify the minimum requirements that any proposed zoning bylaw would have to include in order to implement the Upscale Executive Community.

Once the lotting configuration is known and the road pattern is further advanced, then the conditions of draft approval will need to address special conditions for architectural control, open space elements and buffer areas to ensure the intended upscale nature of this community.

12. **Issue No. 21:** Do the proposed noise mitigation measures result in development consistent with the upscale executive policy framework that applies to the area?

Policy 4.10.4.13 of the Official Plan states that the City shall minimize the dominance of garages on residential neighbourhoods by implementing enabling zoning regulations and urban design guidelines. This policy consideration has to be given even greater weight in an Upscale Executive Community. From a design perspective, in Upscale Executive Communities non-conventional setbacks are proposed to mitigate noise. Based on the design brief provided by the applicant, rear yard setbacks of 1.5 metres are proposed such that the dwelling unit acts as the noise wall and the garages are dominant features in the front yard. In my opinion, because of the upscale nature of this area, non-conventional setbacks are not appropriate and more generous setbacks should be required.

13. **Issue No. 22:** Does the application represent an appropriate form of development for this site given the City's Official Plan policies?

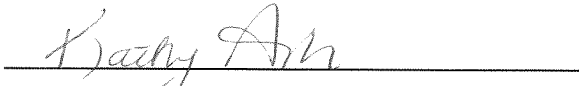
In my opinion, the application does not represent an appropriate form of development given the City's objective of establishing an Upscale Executive Community in this area and to protecting for and providing for a full range of housing types. As I have addressed in my witness

statement and as I will expand on further in my evidence before the Board, the proposal as currently presented does not meet the following:

- The proposal undermines the City's ability to provide for a full range of housing types as required by the PPS, in this case an executive upscale community
- The OP recognizes this area as a special character area for upscale housing which should be maintained given the surrounding land uses and area and the limited possibilities to accommodate this form of housing elsewhere within the City;
- Fails to meet the policy requiring minimum lot sizes beyond 26 metres required to establish and Upscale Executive Community
- The proposal lacks detailed information in the proposed urban design guidelines to assess if housing forms are distinct and of high quality and based on the review by the City it is evident that the applicant is not proposing housing forms that are distinct and of high quality
- The subject proposal abuts 19 estate residential lots, which is a unique characteristic of the area and represents one of the highest concentration of estate residential lots within one area of the City which abuts a proposed development application and thereby needs an appropriate interface as a unique area of the City which in my opinion has not been provided for by the applicant
- The proposal does not protect the integrity of the existing estate residential lots
- Need for appropriate interface abutting estate residential lots and other upscale attributes of the surrounding area
- Current proposed lot mix does not meet standards set in the secondary plan for lands designated both upscale executive and

low density residential abutting existing estate residential
development.

All of which is respectfully submitted

A handwritten signature in cursive script, reading "Kathy Ash", is written over a solid horizontal line.

Kathy Ash, MCIP, RPP

March 30, 2009